

By: Coleman

H.B. No. 3485

A BILL TO BE ENTITLED

AN ACT

relating to the administration of certain county services and duties.

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

SECTION 1. Article 15.08, Code of Criminal Procedure, is amended to read as follows:

Art. 15.08. WARRANT MAY BE FORWARDED [~~TELEGRAPHED~~]. A warrant of arrest may be forwarded by a method that ensures the transmission of a duplicate of the original warrant, including secure facsimile transmission or other secure electronic means [~~telegraph from any telegraph office to another in this State~~]. If issued by any magistrate named in Article 15.06, the peace officer receiving the same shall execute it without delay. If it be issued by any other magistrate than is named in Article 15.06, the peace officer receiving the same shall proceed with it to the nearest magistrate of the peace officer's [~~his~~] county, who shall endorse thereon, in substance, these words:

"Let this warrant be executed in the county of", which endorsement shall be dated and signed officially by the magistrate making the same.

SECTION 2. Article 15.09, Code of Criminal Procedure, is amended to read as follows:

Art. 15.09. COMPLAINT MAY BE FORWARDED [~~BY TELEGRAPH~~]. A complaint in accordance with Article 15.05, may be forwarded

1 [~~telegraphed~~], as provided by [~~in the preceding~~] Article 15.08, to
2 any magistrate in the State; and the magistrate who receives the
3 same shall forthwith issue a warrant for the arrest of the accused;
4 and the accused, when arrested, shall be dealt with as provided in
5 this Chapter in similar cases.

6 SECTION 3. Article 15.19(a), Code of Criminal Procedure, is
7 amended to read as follows:

8 (a) If the arrested person fails or refuses to give bail, as
9 provided in Article 15.18, the arrested person shall be committed
10 to the jail of the county where the person was arrested; and the
11 magistrate committing the arrested person shall immediately
12 provide notice to the sheriff of the county in which the offense is
13 alleged to have been committed regarding:

14 (1) the arrest and commitment, which notice may be
15 given by [~~telegraph~~] mail~~[-]~~ or other written means or by secure
16 facsimile transmission or other secure electronic means; and

17 (2) whether the person was also arrested under a
18 warrant issued under Section 508.251, Government Code.

19 SECTION 4. Article 26.13, Code of Criminal Procedure, is
20 amended by adding Subsection (j) to read as follows:

21 (j) A person who is incarcerated in a facility operated by,
22 or under contract with, the Texas Department of Criminal Justice
23 may submit a plea of guilty or plea of nolo contendere regarding a
24 misdemeanor charge in writing, transmitted by mail, facsimile, or
25 other means. Before accepting a plea under this subsection, the
26 court shall make the admonitions required by this article to the
27 defendant in writing as provided by Subsection (d).

1 SECTION 5. Section 31.037, Election Code, is amended to
2 read as follows:

3 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. The
4 employment of the county elections administrator may be suspended,
5 with or without pay, or terminated at any time for good and
6 sufficient cause on the four-fifths vote of the county election
7 commission and approval of that action by a majority vote of the
8 commissioners court.

9 SECTION 6. Section 61.001(f), Government Code, is amended
10 to read as follows:

11 (f) A reimbursement for expenses under this section is not a
12 property right of a person who reports for jury service for purposes
13 of Chapters 72 and 74, Property Code. If a check, instrument, or
14 other method of payment authorized under Section 113.048, Local
15 Government Code, [instrument] representing a reimbursement under
16 this section is not presented for payment or redeemed before the
17 90th day after it is issued:

18 (1) the instrument or other method of payment is
19 considered forfeited and is void; and

20 (2) the money represented by the instrument or other
21 method of payment may be placed or retained in the county's jury
22 fund, the county's general fund, or any other fund in which county
23 funds can be legally placed, at the discretion of the commissioners
24 court.

25 SECTION 7. Section 61.003, Government Code, is amended by
26 adding Subsection (e) to read as follows:

27 (e) Notwithstanding Subsection (a), a county that has

1 adopted a system or method of payment authorized by Section
2 113.048, Local Government Code, may provide a person who reports
3 for jury service in the county an opportunity to donate all, or a
4 specific part designated by the juror, of the juror's daily
5 reimbursement by completing a self-executing application on a form
6 prescribed by the commissioners court.

