

By: Duncan

S.B. No. 373

A BILL TO BE ENTITLED

AN ACT

relating to the offices of county treasurer and county auditor.

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

SECTION 1. Article 103.003(b), Code of Criminal Procedure, is amended to read as follows:

(b) A community supervision and corrections department and a county treasurer may collect money payable under this title with the written approval of the clerk of the court or fee officer, and may collect money payable as otherwise provided by law.

SECTION 2. Articles 103.004(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection [~~Subsections (b) and~~ (c)], an officer who collects recognizances, bail bonds, fines, forfeitures, judgments, jury fees, and other obligations recovered in the name of the state under any provision of this title shall deposit the money in the county treasury not later than the next regular business day after the date that the money is collected. If it is not possible for the officer to deposit the money in the county treasury by that date, the officer shall deposit the money in the county treasury as soon as possible, but not later than the fifth [~~third~~] regular business day after the date that the money is collected.

(c) The commissioners court of a county with a population of less than 50,000 may authorize an officer who is required to deposit

1 money under Subsection (a) to deposit the money in the county  
2 treasury not later than the 15th [~~30th~~] day after the date that the  
3 money is collected.

4 SECTION 3. Section 83.003(a), Local Government Code, is  
5 amended to read as follows:

6 (a) A person who first takes office as [~~Within one year~~  
7 ~~after the date on which a person first takes office as county~~  
8 ~~treasurer, the~~] county treasurer must successfully complete an  
9 introductory course of instruction in the performance of the duties  
10 of county treasurer:

11 (1) within one year after the date on which the person  
12 takes office if elected to a full term; or

13 (2) at the earliest available date if appointed by the  
14 commissioners court or elected to an unexpired term of county  
15 treasurer.

16 SECTION 4. Chapter 83, Local Government Code, is amended by  
17 adding Sections 83.008 and 83.009 to read as follows:

18 Sec. 83.008. SURETY BOND ON ASSISTANT TREASURERS, DEPUTIES,  
19 AND EMPLOYEES; SELF-INSURANCE. (a) If a county treasurer employs  
20 only one assistant or deputy, the county treasurer shall execute a  
21 surety bond to cover the assistant or deputy and shall execute a  
22 schedule surety bond or a blanket surety bond to cover all other  
23 employees of the office. If a county treasurer employs more than  
24 one assistant or deputy, the county treasurer shall execute a  
25 blanket surety bond to cover the assistants or deputies and all  
26 other employees of the office.

27 (b) Instead of a county treasurer obtaining a bond as

1 required by Subsection (a), the county may self-insure against  
2 losses that would have been covered by the bond.

3 (c) The bond under this section must be conditioned in the  
4 same manner and must be for the same amount as the bond for the  
5 county treasurer under Section 83.002. The bond must be made  
6 payable to the county judge for the use and benefit of the county  
7 treasurer.

8 Sec. 83.009. ASSISTANT TREASURER OR TREASURY DEPUTY. (a)  
9 The appointment of an assistant treasurer or treasury deputy must  
10 be in writing, be signed by the county treasurer, and bear the seal  
11 of the county court.

12 (b) A person appointed as an assistant treasurer or treasury  
13 deputy, before beginning to perform the duties of office, must take  
14 and subscribe the official oath, which, together with the  
15 certificate of the officer administering the oath, must be endorsed  
16 on the appointment. The appointment and oath shall be deposited and  
17 recorded in the county clerk's office.

18 (c) An assistant treasurer or treasury deputy acts in the  
19 name of the county treasurer as directed by the county treasurer and  
20 may perform all official acts that the county treasurer may perform  
21 at the discretion of the county treasurer.

22 SECTION 5. Sections 111.0707 and 111.07075, Local  
23 Government Code, are amended to read as follows:

24 Sec. 111.0707. SPECIAL BUDGET FOR REVENUE FROM  
25 INTERGOVERNMENTAL CONTRACTS. (a) The county auditor shall certify  
26 to the commissioners court the receipt of all revenue from  
27 intergovernmental contracts that is available for disbursement in a

1 fiscal year but not included in the budget for that fiscal year. On  
2 certification, the court shall adopt a special budget for the  
3 limited purpose of spending the revenue from intergovernmental  
4 contracts for its intended purpose.

