

1-1 By: Duncan S.B. No. 373
1-2 (In the Senate - Filed January 19, 2011; February 2, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 14, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 14, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 373 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the office of county treasurer.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (b), Article 103.003, Code of
1-13 Criminal Procedure, is amended to read as follows:

1-14 (b) A community supervision and corrections department and
1-15 a county treasurer may collect money payable under this title with
1-16 the written approval of the clerk of the court or fee officer, and
1-17 may collect money payable as otherwise provided by law.

1-18 SECTION 2. Subsections (a) and (c), Article 103.004, Code
1-19 of Criminal Procedure, are amended to read as follows:

1-20 (a) Except as provided by Subsection [~~Subsections (b) and~~]
1-21 (c), an officer who collects recognizances, bail bonds, fines,
1-22 forfeitures, judgments, jury fees, and other obligations recovered
1-23 in the name of the state under any provision of this title shall
1-24 deposit the money in the county treasury not later than the next
1-25 regular business day after the date that the money is collected. If
1-26 it is not possible for the officer to deposit the money in the
1-27 county treasury by that date, the officer shall deposit the money in
1-28 the county treasury as soon as possible, but not later than the
1-29 fifth [~~third~~] regular business day after the date that the money is
1-30 collected.

1-31 (c) The commissioners court of a county with a population of
1-32 less than 50,000 may authorize an officer who is required to deposit
1-33 money under Subsection (a) to deposit the money in the county
1-34 treasury not later than the 15th [~~30th~~] day after the date that the
1-35 money is collected.

1-36 SECTION 3. Subsection (a), Section 83.003, Local Government
1-37 Code, is amended to read as follows:

1-38 (a) A [~~Within one year after the date on which a~~] person
1-39 first takes office as [~~county treasurer, the~~] county treasurer must
1-40 successfully complete an introductory course of instruction in the
1-41 performance of the duties of county treasurer:

1-42 (1) within one year after the date on which the person
1-43 takes office if elected to a full term; or

1-44 (2) at the earliest available date if appointed by the
1-45 commissioners court or elected to an unexpired term of county
1-46 treasurer.

1-47 SECTION 4. Chapter 83, Local Government Code, is amended by
1-48 adding Sections 83.008 and 83.009 to read as follows:

1-49 Sec. 83.008. SURETY BOND ON ASSISTANT TREASURERS, DEPUTIES,
1-50 AND EMPLOYEES; SELF-INSURANCE. (a) If a county treasurer employs
1-51 only one assistant or deputy, the county treasurer shall execute a
1-52 surety bond to cover the assistant or deputy and shall execute a
1-53 schedule surety bond or a blanket surety bond to cover all other
1-54 employees of the office. If a county treasurer employs more than
1-55 one assistant or deputy, the county treasurer shall execute a
1-56 blanket surety bond to cover the assistants or deputies and all
1-57 other employees of the office.

1-58 (b) Instead of a county treasurer obtaining a bond as
1-59 required by Subsection (a), the county may self-insure against
1-60 losses that would have been covered by the bond.

1-61 (c) The bond under this section must be conditioned in the
1-62 same manner and must be for the same amount as the bond for the
1-63 county treasurer under Section 83.002. The bond must be made

2-1 payable to the county judge for the use and benefit of the county
2-2 treasurer.

2-3 Sec. 83.009. ASSISTANT TREASURER OR TREASURY DEPUTY.

2-4 (a) The appointment of an assistant treasurer or treasury deputy
2-5 must be in writing, be signed by the county treasurer, and bear the
2-6 seal of the county court.

2-7 (b) A person appointed as an assistant treasurer or treasury
2-8 deputy, before beginning to perform the duties of office, must take
2-9 and subscribe the official oath, which, together with the
2-10 certificate of the officer administering the oath, must be endorsed
2-11 on the appointment. The appointment and oath shall be deposited and
2-12 recorded in the county clerk's office.

2-13 (c) An assistant treasurer or treasury deputy acts in the
2-14 name of the county treasurer as directed by the county treasurer and
2-15 may perform all official acts that the county treasurer may perform
2-16 at the discretion of the county treasurer.

