

BILL ANALYSIS

Senate Research Center

H.B. 3439
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The County Treasurers' Association of Texas has identified statutes that require modification to align statutory language with current county treasury practices and procedures.

H.B. 3439 makes those modifications to statutory language by clarifying the powers and duties of county treasurers, making clarifying changes to the procedure for deposit warrants, and stipulating that the commissioners court is required to be apprised of all fines imposed and collected at least once a month.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 83, Local Government Code, by adding Section 83.007, as follows:

Sec. 83.007. STATUTORY REFERENCE: FUNCTION OF TREASURER IN COUNTY THAT HAS ABOLISHED OFFICE. Provides that in a county for which the office of county treasurer has been abolished, a reference in this code or other state statute to the county treasurer means the person who performs the powers or duties of the county treasurer in that county.

SECTION 2. Amends Section 113.023, Local Government Code, as follows:

Sec. 113.023. DEPOSIT WARRANTS. (a) Requires each deposit made in the county treasury to be made on a deposit warrant, rather than on a deposit warrant issued in triplicate by the county clerk, except as provided by Subsection (c).

(b) Requires the county treasurer to keep the original deposit warrant, rather than the original of the warrant. Requires the county treasurer to provide the county clerk or the county auditor with duplicate deposit warrants or a written report of all deposit warrants received that contains detailed information about each warrant. Authorizes the county treasurer to provide a duplicate deposit warrant to the person on the request of a person making a deposit. Deletes existing text requiring the duplicate to be signed and returned to the county clerk and requiring the triplicate to be signed and returned to the depositor. Deletes existing text requiring the county clerk to give the clerk's copy of the warrant to the county auditor if the county has a county auditor.

(c) Requires the county treasurer to provide the county auditor with duplicate warrants or a written report of all warrants that contains detailed information about each warrant. Authorizes the county treasurer to provide a duplicate warrant to a person on the request of the person making a deposit. Deletes existing text requiring the county treasurer to prepare a receipt in triplicate for all money received. Deletes existing text requiring the county treasurer to keep one copy of the receipt and transmit the original to the county auditor and the other copy to the depositor.

SECTION 3. Amends Section 113.062, Local Government Code, as follows:

Sec. 113.062. **ACKNOWLEDGEMENT REQUIRED WHEN CLAIM PAID OR CREDITED.** Authorizes, rather than requires, the county treasurer only, rather than the county treasurer or any other officer who disburses money for the county or who receives county claims in payment of dues of any kind, to require the person who receives the payment or the credit for the payment, or that person's agent or attorney to acknowledge in writing on the face of the claim the receipt of the amount paid or credited.

SECTION 4. Amends Sections 114.026(a), (b), and (d), Local Government Code, as follows:

(a) Requires the county treasurer to make a detailed report of certain information at least once a month a, rather than at each, regular term of the commissioners court.

(b) Requires the county treasurer to exhibit the books and accounts of the treasurer's office for the inspection of the court and submit the vouchers relating to the books and accounts for audit and approval at least once a month at a, rather than at each, regular term of the commissioners court.

(d) Requires the affidavits to be published once on the county's website if the county has an Internet website. Makes a nonsubstantive change.

SECTION 5. Amends Section 114.044(a), Local Government Code, to require certain persons who collect or handle money for the use of the county to make a full report at least once a month at a, rather than at each, regular term to the commissioners court regarding certain information and requires those persons, at the time of the report, to present the receipts and vouchers that show the disposition of the money, fines, or judgments.

SECTION 6. Amends Section 151.903(d), Local Government Code, to authorize the county treasurer to withhold the payment of salaries from a person who fails to file records or furnish essential information until that person does so.

SECTION 7. Amends Section 154.008(d), Local Government Code, to require the comptroller to mail or electronically transmit a warrant for the payment to the county treasurer.

SECTION 8. Amends Section 156.001, Local Government Code, as follows:

Sec. 156.001. **TRANSFER SYSTEM AUTHORIZED.** Authorizes the county treasurer, rather than a county, to establish and operate an electronic funds transfer system to make any authorized transfer from the county treasury.

SECTION 9. Repealer: Section 113.044 (Warrants to be Punched), Local Government Code.

SECTION 10. Effective date: September 1, 2007.