5 (b) The county treasurer shall notify the county auditor of  
6 the receipt of all revenue from intergovernmental contracts not  
7 previously included in a special budget or the annual budget for  
8 that fiscal year.

9 Sec. 111.07075. SPECIAL BUDGET FOR REVENUE RECEIVED AFTER  
10 START OF FISCAL YEAR. (a) The county auditor shall certify to the  
11 commissioners court the receipt of revenue from a new source not  
12 anticipated before the adoption of the budget and not included in  
13 the budget for that fiscal year. On certification, the court may  
14 adopt a special budget for the limited purpose of spending the  
15 revenue for general purposes or for any of its intended purposes.

16 (b) The county treasurer shall notify the county auditor of  
17 the receipt of all revenue from a new source not anticipated before  
18 the adoption of the budget and not previously included in a special  
19 budget or the annual budget for that fiscal year.

20 SECTION 6. Section 111.091(b), Local Government Code, is  
21 amended to read as follows:

22 (b) The county auditor shall enter to an appropriation  
23 account each order for payment [~~warrant~~] drawn against that  
24 appropriation.

25 SECTION 7. Section 111.092, Local Government Code, is  
26 amended to read as follows:

27 Sec. 111.092. DEPARTMENTAL EXPENSES NOT TO EXCEED

1 APPROPRIATIONS. The county auditor shall oversee the payment  
2 [~~warrant~~] process to ensure that the expenses of any department do  
3 not exceed the budget appropriations for that department.

4 SECTION 8. Subchapter A, Chapter 112, Local Government  
5 Code, is amended by adding Section 112.0045 to read as follows:

6 Sec. 112.0045. DELEGATION TO COUNTY TREASURER. With the  
7 approval of the county clerk and the commissioners court, the  
8 county treasurer may perform the duties of the county clerk under  
9 Section 112.004.

10 SECTION 9. Subchapter A, Chapter 113, Local Government  
11 Code, is amended by adding Section 113.0001 to read as follows:

12 Sec. 113.0001. DEFINITIONS. In this chapter:

13 (1) "Depository" means the financial institution  
14 selected under Section 116.021 for safekeeping of the county  
15 treasury.

16 (2) "Depository account" means an account covered by  
17 the depository agreement, including required collateral.

18 (3) "Money" means an item or medium of exchange such as  
19 coins, currency, checks, or other means of payment, including  
20 electronic payment.

21 (4) "Treasury" means the money belonging to the county  
22 held by the county treasurer.

23 SECTION 10. Section 113.008, Local Government Code, is  
24 amended to read as follows:

25 Sec. 113.008. RECONCILIATION OF DEPOSITORY ACCOUNTS

26 [~~COUNTY CHECKS AND WARRANTS~~]. (a) The county depository shall  
27 provide statements of all bank activity and documentation

1 supporting a statement's transactions not less than once a month  
2 [all canceled checks and warrants and supporting statements] to the  
3 county treasurer.

4 (b) The county depository shall provide the information  
5 required by Subsection (a) to the official responsible for the  
6 account [~~Subsection (a) does not apply~~] if:

7 (1) the checks and orders for payment [~~warrants~~] are  
8 payable from funds under the direct authority of an official other  
9 than the county treasurer as provided by statute; and

10 (2) the official has not delegated the responsibility  
11 for reconciliation under Subsection (b-1).

12 (b-1) The [~~exemption provided by this subsection does not~~  
13 ~~apply if the~~] official may request [~~requests~~] the county treasurer  
14 to be responsible for the reconciliation of the checks and orders  
15 for payment [~~warrants~~] payable from the funds that are under the  
16 direct authority of the official. An official who fails to  
17 reconcile the official's special accounts monthly shall transfer  
18 responsibility for account reconciliation to the county treasurer.  
19 Unless the official and county treasurer set another period in  
20 writing for the duration of a transfer under this section, the  
21 transfer is effective for the duration of the term of office for the  
22 designating officer.

