BILL ANALYSIS

Senate Research Center   S.B. 1655
                       By: Madla
               Intergovernmental Relations
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DIGEST AND PURPOSE

Currently, some statutes applicable to county governments contain antiquated requirements that do not recognize advances in technology. For example, county clerks and district and county attorneys are required to keep paper records of official proceedings, and are not permitted to keep electronic records. As proposed, S.B. 1655 permits counties and county officials to operate more efficiently and provides express authority for actions that current law permits by implication.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Adds Section 81.033, Local Government Code, as follows:

> Sec. 81.033. COUNTY ADMINISTRATOR. (a) Authorizes a commissioners court to appoint a county administrator with duties and responsibilities set by the commissioners court.

> (b) Authorizes the county administrator to require any district, county or precinct officer of the county to provide any information necessary for the administrator to perform the administrator's duties. Provides that this provision does not apply to information made confidential by law.

SECTION 2. Amends Sections 81.003(b) and (c), Local Government Code, as follows:

> (b) Authorizes a record to be paper or electronic. Requires the clerk to attest to the accuracy of a record of the proceedings of each term of the court. Deletes language requiring the county judge or presiding member of the court to read and sign the record.

> (c) Makes conforming changes.

SECTION 3. Adds Section 111.014, Local Government Code, as follows:

> Sec. 111.014. RESERVE FUND. Authorizes a county, notwithstanding any other provision of this subchapter, to establish in the budget a reserve or contingency fund. Requires the fund to be included in the itemized budget in the same manner as projects under Section 111.004.

SECTION 4. Adds Section 111.045, Local Government Code, as follows:

> Sec. 111.045. RESERVE FUND. Authorizes a county, notwithstanding any other provision of this subchapter, to establish in the budget a reserve or contingency fund. Requires the fund to be included in the itemized budget in the same manner as projects under Section 111.034.

SECTION 5. Adds Section 111.075, Local Government Code, as follows:

Sec. 111.075. RESERVE FUND. Authorizes a county, notwithstanding any other provision of this subchapter, to establish in the budget a reserve or contingency fund. Requires the fund to be included in the itemized budget in the same manner as projects under Section 111.063.

SECTION 6. Adds Section 116.003, Local Government Code, as follows:

Sec. 116.003. COLLECTION OF COUNTY FUNDS BY VENDORS. (a) Authorizes a county official or a vendor providing services for the county, with the consent of the commissioners court, to collect funds owed to the county and to deposit those funds in a financial institution, other than the county depository, approved by the commissioners court.

(b) Requires an account into which funds are deposited under Subsection (a) to be restricted so that withdrawals may only be initiated by the county auditor or other county official as determined by the commissioners court.

(c) Requires funds belonging to a county under Subsection (a) to be transmitted to the county depository not later than the third working day after the date of the initial deposit.

(d) Requires interest earned on deposits of county funds in financial institutions other than the county depository to be paid to the county.

SECTION 7. Amends Section 155.001(a), Local Government Code, to add a condition under which a commissioners court is authorized to make a payroll deduction.

SECTION 8. Amends Section 155.003(a), Local Government Code, to add new language in the prohibition of public funds being used to pay administrative costs of a deduction.

SECTION 9. Amends Section 41.008, Government Code, to permit a county or district attorney to keep electronic records of the official proceedings conducted by the attorney.

SECTION 10. Amends Section 270.007, Local Government code, as follows:

(a-1) Authorizes a county to acquire, apply for, register, secure, hold, protect, and renew under the laws of the State of Texas, the United States, any state in the United States, or any nation certain intellectual property rights. Deletes current text relating to the sale of software.

SECTION 11. Amends Section 791.003(4), Government Code, to redefine "local government."

SECTION 12. Amends Section 791.013, Government Code, by adding Subsection (d), to authorize a county agency to acquire, apply for, register, secure, hold, protect, and renew under the laws of the State of Texas, the United States, any state in the United States, or any nation certain intellectual property rights. Deletes current text relating to the sale of software.

SECTION 13. Amends Section 791.025, Government Code, by adding Subsection (d) to authorize the parties to the interlocal agreement to create an administrative agency under Section 791.013.

SECTION 14. Repealer: Sections 114.042 (Immediate Report to County Clerk by Officer Who Collects Money), 114.045(District Attorney's Report to County Clerk at Each Term; County Attorney's Monthly Report), 151.902 (Employment Contracts in County With Population of 500,000 or more), and 151.903 (Personnel and Payroll Records in County With Population of 500,000 or more) , Local Government Code.

SECTION 15. Effective date: September 1, 2003.