

AN ACT

relating to the administration and finances of counties and certain other entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 41.008, Government Code, is amended to read as follows:

Sec. 41.008. RECORD [~~REGISTER~~]. (a) Each district or county attorney shall keep a record of [~~register of all his official acts and reports,~~] all actions or demands prosecuted or defended by the person [~~him~~] as district or county attorney, and all proceedings held in relation to the attorney's [~~his~~] official acts.

(b) The record required by Subsection (a) may be in a paper format, an electronic format, or both. A computer record of actions, demands, and proceedings satisfies the requirements of Subsection (a). [~~A district or county attorney shall keep the register in proper books obtained by him for that purpose at his own expense.~~]

(c) The record [~~register~~] shall be available at all times for inspection by any person appointed to examine it by the governor or by the commissioners court of a county.

(d) Each district and county attorney shall deliver any portion of the record under the attorney's control to the attorney's [~~the books that comprise the register to his~~] successor in office.

SECTION 2. Section 791.003(4), Government Code, is amended

1 to read as follows:

2 (4) "Local government" means a:

3 (A) county, municipality, special district, or
4 other political subdivision of this state or another state; ~~[or]~~

5 (B) local government corporation created under
6 Subchapter D, Chapter 431, Transportation Code;

7 (C) political subdivision corporation created
8 under Chapter 304, Local Government Code; or

9 (D) combination of two or more ~~[of those]~~
10 entities described by Paragraph (A), (B), or (C).

11 SECTION 3. Section 791.013, Government Code, is amended by
12 amending Subsections (a) and (b) and adding Subsection (d) to read
13 as follows:

14 (a) To supervise the performance of an interlocal contract,
15 the [The] parties to the [an interlocal] contract may:

16 (1) create an administrative agency;

17 (2) ~~[or]~~ designate an existing local government; or

18 (3) contract with an organization that qualifies for
19 exemption from federal income tax under Section 501(c), Internal
20 Revenue Code of 1986, as amended, that provides services on behalf
21 of political subdivisions or combinations of political
22 subdivisions and derives more than 50 percent of its gross revenues
23 from grants, funding, or other income from political subdivisions
24 or combinations of subdivisions ~~[to supervise the performance of~~
25 ~~the contract]~~.

26 (b) The agency, ~~[or]~~ designated local government, or
27 organization described by Subsection (a)(3) may employ personnel,

1 perform administrative activities, and provide administrative
2 services necessary to perform the interlocal contract.

3 (d) An administrative agency created under this section may
4 acquire, apply for, register, secure, hold, protect, and renew
5 under the laws of this state, another state, the United States, or
6 any other nation:

7 (1) a patent for the invention or discovery of:

8 (A) any new and useful process, machine,
9 manufacture, composition of matter, art, or method;

10 (B) any new use of a known process, machine,
11 manufacture, composition of matter, art, or method; or

12 (C) any new and useful improvement on a known
13 process, machine, manufacture, composition of matter, art, or
14 method;

15 (2) a copyright of an original work of authorship
16 fixed in any tangible medium of expression, now known or later
17 developed, from which the work may be perceived, reproduced, or
18 otherwise communicated, either directly or with the aid of a
19 machine or device;

20 (3) a trademark, service mark, collective mark, or
21 certification mark for a word, name, symbol, device, or slogan that
22 the agency uses to identify and distinguish the agency's goods and
23 services from other goods and services; and

24 (4) other evidence of protection of exclusivity issued
25 for intellectual property.

26 SECTION 4. Sections 81.003(b) and (c), Local Government
27 Code, are amended to read as follows:

1 (b) The court shall require the clerk to record [~~in suitable~~
2 ~~books~~] the proceedings of each term of the court. This record may
3 be in a paper or electronic format. After each term [~~the county~~
4 ~~judge or the presiding member of the court shall read and sign and~~]
5 the clerk shall attest to the accuracy of this record.

6 (c) The clerk shall record the court's authorized
7 proceedings between terms. This record may be in a paper or
8 electronic format. The clerk shall attest to the accuracy of the
9 [~~On the first day of the first term after these proceedings, the~~
10 ~~county judge or the presiding member of the court shall read and~~
11 ~~sign this~~] record.