23 (c) In fulfilling the requirements of Subsections  
24 [~~Subsection~~] (a) and (b), the county depository shall provide, at  
25 the direction of the county treasurer and in accordance with the  
26 rules adopted by the Texas State Library and Archives Commission,  
27 originals, optical images, or electronic images of:

1           (1) [~~original~~] canceled checks and orders for payment  
2 [warrants]; [or]

3           (2) deposit detail;

4           (3) debit and credit memoranda; or

5           (4) electronic transmission detail [~~optical images of~~  
6 ~~the front and back of canceled checks and warrants if the optical~~  
7 ~~images are retained in accordance with the rules adopted by the~~  
8 ~~Texas State Library and Archives Commission)].~~

9           (d) The county treasurer shall:

10           (1) reconcile all balances and transactions for each  
11 treasury account in the county depository's statement of activity  
12 to the transactions and balances shown on the treasurer's records  
13 [~~the canceled checks and warrants with the account records of the~~  
14 ~~depository]; and~~

15           (2) ensure all financial adjustments are made  
16 regarding the depository account as required.

17           (e) In this section, a reference to the county treasurer  
18 includes a person performing the duties of the county treasurer.

19           (f) An official with special funds in the depository bank  
20 shall:

21           (1) reconcile all balances and transactions in the  
22 statement of activity to the transactions and balances shown on the  
23 official's records; and

24           (2) each month, ensure all financial adjustments  
25 resulting from the reconciliation are reported to the county  
26 auditor for entry in the general set of records and reflected in the  
27 cash receipts and disbursement registers of the county treasurer.

1 SECTION 11. Sections 113.021 and 113.022, Local Government  
2 Code, are amended to read as follows:

3 Sec. 113.021. REQUIREMENT THAT MONEY BE DEPOSITED WITH  
4 COUNTY TREASURER [~~AND PUT INTO SPECIAL FUND~~]; INTEREST. (a) The  
5 fees, commissions, funds, and other money belonging to a county  
6 shall be deposited with the county treasurer by the person  
7 [~~officer~~] who collects the money. The person [~~officer~~] must  
8 deposit the money in accordance with any applicable procedures  
9 prescribed by or under Section 112.001 or 112.002. However, the  
10 county tax assessor-collector must deposit the money in accordance  
11 with the procedures prescribed by or under the Tax Code and other  
12 laws.

13 (b) The county treasurer shall deposit the money in the  
14 county depository in the proper [~~a special~~] fund to the credit of  
15 the person or department collecting [~~officer who collected~~] the  
16 money. [~~If the money is fees, commissions, or other compensation~~  
17 ~~collected by an officer who is paid on a salary basis, the~~  
18 ~~appropriate special fund is the applicable salary fund created~~  
19 ~~under Chapter 154.~~]

20 (c) The interest accruing on the money in the [~~special~~] fund  
21 is for the benefit of the county in accordance with other law.

22 Sec. 113.022. TIME FOR MAKING DEPOSITS. (a) A county  
23 officer or other person who receives money [~~funds~~] shall deposit  
24 the money [~~funds~~] with the county treasurer on or before the next  
25 regular business day after the date on which the money is [~~funds~~  
26 ~~are~~] received. If this deadline cannot be [~~is not~~] met, the officer  
27 or person must deposit the money [~~funds~~], without exception, on or



1 before the fifth [~~seventh~~] business day after the day on which the  
2 money is [~~funds are~~] received. However, in a county with fewer than  
3 50,000 inhabitants, the commissioners court may extend the period  
4 during which funds must be deposited with the county treasurer, but  
5 the period may not exceed 15 [~~30~~] days after the date the funds are  
6 received.

7 (b) A county treasurer shall deposit the money [~~funds~~]  
8 received under Subsection (a) in the county depository in  
9 accordance with Section 116.113(a). In all cases, the treasurer  
10 shall deposit the money [~~funds~~] on or before the seventh business  
11 day after the date the treasurer receives the money [~~funds~~].

12 SECTION 12. The heading to Section 113.041, Local  
13 Government Code, is amended to read as follows:

14 Sec. 113.041. DISBURSEMENT OF MONEY BY COUNTY TREASURER;  
15 PAYMENT BY CHECK OR ELECTRONIC TRANSMISSION [~~OR WARRANT~~]; LOST OR  
16 DESTROYED INSTRUMENT.