7 SECTION 8. Section 694.002, Health and Safety Code, is
8 amended by adding Subsections (c) and (d) to read as follows:

9 (c) If a county discovers cash in the possession of a
10 deceased pauper, the county shall place the money in a trust
11 account. A person having a claim to the money in the trust account
12 must exercise the right to collect the money not later than the
13 first anniversary of the date the money is placed in the trust
14 account.

15 (d) A county may create a fund to be used by the county to
16 pay the costs incurred in disposing of the bodies of deceased
17 paupers. If money placed in a trust account under Subsection (c) is
18 not claimed by the first anniversary of the date the money is placed
19 in the trust account, the county may transfer the money to the fund
20 created under this subsection.

21 SECTION 9. Section 716.101, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 716.101. UNIDENTIFIED HUMAN REMAINS. (a) Except as
24 provided by Subsection (b), a [A] crematory establishment may not
25 accept for cremation unidentified human remains.

26 (b) Notwithstanding any other provision of this chapter, a
27 crematory establishment may accept for cremation unidentified

1 human remains from a county on the order of:

2 (1) the county commissioners court; or

3 (2) a court located in the county.

4 SECTION 10. Subchapter C, Chapter 113, Local Government
5 Code, is amended by adding Section 113.048 to read as follows:

6 Sec. 113.048. DISBURSEMENT OF MONEY FOR JURY SERVICE. (a)
7 Notwithstanding any other provision of this subchapter or other law
8 to the contrary, a county treasurer may disburse to a person who
9 reports for jury service and discharges the person's duty the daily
10 amount of reimbursement for jury service expenses set by the
11 commissioners court under Section 61.001, Government Code, by:

12 (1) using an electronic funds transfer system in
13 accordance with Chapter 156;

14 (2) using a cash dispensing machine;

15 (3) issuing a debit card or a stored value card; or

16 (4) using any other method that the county treasurer
17 and the commissioners court determine is secure, accurate, and
18 cost-effective and that is convenient for persons who report for
19 jury service.

20 (b) A system or method of payment adopted by a county
21 treasurer under Subsection (a) may be implemented only if it is
22 approved by the commissioners court and administered in accordance
23 with the procedures established by the county auditor or by the
24 chief financial officer of a county that does not have a county
25 auditor.

26 (c) A system or method of payment authorized by this section
27 may be used in lieu of or in addition to the issuance of warrants or

1 checks authorized under this subchapter.

2 SECTION 11. Section 262.003(a), Local Government Code, is
3 amended to read as follows:

4 (a) Any law that requires a county to follow a competitive
5 bidding procedure in making a purchase requiring the expenditure of
6 \$50,000 [~~\$25,000~~] or less does not apply to the purchase of an item
7 available for purchase from only one supplier.

8 SECTION 12. Section 262.023(a), Local Government Code, is
9 amended to read as follows:

10 (a) Before a county may purchase one or more items under a
11 contract that will require an expenditure exceeding \$50,000
12 [~~\$25,000~~], the commissioners court of the county must:

13 (1) comply with the competitive bidding or competitive
14 proposal procedures prescribed by this subchapter;

15 (2) use the reverse auction procedure, as defined by
16 Section 2155.062(d), Government Code, for purchasing; or

17 (3) comply with a method described by Subchapter H,
18 Chapter 271.

19 SECTION 13. Section 271.024, Local Government Code, is
20 amended to read as follows:

21 Sec. 271.024. COMPETITIVE BIDDING PROCEDURE APPLICABLE TO
22 CONTRACT. The bidding of [~~If a governmental entity is required by~~
23 ~~statute to award~~] a contract awarded by a governmental entity for
24 the construction, repair, or renovation of a structure, road,
25 highway, or other improvement or addition to real property [~~on the~~
26 ~~basis of competitive bids, and if the contract requires the~~
27 ~~expenditure of more than \$25,000 from the funds of the entity, the~~

1 ~~bidding on the contract]~~ must be accomplished in the manner
2 provided by this subchapter if:

3 (1) a statute requires the governmental entity to
4 award the contract on the basis of competitive bids; and

5 (2) the contract requires the expenditure of more
6 than:

7 (A) \$25,000 from the funds of a governmental
8 entity other than a county; or

9 (B) \$50,000 from the funds of a county.