2-17 SECTION 5. Sections 111.0707 and 111.07075, Local
2-18 Government Code, are amended to read as follows:

2-19 Sec. 111.0707. SPECIAL BUDGET FOR REVENUE FROM
2-20 INTERGOVERNMENTAL CONTRACTS. (a) The county auditor shall
2-21 certify to the commissioners court the receipt of all revenue from
2-22 intergovernmental contracts that is available for disbursement in a
2-23 fiscal year but not included in the budget for that fiscal year. On
2-24 certification, the court shall adopt a special budget for the
2-25 limited purpose of spending the revenue from intergovernmental
2-26 contracts for its intended purpose.

2-27 (b) The county treasurer shall notify the county auditor of
2-28 the receipt of all revenue from intergovernmental contracts not
2-29 previously included in a special budget or the annual budget for
2-30 that fiscal year.

2-31 Sec. 111.07075. SPECIAL BUDGET FOR REVENUE RECEIVED AFTER
2-32 START OF FISCAL YEAR. (a) The county auditor shall certify to the
2-33 commissioners court the receipt of revenue from a new source not
2-34 anticipated before the adoption of the budget and not included in
2-35 the budget for that fiscal year. On certification, the court may
2-36 adopt a special budget for the limited purpose of spending the
2-37 revenue for general purposes or for any of its intended purposes.

2-38 (b) The county treasurer shall notify the county auditor of
2-39 the receipt of all revenue from a new source not anticipated before
2-40 the adoption of the budget and not previously included in a special
2-41 budget or the annual budget for that fiscal year.

2-42 SECTION 6. Subchapter A, Chapter 113, Local Government
2-43 Code, is amended by adding Section 113.0001 to read as follows:

2-44 Sec. 113.0001. DEFINITIONS. In this chapter:

2-45 (1) "Depository" means the financial institution
2-46 selected under Section 116.021 for safekeeping of the county
2-47 treasury.

2-48 (2) "Depository account" means an account covered by
2-49 the depository agreement, including required collateral.

2-50 (3) "Money" means an item or medium of exchange such as
2-51 coins, currency, checks, or other means of payment, including
2-52 electronic payment.

2-53 (4) "Treasury" means the money belonging to the county
2-54 held by the county treasurer.

2-55 SECTION 7. Section 113.008, Local Government Code, is
2-56 amended to read as follows:

2-57 Sec. 113.008. RECONCILIATION OF DEPOSITORY ACCOUNTS
2-58 [COUNTY CHECKS AND WARRANTS]. (a) The county depository shall
2-59 provide statements of all bank activity and documentation
2-60 supporting a statement's transactions not less than once a month
2-61 [all canceled checks and warrants and supporting statements] to the
2-62 county treasurer.

2-63 (b) The county depository shall provide the information
2-64 required by Subsection (a) to the official responsible for the
2-65 account [Subsection (a) does not apply] if:

2-66 (1) the checks and orders for payment [warrants] are
2-67 payable from funds under the direct authority of an official other
2-68 than the county treasurer as provided by statute; and

2-69 (2) the official has not delegated the responsibility

3-1 for reconciliation under Subsection (b-1).
 3-2 ~~(b-1) The [exemption provided by this subsection does not~~
 3-3 ~~apply if the]~~ official may request ~~[requests]~~ the county treasurer
 3-4 to be responsible for the reconciliation of the checks and orders
 3-5 for payment ~~[warrants]~~ payable from the funds that are under the
 3-6 direct authority of the official. Except as provided by Subsection
 3-7 (g), an official who fails to reconcile the official's special
 3-8 accounts monthly shall transfer responsibility for account
 3-9 reconciliation to the county treasurer. Unless the official and
 3-10 county treasurer set another period in writing for the duration of a
 3-11 transfer under this section, the transfer is effective for the
 3-12 duration of the term of office for the designating officer.

