

BILL ANALYSIS

C.S.S.B. 1106
By: Watson
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.S.B. 1106 corrects current statute that inadvertently created conflict, confusion, or redundancy in the financial processes of county governments.

Currently, counties auditors are not given notice of expunctions until the order is executed. The order language does not consider the impact of destroying a financial document that supports a government expenditure. This bill clarifies that financial documents subject to an order are expunged by obliterating the name or other references that would identify the defendant. The receipt or appointed attorney invoice or similar documentation that supports a case-related financial transaction would still be retained.

Next, current statute requires completion of an audit within 30 days during a period of high financial activity. Many offices are not adequately staffed to deal with this high demand. This bill would allow an additional 30 days to complete the audit. The additional time does not create an excessive delay, but allows the county auditor a little breathing room to complete the audit without sacrificing standards.

Finally, there is currently a Local Government Code provision that requires counties to withhold payments (accounts payable) to persons indebted to the county for taxes or other reasons (accounts receivable). There is no definition for debt in the current statute, creating confusion on when or how to apply the requirement. This bill would define those circumstances. It would provide for notice to the individual prior to withholding of the accounts payable. This gives individuals the opportunity to respond and clarify errors, work out payment agreements or further negotiate the resolution of the accounts receivable. If the individual is notified and does not respond, this bill allows for the ability to "net" the amount due to the individual against the individual's outstanding taxes, fines, fees, etc.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1106 will amend Article 55.02, Code of Criminal Procedures, to preclude destruction orders for financial documents related to expunctions. It provides for redaction of criminal defendant data on financial documents if the document needs to be maintained for internal control purposes. It also amends Article 59.06(g), Code of Criminal Procedure, to increase due date for forfeited funds audits from 30 to 60 days, with allowable extensions from 46-76 Days. This increase allows local auditors time to complete the audit while maintaining audit standards. It will finally amend Section 154.045, Local Government Code, by adding a definition of debt for purposes of holding payments to local government debtors. Prior to withholding, the debtor must be notified in writing that the check or warrant will not be issued until the debt has been resolved. It provides that with proper language in the notice, the hold funds can be applied to reduce the debt.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute deletes Section 3 of the original bill dealing with auditors quarterly audit requirements and renumbers accordingly.

C.S.S.B. 1106 80(R)