

BILL ANALYSIS

Senate Research Center
78R17200 ATP-D

C.S.H.B. 2931
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Intergovernmental Relations
5/21/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, some Texas statutes applicable to county governments contain antiquated requirements that do not recognize advances in technology, and other provisions do not expressly permit county governments to operate as efficiently as possible. C.S.H.B. 2931 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. Amends Section 41.008, Government Code, as follows:

Sec. 41.008. New heading: RECORD. (a) Requires each district or county attorney to keep a record of all actions or demands prosecuted or defended, rather than a register of all his official acts and reports, by the person, rather than him, as district or county attorney, and all proceedings held in relation to the attorney's, rather than his, official acts.

(b) Authorizes the record required by Subsection (a) to be in a paper format, an electronic format, or both. Provides that a computer record of actions, demands, and proceedings satisfies the requirements of Subsection (a). Deletes text regarding requiring a district or county attorney to keep the register in proper books obtained by him for that purpose at his own expense.

(c) Makes a conforming change.

(d) Requires each district and county attorney to deliver any portion of the record under the attorney's control, rather than the books that comprise the register, to the attorney's successor in office.

SECTION 2. Amends Section 791.003(4), Government Code, to redefine "local government."

SECTION 3. Amends Section 791.013, Government Code, by amending Subsections (a) and (b) and adding Subsection (d), as follows:

(a) Authorizes the parties to the contract, to supervise the performance of an interlocal contract, to perform certain acts.

(b) Authorizes the agency, designated local government, or organization described by Subsection (a)(3) to employ personnel, perform administrative activities, and provide administrative services necessary to perform the interlocal contract.

(d) Authorizes an administrative agency created under this section to acquire, apply for, register, secure, hold, protect, and renew under the laws of this state, another state, the

United States, or any other nation certain evidence of protection of exclusivity issued for intellectual property.

SECTION 4. Amends Sections 81.003(b) and (c), Local Government Code, as follows:

(b) Requires the court to require the clerk to record the proceedings of each term of the court. Authorizes this record to be in a paper or electronic format. Requires the clerk, after each term, to attest to the accuracy of this record. Deletes text regarding requiring the county judge or the presiding member to perform certain duties.

(c) Authorizes this record to be in a paper or electronic format. Requires the clerk to attest to the accuracy of the record. Deletes text regarding requiring the county judge or the presiding member on a certain date to read and sign this record.

SECTION 5. Amends Subchapter A, Chapter 111, Local Government Code, by adding Section 111.014, as follows:

Sec. 111.014. RESERVE ITEM. Authorizes a county, notwithstanding any other provision of this subchapter, to establish in the budget a reserve or contingency item. Requires the item to be included in the itemized budget under Section 111.004(a) in the same manner as a project for which an appropriation is established in the budget.

SECTION 6. Amends Subchapter B, Chapter 111, Local Government Code, by adding Section 111.045, as follows:

Sec. 111.045. RESERVE ITEM. Authorizes a county, notwithstanding any other provision of this subchapter, to establish in the budget a reserve or contingency item. Requires the item to be included in the itemized budget under Section 111.034(a) in the same manner as a project for which an appropriation is established in the budget.

SECTION 7. Amends Subchapter C, Chapter 111, Local Government Code, by adding Section 111.075, as follows:

Sec. 111.075. RESERVE ITEM. Authorizes a county, notwithstanding any other provision of this subchapter, to establish in the budget a reserve or contingency item. Requires the item to be included in the itemized budget under Section 111.063(a) in the same manner as a project for which an appropriation is established in the budget.

SECTION 8. Amends Chapter 180, Local Government Code, by adding Section 180.005, as follows:

Sec. 180.005. APPOINTMENTS TO LOCAL GOVERNING BODIES. (a) Defines “local government.”

(b) Requires an appointment to the governing body of a local government to be made as required by the law applicable to that local government and authorizes it to be made with the intent to ensure that the governing body is representative of the constituency served by the governing body.

(c) Requires a local government that chooses to implement Subsection (b) to adopt procedures for the implementation.

SECTION 9. Amends Subchapter A, Chapter 232, Local Government Code, by adding Section 232.0021, as follows:

Sec. 232.0021. PLAT APPLICATION FEE. Authorizes the commissioners court to impose an application fee to cover the cost of the county’s review of a subdivision plat and inspection of street, road, and drainage improvements described by the plat.

(b) Authorizes the fee to vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of proposed street and drainage improvements, or any other reasonable criteria as determined by the commissioners court.

(c) Requires the owner of the tract to be subdivided to pay the fee at the time directed by the county before the county conducts a review of the plat.

(d) Provides that the fee is subject to refund under Section 232.0025(i).

SECTION 10. Amends Section 270.007(i), Local Government Code, to prohibit a county from developing a computer application or software system for the sole purpose of selling, licensing, or marketing the software application or software system.

SECTION 11. Amends Chapter 270, Local Government Code, by adding Section 270.009, as follows:

Sec. 270.009. INTELLECTUAL PROPERTY OF COUNTY. Authorizes a county to acquire, apply for, register, secure, hold, protect, and renew under the laws of this state, another state, the United States, or any other nation certain evidence of protection of exclusivity issued for intellectual property.

SECTION 12. 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 270.007(g) (Sale of Computer Software), Local Government Code.

SECTION 13. (a) Provides that Section 180.005, Local Government Code, as added by this Act, applies only to an appointment made on or after the effective date of this Act.

(b) Provides that Section 232.0021, Local Government Code, as added by this Act, applies only to a plat filed on or after the effective date of this Act.

SECTION 14. Effective date: September 1, 2003.