

BILL ANALYSIS

C.S.H.B. 2931
By: Lewis
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, some statutes applicable to county governments contain antiquated requirements that do not recognize advances in technology. For instance, county clerks and district and county attorneys are required to keep paper records of official proceedings, and are not permitted to keep electronic records instead. Other provisions in the law do not expressly permit county governments to operate as efficiently.

CSHB 2931 is designed to permit counties and county officials to operate more efficiently and to provide express authority for actions that current law permits by implication.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1 amends Section 41.008 of the Government Code. The substitute changes the title from REGISTER to RECORD, and authorizes a county or district attorney to keep electronic records of the official proceedings conducted by the attorney.

Section 2 amends Section 791.003(4) of the Government Code (The Interlocal Cooperation Act), to include "local government corporations" and "political subdivision corporations" in the definition of "local government."

Section 3 amends Section 791.013 of the Government Code, by amending (a), (b) to permit local governments in order administer interlocal contracts, to contract with a non-profit organization that provides services on behalf of political subdivisions and derives more than 50 percent of its gross revenues from grants or funding from political subdivisions. The substitute also adds (d) to permit the administrative agencies created under interlocal agreements to: (1) hold patents; (2) copyrights; (3) trademarks; and (4) other intellectual property rights.

Section 4 amends Section 81.003 of the Local Government Code to permit a county clerk to keep electronic records of the proceedings of the commissioners court.

Section 5 adds Section 89.007, COUNTY ADMINISTRATIVE OFFICER to the Local Government Code which permits a commissioners court in a county with a population of 125,000 or more to appoint a county administrator, with duties and responsibilities set by the court. The substitute authorizes the administrative officer to request an officer of the county or an officer of a district or precinct located in the county to provide any information necessary for the administrative officer to perform their duties. The bill states that requested information may not be unreasonably withheld, and that this subsection does not apply to information made confidential by law.

Section 6 adds Section 111.014, RESERVE FUND to the Local Government Code which permits a county with a population of 225,000 or less to establish a contingency fund in its annual budget.

Section 7 adds Section 111.045, RESERVE FUND to the Local Government Code which permits a county with a population over 225,000 to establish a contingency fund in its annual budget.

Section 8 adds 111.075, RESERVE FUND to the Local Government Code which permits a county with a population over 125,000 and operating under Subchapter C, Chapter 111, Local Government Code, to establish a contingency fund in its annual budget.

Section 9 amends Section 270.007(I) of the Local Government Code which prohibits counties from developing a computer application or software for the sole purpose of selling, licensing, or marketing the application or software.

Section 10 adds Section 270.009, INTELLECTUAL PROPERTY OF COUNTY, to the Local Government Code which clarifies that counties have the right to hold patents, copyrights, and other intellectual property rights.

Section 11 Repeals Sections 114.042, 114.045, 151.902, 151.903, and 270.007(g) of the Local Government Code.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Section 1. Previous Section 9 has been moved to Section 1 with non-substantive language changes.

Section 2. Previous Section 11 has been moved to Section 2 with non-substantive format and language changes.

Section 3. Previous Section 12 has been moved to Section 3 with non-substantive format changes. The substitute amends Sec. 791.013, Government Code, to permit local governments, in order to administer interlocal contracts, to contract with a non-profit organization that provides services on behalf of political subdivisions and derives more than 50% of its gross revenues from grants or funding from political subdivisions.

Section 4. Previous Section 2 has been moved to Section 4 with non-substantive language changes.

Section 5. The substance of previous section 1 has been moved to Section 5. Filed version added Section 81.003, Local Government Code. Substitute adds Section 89.007, Local Government Code, with non-substantive language changes. Brackets the section to counties of population 125,000 or more. The substitute authorizes the administrative officer to request an officer of the county or an officer of a district or precinct located in the county to provide any information necessary for the administrative officer to perform their duties. The bill states that requested information may not be unreasonably withheld, and that this subsection does not apply to information made confidential by law.

Section 6. Previous Section 3 has been moved to Section 6 with non-substantive language changes.

Section 7. Previous Section 4 has been moved to Section 7 with non-substantive language changes.

Section 8. Previous Section 5 has been moved to Section 8 with non-substantive language changes.

Section 9. The amendment of Section 270.007(I), Local Government Code, has been moved from previous Section 10 to Section 9.

Section 10. The addition of Section 270.007(a-1), Local Government Code, in previous Section 10 has been deleted. Instead, the language of the proposed Section 270.007(a-1) is now designated Section 270.009, Local Government Code.

Section 11. Previous Section 14 has been moved to Section 11. Section 151.903, Local Government Code, has been removed from the sections repealed. Section 270.007(g) has been added to the sections repealed.

Sections 6, 7, 8 and 13 of the filed bill have been deleted from CSHB 2931.