3-13 (c) In fulfilling the requirements of Subsections
 3-14 [Subsection] (a) and (b), the county depository shall provide, at
 3-15 the direction of the county treasurer and in accordance with the
 3-16 rules adopted by the Texas State Library and Archives Commission,
 3-17 originals, optical images, or electronic images of:

3-18 (1) ~~[original]~~ canceled checks and orders for payment
 3-19 [warrants]; [or]

3-20 (2) deposit detail;

3-21 (3) debit and credit memoranda; or

3-22 (4) electronic transmission detail ~~[optical images of~~
 3-23 ~~the front and back of canceled checks and warrants if the optical~~
 3-24 ~~images are retained in accordance with the rules adopted by the~~
 3-25 ~~Texas State Library and Archives Commission].~~

3-26 (d) The county treasurer shall:

3-27 (1) reconcile all balances and transactions for each
 3-28 treasury account in the county depository's statement of activity
 3-29 to the transactions and balances shown on the treasurer's records
 3-30 [the canceled checks and warrants with the account records of the
 3-31 depository]; and

3-32 (2) ensure all financial adjustments are made
 3-33 regarding the depository account as required.

3-34 (e) In this section, a reference to the county treasurer
 3-35 includes a person performing the duties of the county treasurer.

3-36 (f) Except as provided by Subsection (g), an official with
 3-37 special funds in the depository bank shall:

3-38 (1) reconcile all balances and transactions in the
 3-39 statement of activity to the transactions and balances shown on the
 3-40 official's records; and

3-41 (2) each month, ensure all financial adjustments
 3-42 resulting from the reconciliation are reported to the county
 3-43 auditor for entry in the general set of records and reflected in the
 3-44 cash receipts and disbursement registers of the county treasurer.

3-45 (g) Subsections (b-1) and (f)(2) do not apply to a special
 3-46 fund administered by an attorney representing the state under
 3-47 Chapter 18, 47, or 59, Code of Criminal Procedure.

3-48 SECTION 8. Sections 113.021 and 113.022, Local Government
 3-49 Code, are amended to read as follows:

3-50 Sec. 113.021. REQUIREMENT THAT MONEY BE DEPOSITED WITH
 3-51 COUNTY TREASURER ~~[AND PUT INTO SPECIAL FUND]; INTEREST. (a) The~~
 3-52 ~~fees, commissions, funds, and other money belonging to a county~~
 3-53 ~~shall be deposited with the county treasurer by the person~~
 3-54 ~~[officer] who collects the money. The person [officer] must~~
 3-55 ~~deposit the money in accordance with any applicable procedures~~
 3-56 ~~prescribed by or under Section 112.001 or 112.002. However, the~~
 3-57 ~~county tax assessor-collector must deposit the money in accordance~~
 3-58 ~~with the procedures prescribed by or under the Tax Code and other~~
 3-59 ~~laws.~~

3-60 (b) The county treasurer shall deposit the money in the
 3-61 county depository in the proper ~~[a special]~~ fund to the credit of
 3-62 the ~~person or department collecting [officer who collected]~~
 3-63 ~~money. [If the money is fees, commissions, or other compensation~~
 3-64 ~~collected by an officer who is paid on a salary basis, the~~
 3-65 ~~appropriate special fund is the applicable salary fund created~~
 3-66 ~~under Chapter 154.]~~

3-67 (c) The interest accruing on the money in the ~~[special]~~ fund
 3-68 is for the benefit of the county in accordance with other law.

3-69 Sec. 113.022. TIME FOR MAKING DEPOSITS. (a) A county

4-1 officer or other person who receives money [~~funds~~] shall deposit
 4-2 the money [~~funds~~] with the county treasurer on or before the next
 4-3 regular business day after the date on which the money is [~~funds~~
 4-4 are] received. If this deadline cannot be [~~is not~~] met, the officer
 4-5 or person must deposit the money [~~funds~~], without exception, on or
 4-6 before the fifth [~~seventh~~] business day after the day on which the
 4-7 money is [~~funds are~~] received. However, in a county with fewer than
 4-8 50,000 inhabitants, the commissioners court may extend the period
 4-9 during which funds must be deposited with the county treasurer, but
 4-10 the period may not exceed 15 [~~30~~] days after the date the funds are
 4-11 received.

4-12 (b) A county treasurer shall deposit the money [~~funds~~]
 4-13 received under Subsection (a) in the county depository in
 4-14 accordance with Section 116.113(a). In all cases, the treasurer
 4-15 shall deposit the money [~~funds~~] on or before the seventh business
 4-16 day after the date the treasurer receives the money [~~funds~~].

