

By: Parker

H.B. No. 3439

A BILL TO BE ENTITLED

AN ACT

relating to county fiscal matters.

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

SECTION 1. Chapter 83, Local Government Code, is amended by adding Section 83.007 to read as follows:

Sec. 83.007. STATUTORY REFERENCE: FUNCTION OF TREASURER IN COUNTY THAT HAS ABOLISHED OFFICE. 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. Section 113.023, Local Government Code, is amended to read as follows:

Sec. 113.023. DEPOSIT WARRANTS. (a) Except as provided by Subsection (c), each deposit made in the county treasury must be made on a deposit warrant [~~issued in triplicate by the county clerk~~]. The deposit warrant authorizes the county treasurer to receive the amount stated in the warrant. The warrant must state the purpose for which the amount is received and the fund to which it is to be applied.

(b) The county treasurer shall keep the original deposit [~~of the~~] warrant. The county treasurer shall provide the county clerk or the county auditor with duplicate deposit warrants or a written report of all deposit warrants received that contains detailed

1 information about each warrant. On the request of a person making a
2 deposit, the county treasurer may provide a duplicate deposit
3 warrant to the person. [~~The duplicate shall be signed and returned~~
4 ~~to the county clerk. The triplicate shall be signed and returned to~~
5 ~~the depositor.~~] If the county has a county auditor, [~~the county~~
6 ~~clerk shall give the clerk's copy of the warrant to the auditor,~~
7 ~~and~~] the auditor shall enter the amount in the auditor's books,
8 charging the amount to the county treasurer and crediting the
9 person who deposited the amount. The treasurer may receive money
10 only through this procedure except as provided by Subsection (c).

11 (c) In a county with more than 2.2 million inhabitants, the
12 county clerk is relieved of all duties under Subsections (a) and
13 (b). In any other county that has the office of county auditor, the
14 commissioners court by order may relieve the county clerk of all
15 duties under Subsections (a) and (b). If the county clerk is
16 relieved of duties, the county treasurer shall receive all deposits
17 that are made in the county treasury. The county treasurer shall
18 provide the county auditor with duplicate warrants or a written
19 report of all warrants that contains detailed information about
20 each warrant. On the request of a person making a deposit, the
21 county treasurer may provide a duplicate warrant to the person.
22 [~~prepare a receipt in triplicate for all money received. The~~
23 ~~treasurer shall keep one copy of the receipt and shall transmit the~~
24 ~~original to the county auditor and the other copy to the depositor.~~] The county auditor shall prescribe a system, not inconsistent with
25 this subsection, to be used by the county treasurer for receiving
26 and depositing money.
27

1 SECTION 3. Section 113.062, Local Government Code, is
2 amended to read as follows:

3 Sec. 113.062. ACKNOWLEDGMENT REQUIRED WHEN CLAIM PAID OR
4 CREDITED. The county treasurer may [~~or any other officer who~~
5 ~~disburses money for the county or who receives county claims in~~
6 ~~payment of dues of any kind shall~~] require the person who receives
7 the payment or the credit for the payment, or that person's agent or
8 attorney, to acknowledge in writing on the face of the claim the
9 receipt of the amount paid or credited.

10 SECTION 4. Section 118.141, Local Government Code, is
11 amended to read as follows:

12 Sec. 118.141. FEE SCHEDULE. (a) The county treasurer [~~or~~
13 ~~another officer who receives revenue in place of the county~~
14 ~~treasurer,~~] may collect the following fees for services rendered to
15 any person:

16 (1) Returned check (Sec. 118.142) not
17 less than \$15.00 or more than \$30.00

18 (2) Copy of check or other record (Sec. 118.144)
19 \$ 1.00

20 (b) The county treasurer [~~or another officer who receives~~
21 ~~revenue in place of the county treasurer~~] may collect, from a person
22 to whom the county issues a check, a fee for a stop-payment order as
23 described by Section 118.143:

24 (1) in an amount equal to the stop-payment fee charged
25 to the county by the county depository bank; or

26 (2) in an amount not to exceed \$20.00.

27 SECTION 5. Section 151.903(d), Local Government Code, is

1 amended to read as follows:

2 (d) The county auditor shall prescribe the forms and
3 systems, including a system of personnel and equipment records,
4 necessary to carry out this section. The county auditor may enforce
5 any rules adopted under this section. If a person fails to file
6 records or furnish essential information as required under this
7 section, the county auditor or the county treasurer may withhold
8 the payment of salaries until the records are filed or information
9 is furnished as required. In addition, the county auditor may
10 assemble statistics and make recommendations that may be included
11 in the county auditor's annual report required by law.

12 SECTION 6. Section 154.008(d), Local Government Code, is
13 amended to read as follows:

14 (d) The comptroller shall mail or electronically transmit a
15 warrant for the payment to the county treasurer. The warrant must
16 be:

- 17 (1) drawn on the state treasury;
18 (2) payable to the county treasurer; and
19 (3) registered by the comptroller.

20 SECTION 7. Section 113.044, Local Government Code, is
21 repealed.

22 SECTION 8. This Act takes effect September 1, 2007.