17 SECTION 13. Sections 113.041(b), (c), (d), (e), (g), and  
18 (h), Local Government Code, are amended to read as follows:

19 (b) Except as provided by Chapter 156, a person may not  
20 spend or withdraw money from the county treasury except by a check  
21 or order for payment [~~warrant~~] drawn on the county treasury,  
22 whether or not the money is in a county depository as required by  
23 law.

24 (c) The county treasurer may not disburse [~~pay~~] money out of  
25 the county treasury without an order for payment [~~a certificate or~~  
26 ~~warrant~~] from an officer who is authorized by law to issue the order  
27 [~~certificate or warrant~~].

1 (d) If the county treasurer doubts the legality or propriety  
2 of an order [~~, decree, certificate, or warrant~~] presented to the  
3 treasurer for payment, the treasurer may not make the payment. The  
4 treasurer shall report the matter to the commissioners court for  
5 the court's consideration and direction. The treasurer may require  
6 that the claim supporting the order be verified by an affidavit.

7 (e) If the county treasurer is satisfied that an original  
8 check or other order drawn on the county treasury by a proper  
9 authority is lost or destroyed, the treasurer may issue a duplicate  
10 instrument in place of the original. The treasurer may not issue a  
11 duplicate until an applicant has filed an affidavit with the  
12 treasurer that states that the applicant is the true owner of the  
13 original instrument and that, to the best knowledge and belief of  
14 the applicant, the original is lost or destroyed.

15 (g) If, after issuance of the duplicate instrument, the  
16 county treasurer determines that the duplicate was issued  
17 improperly or that the applicant or person to whom the duplicate was  
18 issued is not the owner of the original instrument, the treasurer  
19 shall immediately stop payment or demand [~~the return of the~~  
20 ~~duplicate, if it is unpaid, or~~] the return of the amount paid by the  
21 county, if the duplicate is paid. If the person fails to return the  
22 [~~duplicate instrument or the~~] amount of the instrument, the  
23 treasurer shall institute a suit for recovery [~~on the bond~~] through  
24 the office of the county or district attorney. Venue for the suit  
25 lies in the county in which the treasurer serves.

26 (h) A county treasurer may not honor a check or order for  
27 payment [~~warrant~~] on the interest and sinking fund provided for a

1 bond of the county or pay out or divert money in that fund except to  
2 pay the principal of or interest on the bond or invest money in  
3 securities as provided by law.

4 SECTION 14. The heading to Section 113.042, Local  
5 Government Code, is amended to read as follows:

6 Sec. 113.042. ENDORSEMENT BY COUNTY TREASURER; OTHER  
7 ~~[WARRANT]~~ REQUIREMENTS FOR ORDER FOR PAYMENT.

8 SECTION 15. Sections 113.042(a), (b), (e), (f), and (g),  
9 Local Government Code, are amended to read as follows:

10 (a) On the presentation of an order for payment ~~[a warrant]~~,  
11 check, or voucher~~[, or order]~~ drawn by a proper authority, and if  
12 there are sufficient funds for payment on deposit in the account  
13 against which the instrument is drawn, the county treasurer shall  
14 endorse on the face of the instrument the order to pay the named  
15 payee and shall charge the amount in the treasurer's records to the  
16 fund on which it is drawn.

17 (b) The county treasurer may not issue and the county  
18 depository may not pay a check drawn on the county depository to  
19 take up an order for payment ~~[a warrant]~~ drawn by a proper  
20 authority, but the county treasurer shall, on the presentation of  
21 the order ~~[warrant]~~, endorse the order ~~[warrant]~~ and deliver it to  
22 the payee, who may present it to the county depository for payment.

23 (e) Each check or order for payment ~~[warrant]~~ issued or  
24 drawn by an officer under the provisions of this section is subject  
25 to all laws and rules relating to auditing and countersigning.

26 (f) Each order for payment ~~[warrant]~~ or scrip issued against  
27 the county treasurer by a judge or court must be signed and attested

1 by the clerk or judge of the court under that officer's official  
2 seal.

