

By: Madla

S.B. No. 1655

A BILL TO BE ENTITLED

AN ACT

relating to the efficient administration of county government.

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

SECTION 1. Section 81.033, Local Government Code, is added to read as follows:

Sec. 81.033. COUNTY ADMINISTRATOR. (a) A commissioners court may appoint a county administrator with duties and responsibilities set by the commissioners court.

(b) The county administrator may require any district, county or precinct officer of the county to provide any information necessary for the administrator to perform the administrator's duties. This provision does not apply to information made confidential by law.

SECTION 2. Sections 81.003(b) and (c), Local Government Code, are amended as follows:

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

(c) The clerk shall record the court's authorized proceedings between terms. This record may be paper or electronic. [~~On the first day of the first term after these proceedings, the county judge or the presiding member of the court shall read and~~

1 ~~sign this record]~~ The clerk shall attest to the accuracy of the
2 record.

3 The clerk shall attest to the accuracy of the record.

4 SECTION 3. Section 111.014, Local Government Code, is added
5 to read as follows:

6 Sec. 111.014. RESERVE FUND. Notwithstanding any other
7 provision of this subchapter, a county may establish in the budget a
8 reserve or contingency fund. The fund must be included in the
9 itemized budget as the same manner as projects under Section
10 111.004.

11 SECTION 4. Section 111.045, Local Government Code, is added
12 to read as follows:

13 Sec. 111.045. RESERVE FUND. Notwithstanding any other
14 provision of this subchapter, a county may establish in the budget a
15 reserve or contingency fund. The fund must be included in the
16 itemized budget as the same manner as projects under Section
17 111.034.

18 SECTION 5. Section 111.075, Local Government Code, is added
19 to read as follows:

20 Sec. 111.075. RESERVE FUND. Notwithstanding any other
21 provision of this subchapter, a county may establish in the budget a
22 reserve or contingency fund. The fund must be included in the
23 itemized budget as the same manner as projects under Section
24 111.063.

25 SECTION 6. Section 116.003, Local Government Code, is added
26 to read as follows:

27 Sec. 116.003. COLLECTION OF COUNTY FUNDS BY VENDORS.

1 (a) With the consent of the commissioners court, a county official
2 or a vendor providing services for the county may collect funds owed
3 to the county and deposit those funds in a financial institution,
4 other than the county depository, approved by the commissioners
5 court. Sec. (b) An account into which funds are deposited under
6 subsection (a) shall be restricted so that withdrawals may only be
7 initiated by the county auditor or other county official as
8 determined by the commissioners court.

9 (c) Funds belonging to a county under subsection (a) shall
10 be transmitted to the county depository not later than the third
11 working day after the date of the initial deposit.

12 (d) Interest earned on deposits of county funds in financial
13 institutions other than the county depository must be paid to the
14 county.

15 SECTION 7. Section 155.001(a), Local Government Code, is
16 amended to read as follows:

17 (a) The commissioners court, on the request of a county
18 employee, may authorize a payroll deduction to be made from the
19 employee's wages or salary for:

- 20 (1) payment to a credit union;
- 21 (2) payment of membership dues in a labor union or a
22 bona fide employees association;
- 23 (3) payment of fees for parking in a county-owned
24 facility; ~~or~~
- 25 (4) payment to a charitable organization; or
- 26 (5) any other purpose requested by the employee.

27 SECTION 8. Section 155.003(a), Local Government Code, is

1 amended to read as follows:

2 (a) Public funds may not be used to pay the administrative
3 costs of making a deduction, except for a deduction relating to the
4 payment of parking fees in a county-owned facility, or other fees
5 owed to the county.

6 SECTION 9. Section 41.008, Government Code, is amended as
7 follows:

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

13 (b) [~~A district or county attorney shall keep the register~~
14 ~~in proper books obtained by him for that purpose at his own expense]~~
15 The record required by subsection (a) may be paper, electronic, or
16 both. The requirement of subsection (a) is satisfied if the county
17 maintains a computer record of the actions, demands and
18 proceedings.

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

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

25 SECTION 10. Section 270.007, Local Government Code, is
26 amended to read as follows:

27 (a) A county may sell or license a computer software

1 application or software system developed by the county for use by
2 the county. A county may sell or license a computer software
3 application or software system developed for the county by a person
4 under contract unless the contract specifically prohibits the
5 county from selling or licensing the application or system.