12 SECTION 5. Subchapter A, Chapter 111, Local Government
13 Code, is amended by adding Section 111.014 to read as follows:

14 Sec. 111.014. RESERVE ITEM. Notwithstanding any other
15 provision of this subchapter, a county may establish in the budget a
16 reserve or contingency item. The item must be included in the
17 itemized budget under Section 111.004(a) in the same manner as a
18 project for which an appropriation is established in the budget.

19 SECTION 6. Subchapter B, Chapter 111, Local Government
20 Code, is amended by adding Section 111.045 to read as follows:

21 Sec. 111.045. RESERVE ITEM. Notwithstanding any other
22 provision of this subchapter, a county may establish in the budget a
23 reserve or contingency item. The item must be included in the
24 itemized budget under Section 111.034(a) in the same manner as a
25 project for which an appropriation is established in the budget.

26 SECTION 7. Subchapter C, Chapter 111, Local Government
27 Code, is amended by adding Section 111.075 to read as follows:

1 Sec. 111.075. RESERVE ITEM. Notwithstanding any other
2 provision of this subchapter, a county may establish in the budget a
3 reserve or contingency item. The item must be included in the
4 itemized budget under Section 111.063(a) in the same manner as a
5 project for which an appropriation is established in the budget.

6 SECTION 8. Chapter 180, Local Government Code, is amended
7 by adding Section 180.005 to read as follows:

8 Sec. 180.005. APPOINTMENTS TO LOCAL GOVERNING BODIES. (a)
9 In this section, "local government" means a county, municipality,
10 or other political subdivision of this state.

11 (b) An appointment to the governing body of a local
12 government shall be made as required by the law applicable to that
13 local government and may be made with the intent to ensure that the
14 governing body is representative of the constituency served by the
15 governing body.

16 (c) A local government that chooses to implement Subsection
17 (b) shall adopt procedures for the implementation.

18 SECTION 9. Subchapter A, Chapter 232, Local Government
19 Code, is amended by adding Section 232.0021 to read as follows:

20 Sec. 232.0021. PLAT APPLICATION FEE. (a) The
21 commissioners court may impose an application fee to cover the cost
22 of the county's review of a subdivision plat and inspection of
23 street, road, and drainage improvements described by the plat.

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

1 (c) The owner of the tract to be subdivided must pay the fee
2 at the time directed by the county before the county conducts a
3 review of the plat.

4 (d) The fee is subject to refund under Section 232.0025(i).

5 SECTION 10. Section 270.007(i), Local Government Code, is
6 amended to read as follows:

7 (i) A county may not develop a computer application or
8 software system for the sole purpose of selling, licensing, or
9 marketing the software application or software system.

10 SECTION 11. Chapter 270, Local Government Code, is amended
11 by adding Section 270.009 to read as follows:

12 Sec. 270.009. INTELLECTUAL PROPERTY OF COUNTY. A county
13 may acquire, apply for, register, secure, hold, protect, and renew
14 under the laws of this state, another state, the United States, or
15 any other nation:

16 (1) a patent for the invention or discovery of:

17 (A) any new and useful process, machine,
18 manufacture, composition of matter, art, or method;

19 (B) any new use of a known process, machine,
20 manufacture, composition of matter, art, or method; or

21 (C) any new and useful improvement on a known
22 process, machine, manufacture, composition of matter, art, or
23 method;

24 (2) a copyright of an original work of authorship
25 fixed in any tangible medium of expression, now known or later
26 developed, from which the work may be perceived, reproduced, or
27 otherwise communicated, either directly or with the aid of a

1 machine or device;

2 (3) a trademark, service mark, collective mark, or
3 certification mark for a word, name, symbol, device, or slogan that
4 the county uses to identify and distinguish the county's goods and
5 services from other goods and services; and

6 (4) other evidence of protection of exclusivity issued
7 for intellectual property.

8 SECTION 12. Sections 114.042, 114.045, 151.902, and
9 270.007(g), Local Government Code, are repealed.

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

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

16 SECTION 14. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 2931 was passed by the House on May 10, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2931 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2931 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor