

By: Lewis

H.B. No. 2931

Substitute the following for H.B. No. 2931:

By: Casteel

C.S.H.B. No. 2931

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the administration and finances of counties and certain  
3 other entities.

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

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

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

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

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

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

24 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 and derives more than 50 percent of its  
22 gross revenues from grants or funding from political subdivisions  
23 ~~[to supervise the performance of the contract].~~

24 (b) The agency, ~~[or]~~ designated local government, or  
25 organization described by Subsection (a)(3) may employ personnel,  
26 perform administrative activities, and provide administrative  
27 services necessary to perform the interlocal contract.

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

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

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

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

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

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

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

22              (4) other evidence of protection of exclusivity issued  
23 for intellectual property.

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

26       (b) The court shall require the clerk to record [~~in suitable~~  
27 ~~books~~] the proceedings of each term of the court. This record may

1 be in a paper or electronic format. After each term [~~the county~~  
2 ~~judge or the presiding member of the court shall read and sign and~~  
3 the clerk shall attest to the accuracy of this record.

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

10 SECTION 5. Chapter 89, Local Government Code, is amended by  
11 adding Section 89.007 to read as follows:

12 Sec. 89.007. COUNTY ADMINISTRATIVE OFFICER. (a) This  
13 section applies only to a county with a population of 125,000 or  
14 more.

15 (b) The commissioners court of the county may appoint an  
16 administrative officer, designate the title of the officer, and  
17 assign the duties and responsibilities of the officer.

18 (c) The administrative officer may request an officer of the  
19 county or an officer of a district or precinct located in the county  
20 to provide any information necessary for the administrative officer  
21 to perform the administrative officer's duties. Requested  
22 information may not be unreasonably withheld. This subsection does  
23 not apply to information made confidential by law.

24 (d) The authority granted by this section to the  
25 commissioners court of the county and to a county administrative  
26 officer is in addition to any authority granted by other law.

27 SECTION 6. Subchapter A, Chapter 111, Local Government

1 Code, is amended by adding Section 111.014 to read as follows:

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

7 SECTION 7. Subchapter B, Chapter 111, Local Government  
8 Code, is amended by adding Section 111.045 to read as follows:

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

14 SECTION 8. Subchapter C, Chapter 111, Local Government  
15 Code, is amended by adding Section 111.075 to read as follows:

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

21 SECTION 9. Section 270.007(i), Local Government Code, is  
22 amended to read as follows:

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

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

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

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

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

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

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

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

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

22           (4) other evidence of protection of exclusivity issued  
23 for intellectual property.

24       SECTION 11. Sections 114.042, 114.045, 151.902, and  
25 270.007(g), Local Government Code, are repealed.

26       SECTION 12. This Act takes effect September 1, 2003.