6 (a-1) A county may acquire, apply for, register, secure,
7 hold, protect, and renew under the laws of the State of Texas, the
8 United States, any state in the United States, or any nation:

9 (1) a patent for the invention, discovery, or
10 improvement of any new and useful process, machine, manufacture,
11 composition of matter, art, or method, including any new use of a
12 known process, machine, manufacture, composition of matter, art or
13 method;

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

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

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

25 (b) Notwithstanding the provisions of Subsections (f) and
26 (g), a county may exclusively contract with a person to market the
27 application or system. A contract under this subsection shall be

1 awarded only in compliance with Section 262.030, Local Government
2 Code, concerning the alternative competitive procedure for
3 insurance or high technology items.

4 (c) The provisions of the open records law, Chapter 552,
5 Government Code, governing the cost of making copies of public
6 records do not apply to a software application or software system
7 subject to this section.

8 (d) In this section, "computer software application or
9 software system" includes documentation of the application or
10 system, and does not include any hardware or equipment associated
11 with the application or system.

12 (e) Notwithstanding any other provision of this section,
13 the provisions of this section apply only to (1) the sale or
14 licensure of a software application or software system by a county
15 or (2) a request under Chapter 552, Government Code, for a computer
16 software application or software system itself, and do not apply to
17 the cost of production for public inspection or copying of
18 information collected, assembled, or maintained through the use of
19 such software, including on-line instructions on computer searches
20 or information necessary to obtain records from county computer
21 systems, which cost shall be governed by Subchapter F, Chapter 552,
22 Government Code, without regard to the cost of developing the
23 software. Nothing in this section shall preclude header or record
24 information, necessary for conversion and interpretation of
25 electronic images, being made available for electronic images of
26 public records.

27 (f) Except as provided by Subsection (b), upon request of

1 any person, a county shall sell or license software under this
2 section for a price negotiated between the county and the person,
3 not to exceed the developmental cost to the county. Developmental
4 cost shall only include costs incurred under a contract to procure
5 the software or direct employee costs incurred to develop the
6 software. This subsection does not apply to any county software
7 that protects county computer systems from unauthorized use or
8 access.

9 ~~[(g) Except as provided by Subsection (b), a county shall~~
10 ~~sell or license software under Subsection (f) to any person for the~~
11 ~~same consideration that the county has sold or licensed the~~
12 ~~software to another person.]~~

13 ~~[(h)]~~ The provisions of this section shall not authorize the
14 development by a county of any software application or software
15 system not otherwise authorized by law.

16 ~~[(i)]~~ (h) A county may not develop a computer application or
17 software system for the sole purpose of selling, licensing, or
18 marketing the software application or software system.

19 SECTION 11. Section 791.003(4), Government Code, is amended
20 to read as follows:

- 21 (4) "Local government" means a:
- 22 (A) county, municipality, special district,
23 local government corporation, political subdivision corporation,
24 or other political subdivision of this state or another state; or
- 25 (B) combination of two or more of those entities.

26 SECTION 12. Section 791.013, Government Code, is amended by
27 adding subsection (d) to read as follows:

1 (d) The agency may acquire, apply for, register, secure,
2 hold, protect, and renew under the laws of the State of Texas, the
3 United States, any state in the United States, or any nation:

4 (1) a patent for the invention, discovery, or
5 improvement of any new and useful process, machine, manufacture,
6 composition of matter, art, or method, including any new use of a
7 known process, machine, manufacture, composition of matter, art, or
8 method;

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

14 (3) a trademark, service mark, collective mark, or
15 certification mark for a word, name, symbol, device, or slogan that
16 the agency uses to identify and distinguish its goods and services
17 from other goods and services; or

18 (4) other evidence of protection or exclusivity issued
19 for intellectual property.

20 SECTION 13. Section 791.025, Government Code, is amended by
21 adding subsection (d) to read as follows:

22 (d) The parties to the interlocal agreement may create an
23 administrative agency under Section 791.013.

24 SECTION 14. Section 114.042, 114.045, 151.902, and 151.903,
25 Local Government Code, are repealed.

26 SECTION 15. This Act takes effect September 1, 2003