4-17 SECTION 9. The heading to Section 113.041, Local Government
 4-18 Code, is amended to read as follows:

4-19 Sec. 113.041. DISBURSEMENT OF MONEY BY COUNTY TREASURER;
 4-20 PAYMENT BY CHECK OR ELECTRONIC TRANSMISSION [~~OR WARRANT~~]; LOST OR
 4-21 DESTROYED INSTRUMENT.

4-22 SECTION 10. Section 113.041, Local Government Code, is
 4-23 amended by amending Subsections (b) through (e), (g), and (h) and
 4-24 adding Subsection (d-1) to read as follows:

4-25 (b) Except as provided by Chapter 156, a person may not
 4-26 spend or withdraw money from the county treasury except by a check
 4-27 or order for payment [~~warrant~~] drawn on the county treasury,
 4-28 whether or not the money is in a county depository as required by
 4-29 law.

4-30 (c) The county treasurer may not disburse [~~pay~~] money out of
 4-31 the county treasury without an order for payment [~~a certificate or~~
 4-32 ~~warrant~~] from an officer who is authorized by law to issue the order
 4-33 [~~certificate or warrant~~].

4-34 (d) If the county treasurer doubts the legality or propriety
 4-35 of an order [~~, decree, certificate, or warrant~~] presented to the
 4-36 treasurer for payment, the treasurer may not make the payment. The
 4-37 treasurer shall report the matter to the commissioners court for
 4-38 the court's consideration and direction. The treasurer may require
 4-39 that the claim supporting the order be made available and verified
 4-40 by an affidavit after the claim is approved for payment by the
 4-41 commissioners court.

4-42 (d-1) In a county without a county auditor, the county
 4-43 treasurer may not make a payment if the treasurer has reason to
 4-44 believe that the check or order for payment is not valid as a proper
 4-45 and budgeted item of expenditure. The treasurer shall report the
 4-46 matter to the commissioners court for consideration and direction.

4-47 (e) If the county treasurer is satisfied that an original
 4-48 check or other order drawn on the county treasury by a proper
 4-49 authority is lost or destroyed, the treasurer may issue a duplicate
 4-50 instrument in place of the original. The treasurer may not issue a
 4-51 duplicate until an applicant has filed an affidavit with the
 4-52 treasurer that states that the applicant is the true owner of the
 4-53 original instrument and that, to the best knowledge and belief of
 4-54 the applicant, the original is lost or destroyed.

4-55 (g) If, after issuance of the duplicate instrument, the
 4-56 county treasurer determines that the duplicate was issued
 4-57 improperly or that the applicant or person to whom the duplicate was
 4-58 issued is not the owner of the original instrument, the treasurer
 4-59 shall immediately stop payment or demand [~~the return of the~~
 4-60 ~~duplicate, if it is unpaid, or~~] the return of the amount paid by the
 4-61 county, if the duplicate is paid. If the person fails to return the
 4-62 [~~duplicate instrument or the~~] amount of the instrument, the
 4-63 treasurer shall institute a suit for recovery [~~on the bond~~] through
 4-64 the office of the county or district attorney. Venue for the suit
 4-65 lies in the county in which the treasurer serves.

4-66 (h) A county treasurer may not honor a check or order for
 4-67 payment [~~warrant~~] on the interest and sinking fund provided for a
 4-68 bond of the county or pay out or divert money in that fund except to
 4-69 pay the principal of or interest on the bond or invest money in

5-1 securities as provided by law.

5-2 SECTION 11. The heading to Section 113.042, Local
5-3 Government Code, is amended to read as follows:

5-4 Sec. 113.042. ENDORSEMENT BY COUNTY TREASURER; OTHER
5-5 ~~[WARRANT]~~ REQUIREMENTS FOR ORDER FOR PAYMENT.

5-6 SECTION 12. Subsections (a), (b), (e), (f), and (g),
5-7 Section 113.042, Local Government Code, are amended to read as
5-8 follows:

5-9 (a) On the presentation of an order for payment [~~a warrant~~],
5-10 check, or voucher [~~, or order~~] drawn by a proper authority, and if
5-11 there are sufficient funds for payment on deposit in the account
5-12 against which the instrument is drawn, the county treasurer shall
5-13 endorse on the face of the instrument the order to pay the named
5-14 payee and shall charge the amount in the treasurer's records to the
5-15 fund on which it is drawn.

