

1-1 By: Madla S.B. No. 1655  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 7, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 7, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1655 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. Subdivision (4), Section 791.003, Government  
1-33 Code, is amended 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 political subdivisions [~~to supervise the~~  
1-57 ~~performance of 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. Subsections (b) and (c), Section 81.003, Local  
2-23 Government 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. Subsection (i), Section 270.007, Local  
2-57 Government Code, is amended to read as follows:

2-58 (i) A county may not develop a computer application or  
2-59 software system for the sole purpose of selling, licensing, or  
2-60 marketing the software application or software system.

2-61 SECTION 9. Chapter 270, Local Government Code, is amended  
2-62 by adding Section 270.009 to read as follows:

2-63 Sec. 270.009. INTELLECTUAL PROPERTY OF COUNTY. A county  
2-64 may acquire, apply for, register, secure, hold, protect, and renew  
2-65 under the laws of this state, another state, the United States, or  
2-66 any other nation:

2-67 (1) a patent for the invention or discovery of:  
2-68 (A) any new and useful process, machine,  
2-69 manufacture, composition of matter, art, or method;

3-1 (B) any new use of a known process, machine,  
3-2 manufacture, composition of matter, art, or method; or

3-3 (C) any new and useful improvement on a known  
3-4 process, machine, manufacture, composition of matter, art, or  
3-5 method;

3-6 (2) a copyright of an original work of authorship  
3-7 fixed in any tangible medium of expression, now known or later  
3-8 developed, from which the work may be perceived, reproduced, or  
3-9 otherwise communicated, either directly or with the aid of a  
3-10 machine or device;

3-11 (3) a trademark, service mark, collective mark, or  
3-12 certification mark for a word, name, symbol, device, or slogan that  
3-13 the county uses to identify and distinguish the county's goods and  
3-14 services from other goods and services; and

3-15 (4) other evidence of protection of exclusivity issued  
3-16 for intellectual property.

3-17 SECTION 10. Sections 114.042, 114.045, 151.902, and  
3-18 Subsection (g), Section 270.007, Local Government Code, are  
3-19 repealed.

3-20 SECTION 11. This Act takes effect September 1, 2003.

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