

BILL ANALYSIS

Senate Research Center
78R14832 ATP-F

C.S.S.B. 1655
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Intergovernmental Relations
5/6/2003
Committee Report (Substituted)

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. C.S.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. 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 by the person as district or county attorney and all proceedings held in relation to the attorney's 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).

(c) Replaces "register" with "record" in existing text.

(d) Requires each district and county attorney to deliver any portion of the record under the attorney's control to the attorney's successor in office.

SECTION 2. Amends Section 791.003(4), Government Code, to define "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 perform certain tasks in order to supervise the performance of an interlocal contract.

(b) Makes a conforming change.

(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 intellectual property matters.

SECTION 4. 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 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 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 9. 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 intellectual property matters.

SECTION 10. 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 11. Effective date: September 1, 2003.