10 SECTION 14. Section 363.156(b), Local Government Code, is
11 amended to read as follows:

12 (b) To the extent competitive bidding procedures in Title 8
13 apply, the board may not enter purchasing contracts that involve
14 spending more than \$50,000 [~~\$25,000~~] unless the board complies
15 with:

16 (1) Subchapter C, Chapter 262, if the district was
17 created by a county; or

18 (2) Chapter 252, if the district was created by a
19 municipality.

20 SECTION 15. Section 1702.104(b), Occupations Code, is
21 amended to read as follows:

22 (b) For purposes of Subsection (a)(1), "obtaining or
23 furnishing information" includes information obtained or furnished
24 through the review and analysis of, and the investigation into the
25 content of, computer-based data not available to the public.

26 "Obtaining or furnishing information" does not include information
27 obtained or furnished by an information technology professional who

1 is an employee of a county and who is:

2 (1) in the course and scope of employment, installing
3 or repairing computer equipment belonging to the county or is
4 examining the cause for required repair; and

5 (2) not performing any other act that requires a
6 license under this chapter.

7 SECTION 16. Subchapter B, Chapter 1704, Occupations Code,
8 is amended by adding Section 1704.057 to read as follows:

9 Sec. 1704.057. DISSOLUTION OF BOARD. (a) The
10 commissioners court of a county by order may dissolve a bail bond
11 board created under Section 1704.052 if:

12 (1) a majority of the bail bond board members vote to
13 approve dissolution;

14 (2) the board provides the commissioners court the
15 required plan under Subsection (b); and

16 (3) all of the board's debts and obligations have been
17 discharged.

18 (b) After voting to approve dissolution, the bail bond board
19 shall submit a plan to the commissioners court to provide for the:

20 (1) revocation or cancellation of bail bond licenses
21 previously issued by the board;

22 (2) return of the security deposit of each license
23 holder in a timely manner after the license holder shows that no
24 judgment or bond liability, actual or potential, is outstanding
25 against the license holder;

26 (3) disposition of a security deposit for which a
27 judgment or bond liability, actual or potential, is outstanding

1 against the license holder; and

2 (4) transfer of any property belonging to the bail
3 bond board to the county after the board's dissolution.

4 (c) Chapter 17, Code of Criminal Procedure, governs the
5 taking of bail in a county in which the bail bond board has been
6 dissolved.

7 SECTION 17. Section 42.43(b), Tax Code, is amended to read
8 as follows:

9 (b) For a refund made under this section because an
10 exemption under Section 11.20 that was denied by the chief
11 appraiser or appraisal review board is granted, the taxing unit
12 shall include with the refund interest on the amount refunded
13 calculated at an annual rate that is equal to the auction average
14 rate quoted on a bank discount basis for three-month treasury bills
15 issued by the United States government, as published by the Federal
16 Reserve Board, for the week in which the taxes became delinquent,
17 but not more than 10 percent, calculated from the delinquency date
18 for the taxes until the date the refund is made. For any other
19 refund made under this section, the taxing unit shall include with
20 the refund interest on the amount refunded at a current fair market
21 ~~an~~ annual rate ~~[of eight percent]~~, calculated from the
22 delinquency date for the taxes until the date the refund is made.

23 SECTION 18. (a) Article 26.13(j), Code of Criminal
24 Procedure, as added by this Act, applies only to an offense
25 committed on or after the effective date of this Act. An offense
26 committed before the effective date of this Act is governed by the
27 law in effect at the time the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before the effective date of this
3 Act if any element of the offense occurred before that date.

4 (b) Section 61.001(f), Government Code, as amended by this
5 Act, applies only to a disbursement for the reimbursement for jury
6 service expenses on or after the effective date of this Act.

7 (c) The changes in law made by Sections 262.003, 262.023,
8 271.024, and 363.156, Local Government Code, as amended by this
9 Act, apply only to a purchase made or contract executed on or after
10 the effective date of this Act. A purchase made or contract
11 executed before the effective date of this Act is governed by the
12 law in effect immediately before that date, and the former law is
13 continued in effect for that purpose.

14 SECTION 19. This Act takes effect September 1, 2009.