3 (g) A justice of the peace may not issue an order for payment  
4 [~~warrants~~] against the county treasury for any purpose except as  
5 may be provided by the Code of Criminal Procedure.

6 SECTION 16. Section 113.043, Local Government Code, is  
7 amended to read as follows:

8 Sec. 113.043. COUNTERSIGNATURE BY COUNTY AUDITOR. In a  
9 county with a county auditor, the county treasurer and the county  
10 depository may not pay a check or order for payment [~~warrant~~] unless  
11 it is countersigned by the county auditor to validate it as a proper  
12 and budgeted item of expenditure. This section does not apply to a  
13 check or order [~~warrant~~] for jury service or for restitution  
14 collected on behalf of an individual as authorized by law.

15 SECTION 17. Section 113.046, Local Government Code, is  
16 amended to read as follows:

17 Sec. 113.046. REGISTER OF ORDERS FOR PAYMENT [~~WARRANTS~~]  
18 ISSUED BY JUDGE OR CLERK. (a) The county auditor shall maintain a  
19 register of the orders for payment [~~warrants~~] issued on the county  
20 treasurer by a judge or by the district or county clerk. A register  
21 entry for an order [~~a warrant~~] must indicate the date of payment by  
22 the treasurer.

23 (b) On a form prepared by the auditor, the clerk or judge  
24 shall furnish the auditor with a daily itemized report that  
25 specifies the orders for payment [~~warrants~~] issued, the number of  
26 orders [~~warrants~~], the amounts of the orders [~~warrants~~], the names  
27 of the persons to whom the orders [~~warrants~~] are payable, and the

1 purposes of the orders [~~warrants~~].

2 SECTION 18. Section 113.048(c), Local Government Code, is  
3 amended to read as follows:

4 (c) A system or method of payment authorized by this section  
5 may be used in lieu of or in addition to the issuance of [~~warrants~~  
6 ~~or~~] checks or orders for payment authorized under this subchapter.

7 SECTION 19. The heading to Section 113.061, Local  
8 Government Code, is amended to read as follows:

9 Sec. 113.061. CLAIMS INFORMATION; PAYMENT OWED BY THE  
10 COUNTY [~~REGISTER; CLASSES OF CLAIMS~~].

11 SECTION 20. Section 113.061, Local Government Code, is  
12 amended by amending Subsections (a) and (b) and adding Subsections  
13 (a-1) and (b-1) to read as follows:

14 (a) The county treasurer shall maintain a record of claims  
15 [~~in which the treasurer shall register each claim~~] against the  
16 county. The treasurer shall record [~~register~~] the claims as [~~in the~~  
17 ~~order in which~~] they are presented by the officer authorizing the  
18 expenditure.

19 (a-1) In a county without a county auditor, a claim must be  
20 submitted to the county treasurer for presentation to the  
21 commissioners court for approval and must be encumbered for payment  
22 by providing notice of the expenditure to the county treasurer,  
23 including a copy of the requisition or purchase. The treasurer  
24 shall place an encumbrance against the proper account until the  
25 claim is allowed or refused by the commissioners court. [~~If more~~  
26 ~~than one claim is presented at the same time, the treasurer shall~~  
27 ~~register them in the order of their date.~~]

1 (b) The county treasurer may not pay a claim, or any part of  
2 it, until the claim has been encumbered [~~registered~~]. An officer  
3 may not order payment of [~~receive~~] a claim, or any part of it, [~~in~~  
4 ~~payment of any indebtedness owed to the county~~] until the claim has  
5 been encumbered [~~registered~~].

6 (b-1) An encumbrance under this section does not guarantee  
7 approval of the claim by the official authorized to approve the  
8 claim.

9 SECTION 21. Section 113.063, Local Government Code, is  
10 amended to read as follows:

11 Sec. 113.063. CLAIMS INFORMATION LIST; INDEBTEDNESS TO THE  
12 COUNTY. (a) Each officer who collects a fine, penalty, forfeiture,  
13 judgment, tax, or other indebtedness owed to the county in a claim  
14 against the county shall keep a descriptive list of those claims.  
15 When the officer reports the collection, the officer shall file  
16 with the report a list that states:

- 17 (1) the party in whose favor the claim was issued;  
18 (2) [~~the class and register number of the claim,~~  
19 [~~3~~]] the name of the party paying in the claim;  
20 (3) [~~4~~] the amount received; and  
21 (4) [~~5~~] the purpose for which the amount was  
22 received.