5-16 (b) The county treasurer may not issue and the county
5-17 depository may not pay a check drawn on the county depository to
5-18 take up an order for payment [~~a warrant~~] drawn by a proper
5-19 authority, but the county treasurer shall, on the presentation of
5-20 the order [~~warrant~~], endorse the order [~~warrant~~] and deliver it to
5-21 the payee, who may present it to the county depository for payment.

5-22 (e) Each check or order for payment [~~warrant~~] issued or
5-23 drawn by an officer under the provisions of this section is subject
5-24 to all laws and rules relating to auditing and countersigning.

5-25 (f) Each order for payment [~~warrant~~] or scrip issued against
5-26 the county treasurer by a judge or court must be signed and attested
5-27 by the clerk or judge of the court under that officer's official
5-28 seal.

5-29 (g) A justice of the peace may not issue an order for payment
5-30 [~~warrants~~] against the county treasury for any purpose except as
5-31 may be provided by the Code of Criminal Procedure.

5-32 SECTION 13. Section 113.043, Local Government Code, is
5-33 amended to read as follows:

5-34 Sec. 113.043. COUNTERSIGNATURE BY COUNTY AUDITOR. In a
5-35 county with a county auditor, the county treasurer and the county
5-36 depository may not pay a check or order for payment [~~warrant~~] unless
5-37 it is countersigned by the county auditor to validate it as a proper
5-38 and budgeted item of expenditure. This section does not apply to a
5-39 check or order [~~warrant~~] for jury service or for restitution
5-40 collected on behalf of an individual as authorized by law.

5-41 SECTION 14. Section 113.046, Local Government Code, is
5-42 amended to read as follows:

5-43 Sec. 113.046. REGISTER OF ORDERS FOR PAYMENT [~~WARRANTS~~]
5-44 ISSUED BY JUDGE OR CLERK. (a) The county auditor shall maintain a
5-45 register of the orders for payment [~~warrants~~] issued on the county
5-46 treasurer by a judge or by the district or county clerk. A register
5-47 entry for an order [~~a warrant~~] must indicate the date of payment by
5-48 the treasurer.

5-49 (b) On a form prepared by the auditor, the clerk or judge
5-50 shall furnish the auditor with a daily itemized report that
5-51 specifies the orders for payment [~~warrants~~] issued, the number of
5-52 orders [~~warrants~~], the amounts of the orders [~~warrants~~], the names
5-53 of the persons to whom the orders [~~warrants~~] are payable, and the
5-54 purposes of the orders [~~warrants~~].

5-55 SECTION 15. Subsection (c), Section 113.048, Local
5-56 Government Code, is amended to read as follows:

5-57 (c) A system or method of payment authorized by this section
5-58 may be used in lieu of or in addition to the issuance of [~~warrants~~
5-59 ~~or~~] checks or orders for payment authorized under this subchapter.

5-60 SECTION 16. The heading to Section 113.061, Local
5-61 Government Code, is amended to read as follows:

5-62 Sec. 113.061. CLAIMS REGISTER [~~, CLASSES OF CLAIMS~~].

5-63 SECTION 17. Section 113.063, Local Government Code, is
5-64 amended to read as follows:

5-65 Sec. 113.063. CLAIMS INFORMATION LIST; INDEBTEDNESS TO THE
5-66 COUNTY. (a) Each officer who collects a fine, penalty,
5-67 forfeiture, judgment, tax, [~~or~~] other indebtedness, or payment
5-68 obligation owed to the county [~~in a claim against the county~~] shall
5-69 keep a descriptive list of those claims. When the officer reports

6-1 the collection, the officer shall file with the report a list that
6-2 states:

- 6-3 (1) the party in whose favor the claim was issued;
- 6-4 (2) the receipt number issued in documentation of
6-5 payment [~~class and register number of the claim~~];
- 6-6 (3) the name of the party paying in the claim;
- 6-7 (4) the amount received; and
- 6-8 (5) the purpose for which the amount was received.

