

1-1 By: Lewis (Senate Sponsor - Madla) H.B. No. 2931
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2003, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2931 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the administration and finances of counties and certain
1-11 other entities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 41.008, Government Code, is amended to
1-14 read as follows:

1-15 Sec. 41.008. RECORD [~~REGISTER~~]. (a) Each district or
1-16 county attorney shall keep a record of [~~register of all his official~~
1-17 ~~acts and reports,~~] all actions or demands prosecuted or defended by
1-18 the person [~~him~~] as district or county attorney, and all
1-19 proceedings held in relation to the attorney's [~~his~~] official acts.

1-20 (b) The record required by Subsection (a) may be in a paper
1-21 format, an electronic format, or both. A computer record of
1-22 actions, demands, and proceedings satisfies the requirements of
1-23 Subsection (a). [~~A district or county attorney shall keep the~~
1-24 ~~register in proper books obtained by him for that purpose at his own~~
1-25 ~~expense.~~]

1-26 (c) The record [~~register~~] shall be available at all times
1-27 for inspection by any person appointed to examine it by the governor
1-28 or by the commissioners court of a county.

1-29 (d) Each district and county attorney shall deliver any
1-30 portion of the record under the attorney's control to the attorney's
1-31 [~~the books that comprise the register to his~~] successor in office.

1-32 SECTION 2. Section 791.003(4), Government Code, is amended
1-33 to read as follows:

1-34 (4) "Local government" means a:

1-35 (A) county, municipality, special district, or
1-36 other political subdivision of this state or another state; [~~or~~]

1-37 (B) local government corporation created under
1-38 Subchapter D, Chapter 431, Transportation Code;

1-39 (C) political subdivision corporation created
1-40 under Chapter 304, Local Government Code; or

1-41 (D) combination of two or more [~~of those~~]
1-42 entities described by Paragraph (A), (B), or (C).

1-43 SECTION 3. Section 791.013, Government Code, is amended by
1-44 amending Subsections (a) and (b) and adding Subsection (d) to read
1-45 as follows:

1-46 (a) To supervise the performance of an interlocal contract,
1-47 the [~~The~~] parties to the [~~an interlocal~~] contract may:

1-48 (1) create an administrative agency;

1-49 (2) [~~or~~] designate an existing local government; or

1-50 (3) contract with an organization that qualifies for
1-51 exemption from federal income tax under Section 501(c), Internal
1-52 Revenue Code of 1986, as amended, that provides services on behalf
1-53 of political subdivisions or combinations of political
1-54 subdivisions and derives more than 50 percent of its gross revenues
1-55 from grants, funding, or other income from political subdivisions
1-56 or combinations of subdivisions [~~to supervise the performance of~~
1-57 ~~the contract~~].

1-58 (b) The agency, [~~or~~] designated local government, or
1-59 organization described by Subsection (a)(3) may employ personnel,
1-60 perform administrative activities, and provide administrative
1-61 services necessary to perform the interlocal contract.

1-62 (d) An administrative agency created under this section may
1-63 acquire, apply for, register, secure, hold, protect, and renew

2-1 under the laws of this state, another state, the United States, or
2-2 any other nation:

2-3 (1) a patent for the invention or discovery of:

2-4 (A) any new and useful process, machine,
2-5 manufacture, composition of matter, art, or method;

2-6 (B) any new use of a known process, machine,
2-7 manufacture, composition of matter, art, or method; or

2-8 (C) any new and useful improvement on a known
2-9 process, machine, manufacture, composition of matter, art, or
2-10 method;

2-11 (2) a copyright of an original work of authorship
2-12 fixed in any tangible medium of expression, now known or later
2-13 developed, from which the work may be perceived, reproduced, or
2-14 otherwise communicated, either directly or with the aid of a
2-15 machine or device;

2-16 (3) a trademark, service mark, collective mark, or
2-17 certification mark for a word, name, symbol, device, or slogan that
2-18 the agency uses to identify and distinguish the agency's goods and
2-19 services from other goods and services; and

2-20 (4) other evidence of protection of exclusivity issued
2-21 for intellectual property.

2-22 SECTION 4. Sections 81.003(b) and (c), Local Government
2-23 Code, are amended to read as follows:

2-24 (b) The court shall require the clerk to record [~~in suitable~~
2-25 ~~books~~] the proceedings of each term of the court. This record may
2-26 be in a paper or electronic format. After each term [the county
2-27 ~~judge or the presiding member of the court shall read and sign and]~~
2-28 the clerk shall attest to the accuracy of this record.

2-29 (c) The clerk shall record the court's authorized
2-30 proceedings between terms. This record may be in a paper or
2-31 electronic format. The clerk shall attest to the accuracy of the
2-32 ~~[On the first day of the first term after these proceedings, the~~
2-33 ~~county judge or the presiding member of the court shall read and~~
2-34 ~~sign this]~~ record.