23 (b) The officer shall give the claims and the report to the  
24 county treasurer, who shall give the officer a receipt. The  
25 treasurer shall determine the time and manner of making [~~file the~~  
26 ~~list with~~] the [~~treasurer's~~] report [~~in the office of the county~~  
27 ~~clerk~~].

1 SECTION 22. Section 114.022, Local Government Code, is  
2 amended by adding Subsection (c) to read as follows:

3 (c) A county publishing monthly financial reports under  
4 Section 114.023 that publishes its comprehensive annual financial  
5 report on its Internet website is not required to publish an exhibit  
6 under this section.

7 SECTION 23. Section 114.023(b), Local Government Code, is  
8 amended to read as follows:

9 (b) In addition to information considered necessary by the  
10 auditor or required by the commissioners court, the report must  
11 contain:

12 (1) all of the facts of interest related to the  
13 financial condition of the county;

14 (2) a consolidated balance sheet;

15 (3) a complete statement of the balances on hand at the  
16 beginning and end of the month;

17 (4) a statement of the aggregate receipts and  
18 disbursements of each fund;

19 (5) a statement of transfers to and from each fund;

20 (6) a statement of the bond and order for payment  
21 [~~warrant~~] indebtedness with corresponding rates of interest; and

22 (7) a summarized budget statement that shows:

23 (A) the expenses paid from the budget for each  
24 budgeted officer, department, or institution during that month and  
25 for the period of the fiscal year inclusive of the month for which  
26 the report is made;

27 (B) the encumbrances against the budgets; and

1 (C) the amounts available for further  
2 expenditures.

3 SECTION 24. Section 115.002(c), Local Government Code, is  
4 amended to read as follows:

5 (c) The auditor shall carefully examine the report made  
6 under Section 114.026 by the county treasurer, together with the  
7 canceled orders for payment [~~warrants~~] that have been paid. The  
8 auditor shall verify those orders [~~warrants~~] with the register of  
9 orders [~~warrants~~] issued as shown on the auditor's books.

10 SECTION 25. Section 116.002(b), Local Government Code, is  
11 amended to read as follows:

12 (b) Orders for payment [~~warrants~~], checks, and vouchers  
13 evidencing the money deposited in the county depository under  
14 Subsection (a) are subject to audit and countersignature as  
15 provided by law.

16 SECTION 26. Section 116.115, Local Government Code, is  
17 amended to read as follows:

18 Sec. 116.115. CLEARINGHOUSE FOR MULTIPLE DEPOSITORIES. If  
19 the funds of a county are deposited with more than one depository,  
20 the commissioners court shall by order name one of the depositories  
21 to act as a clearinghouse for the others. All county orders for  
22 payment [~~warrants~~] are finally payable at the depository named as  
23 the clearinghouse.

24 SECTION 27. Sections 116.116(a) and (c), Local Government  
25 Code, are amended to read as follows:

26 (a) A county depository shall pay a check or order for  
27 payment [~~warrant~~] drawn by the county treasurer against funds



1 deposited with the depository on presentation of the check or order  
2 [~~warrant~~] if the funds subject to the check or order [~~warrant~~] are  
3 in the possession of the depository, and, in the case of a time  
4 deposit, if the agreed period of notice has expired.

5 (c) An order for payment [~~A warrant~~] or check, including an  
6 order [~~a warrant~~] or check issued prior to September 1, 1993, issued  
7 by the county treasurer in settlement of a claim against a county  
8 that is not presented for payment before the 366th day following the  
9 date of issuance is overdue and nonnegotiable. The sum of the  
10 overdue order [~~warrant~~] or check shall be credited as revenue to the  
11 county if delivery to the payees was attempted or occurred within a  
12 reasonable time following the issuance of the order [~~warrant~~] or  
13 check. No right to full settlement of a proper unpaid claim is  
14 extinguished by this subsection.

15 SECTION 28. The heading to Section 116.120, Local  
16 Government Code, is amended to read as follows:

17 Sec. 116.120. COLLECTION OF CERTAIN OVERDUE COUNTY ORDERS  
18 FOR PAYMENT [~~WARRANTS~~] OR CHECKS.

19 SECTION 29. Sections 116.120(a) and (b), Local Government  
20 Code, are amended to read as follows:

21 (a) This section applies only to an order for payment [~~a~~  
22 ~~warrant~~] or check issued by a county treasurer in settlement of a  
23 claim against a county that has not been presented for payment.

24 (b) A person attempting to recover funds from the county for  
25 a check or order for payment [~~warrant~~] issued by the county  
26 treasurer may not charge the person to whom the check or order  
27 [~~warrant~~] was issued and on whose behalf the attempted recovery is

1 made, or that person's successors or assigns, a fee in an amount  
2 equal to more than 10 percent of the face value of the check or order  
3 [~~warrant~~].

4 SECTION 30. Section 116.155, Local Government Code, is  
5 amended to read as follows:

6 Sec. 116.155. FAILURE OF DEPOSITORY TO PAY CHECK OR ORDER  
7 FOR PAYMENT [~~WARRANT~~]. A depository that does not pay a check or  
8 order for payment [~~warrant~~] as required by Section 116.116(a) is  
9 liable for and shall pay to the holder 10 percent of the amount of  
10 the check or order for payment [~~warrant~~], and the commissioners  
11 court shall revoke the order creating the depository.

12 SECTION 31. Section 118.023(c), Local Government Code, is  
13 amended to read as follows:

14 (c) In this section, "ex officio services" includes  
15 services in relation to roads, bridges, and ferries; issuing and  
16 taking receipts for jury scrip or county orders for payment  
17 [~~warrants~~]; services in habeas corpus cases; making out bar  
18 dockets; keeping records of trust funds; filing and docketing all  
19 papers for the commissioners court; keeping road overseers' books  
20 and lists of hands; recording all collection returns of delinquent  
21 insolvents; recording county treasurer's reports; recording  
22 reports of justices of the peace; recording reports of animals  
23 slaughtered; and services in connection with elections.

24 SECTION 32. Section 130.902(c), Local Government Code, is  
25 amended to read as follows:

26 (c) A change fund may not be used to make loans or advances  
27 or to cash checks or orders for payment [~~warrants~~] of any kind.

1 SECTION 33. Section 130.905(b), Local Government Code, is  
2 amended to read as follows:

3 (b) In making payments to support the paupers that the  
4 county is required to support, the commissioners court, with the  
5 concurrence of the county auditor, may make one payment to the head  
6 of the county welfare department. The head of the county welfare  
7 department may disburse the money to the paupers on orders for  
8 payment [~~warrants~~] designed by the county auditor. The orders  
9 [~~warrants~~] are subject to audit by the county auditor at any time.  
10 The disbursements must be reported on forms and at times prescribed  
11 by the auditor.

12 SECTION 34. Section 130.909(c), Local Government Code, is  
13 amended to read as follows:

14 (c) The petty cash fund may not be used to make loans or  
15 advances or to cash checks or orders for payment [~~warrants~~] of any  
16 kind.

17 SECTION 35. (a) Article 103.004(b), Code of Criminal  
18 Procedure, is repealed.

19 (b) The following sections of the Local Government Code are  
20 repealed:

21 (1) Sections 113.061(c), (d), (e), and (f);

22 (2) Section 113.062; and

23 (3) Section 113.066.

24 SECTION 36. (a) A county treasurer required to execute a  
25 surety bond under Section 83.008, Local Government Code, as added  
26 by this Act, shall execute a surety bond not later than October 1,  
27 2011.

1           (b) The change in law made by Section 83.009, Local  
2 Government Code, as added by this Act, applies to an assistant  
3 treasurer or treasury deputy appointed on or after the effective  
4 date of this Act. An assistant treasurer or treasury deputy  
5 appointed before the effective date of this Act is covered by the  
6 law in effect when the assistant treasurer or treasury deputy was  
7 appointed.

8           SECTION 37. This Act takes effect September 1, 2011.