2-35 SECTION 5. Subchapter A, Chapter 111, Local Government
2-36 Code, is amended by adding Section 111.014 to read as follows:

2-37 Sec. 111.014. RESERVE ITEM. Notwithstanding any other
2-38 provision of this subchapter, a county may establish in the budget a
2-39 reserve or contingency item. The item must be included in the
2-40 itemized budget under Section 111.004(a) in the same manner as a
2-41 project for which an appropriation is established in the budget.

2-42 SECTION 6. Subchapter B, Chapter 111, Local Government
2-43 Code, is amended by adding Section 111.045 to read as follows:

2-44 Sec. 111.045. RESERVE ITEM. Notwithstanding any other
2-45 provision of this subchapter, a county may establish in the budget a
2-46 reserve or contingency item. The item must be included in the
2-47 itemized budget under Section 111.034(a) in the same manner as a
2-48 project for which an appropriation is established in the budget.

2-49 SECTION 7. Subchapter C, Chapter 111, Local Government
2-50 Code, is amended by adding Section 111.075 to read as follows:

2-51 Sec. 111.075. RESERVE ITEM. Notwithstanding any other
2-52 provision of this subchapter, a county may establish in the budget a
2-53 reserve or contingency item. The item must be included in the
2-54 itemized budget under Section 111.063(a) in the same manner as a
2-55 project for which an appropriation is established in the budget.

2-56 SECTION 8. Chapter 180, Local Government Code, is amended
2-57 by adding Section 180.005 to read as follows:

2-58 Sec. 180.005. APPOINTMENTS TO LOCAL GOVERNING BODIES. (a)
2-59 In this section, "local government" means a county, municipality,
2-60 or other political subdivision of this state.

2-61 (b) An appointment to the governing body of a local
2-62 government shall be made as required by the law applicable to that
2-63 local government and may be made with the intent to ensure that the
2-64 governing body is representative of the constituency served by the
2-65 governing body.

2-66 (c) A local government that chooses to implement Subsection
2-67 (b) shall adopt procedures for the implementation.

2-68 SECTION 9. Subchapter A, Chapter 232, Local Government
2-69 Code, is amended by adding Section 232.0021 to read as follows:

3-1 Sec. 232.0021. PLAT APPLICATION FEE. (a) The
3-2 commissioners court may impose an application fee to cover the cost
3-3 of the county's review of a subdivision plat and inspection of
3-4 street, road, and drainage improvements described by the plat.

3-5 (b) The fee may vary based on the number of proposed lots in
3-6 the subdivision, the acreage described by the plat, the type or
3-7 extent of proposed street and drainage improvements, or any other
3-8 reasonable criteria as determined by the commissioners court.

3-9 (c) The owner of the tract to be subdivided must pay the fee
3-10 at the time directed by the county before the county conducts a
3-11 review of the plat.

3-12 (d) The fee is subject to refund under Section 232.0025(i).

3-13 SECTION 10. Section 270.007(i), Local Government Code, is
3-14 amended to read as follows:

3-15 (i) A county may not develop a computer application or
3-16 software system for the sole purpose of selling, licensing, or
3-17 marketing the software application or software system.

3-18 SECTION 11. Chapter 270, Local Government Code, is amended
3-19 by adding Section 270.009 to read as follows:

3-20 Sec. 270.009. INTELLECTUAL PROPERTY OF COUNTY. A county
3-21 may acquire, apply for, register, secure, hold, protect, and renew
3-22 under the laws of this state, another state, the United States, or
3-23 any other nation:

3-24 (1) a patent for the invention or discovery of:

3-25 (A) any new and useful process, machine,
3-26 manufacture, composition of matter, art, or method;

3-27 (B) any new use of a known process, machine,
3-28 manufacture, composition of matter, art, or method; or

3-29 (C) any new and useful improvement on a known
3-30 process, machine, manufacture, composition of matter, art, or
3-31 method;

3-32 (2) a copyright of an original work of authorship
3-33 fixed in any tangible medium of expression, now known or later
3-34 developed, from which the work may be perceived, reproduced, or
3-35 otherwise communicated, either directly or with the aid of a
3-36 machine or device;

3-37 (3) a trademark, service mark, collective mark, or
3-38 certification mark for a word, name, symbol, device, or slogan that
3-39 the county uses to identify and distinguish the county's goods and
3-40 services from other goods and services; and

3-41 (4) other evidence of protection of exclusivity issued
3-42 for intellectual property.

3-43 SECTION 12. Sections 114.042, 114.045, 151.902, and
3-44 270.007(g), Local Government Code, are repealed.

3-45 SECTION 13. (a) Section 180.005, Local Government Code, as
3-46 added by this Act, applies only to an appointment made on or after
3-47 the effective date of this Act.

3-48 (b) Section 232.0021, Local Government Code, as added by
3-49 this Act, applies only to a plat filed on or after the effective
3-50 date of this Act.

3-51 SECTION 14. This Act takes effect September 1, 2003.

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