6-9 (b) The officer shall give the claims and the report to the
6-10 county treasurer, who shall give the officer a receipt. The
6-11 treasurer shall determine the time and manner of making [~~file the~~
6-12 ~~list with~~] the [~~treasurer's~~] report [~~in the office of the county~~
6-13 ~~clerk~~].

6-14 SECTION 18. Section 114.022, Local Government Code, is
6-15 amended by adding Subsection (c) to read as follows:

6-16 (c) A county publishing monthly financial reports under
6-17 Section 114.023 that publishes its comprehensive annual financial
6-18 report on its Internet website is not required to publish an exhibit
6-19 under this section.

6-20 SECTION 19. Subsection (b), Section 114.023, Local
6-21 Government Code, is amended to read as follows:

6-22 (b) In addition to information considered necessary by the
6-23 auditor or required by the commissioners court, the report must
6-24 contain:

- 6-25 (1) all of the facts of interest related to the
6-26 financial condition of the county;
- 6-27 (2) a consolidated balance sheet;
- 6-28 (3) a complete statement of the balances on hand at the
6-29 beginning and end of the month;
- 6-30 (4) a statement of the aggregate receipts and
6-31 disbursements of each fund;
- 6-32 (5) a statement of transfers to and from each fund;
- 6-33 (6) a statement of the bond and order for payment
6-34 [~~warrant~~] indebtedness with corresponding rates of interest; and
- 6-35 (7) a summarized budget statement that shows:

6-36 (A) the expenses paid from the budget for each
6-37 budgeted officer, department, or institution during that month and
6-38 for the period of the fiscal year inclusive of the month for which
6-39 the report is made;

6-40 (B) the encumbrances against the budgets; and

6-41 (C) the amounts available for further
6-42 expenditures.

6-43 SECTION 20. Subsection (c), Section 115.002, Local
6-44 Government Code, is amended to read as follows:

6-45 (c) The auditor shall carefully examine the report made
6-46 under Section 114.026 by the county treasurer, together with the
6-47 canceled orders for payment [~~warrants~~] that have been paid. The
6-48 auditor shall verify those orders [~~warrants~~] with the register of
6-49 orders [~~warrants~~] issued as shown on the auditor's books.

6-50 SECTION 21. Subsection (b), Section 116.002, Local
6-51 Government Code, is amended to read as follows:

6-52 (b) Orders for payment [~~warrants~~], checks, and vouchers
6-53 evidencing the money deposited in the county depository under
6-54 Subsection (a) are subject to audit and countersignature as
6-55 provided by law.

6-56 SECTION 22. Section 116.115, Local Government Code, is
6-57 amended to read as follows:

6-58 Sec. 116.115. CLEARINGHOUSE FOR MULTIPLE DEPOSITORIES. If
6-59 the funds of a county are deposited with more than one depository,
6-60 the commissioners court shall by order name one of the depositories
6-61 to act as a clearinghouse for the others. All county orders for
6-62 payment [~~warrants~~] are finally payable at the depository named as
6-63 the clearinghouse.

6-64 SECTION 23. Subsections (a) and (c), Section 116.116, Local
6-65 Government Code, are amended to read as follows:

6-66 (a) A county depository shall pay a check or order for
6-67 payment [~~warrant~~] drawn by the county treasurer against funds
6-68 deposited with the depository on presentation of the check or order
6-69 [~~warrant~~] if the funds subject to the check or order [~~warrant~~] are

7-1 in the possession of the depository, and, in the case of a time
7-2 deposit, if the agreed period of notice has expired.

7-3 (c) An order for payment [~~A warrant~~] or check, including an
7-4 order [~~a warrant~~] or check issued prior to September 1, 1993, issued
7-5 by the county treasurer in settlement of a claim against a county
7-6 that is not presented for payment before the 366th day following the
7-7 date of issuance is overdue and nonnegotiable. The sum of the
7-8 overdue order [~~warrant~~] or check shall be credited as revenue to the
7-9 county if delivery to the payees was attempted or occurred within a
7-10 reasonable time following the issuance of the order [~~warrant~~] or
7-11 check. No right to full settlement of a proper unpaid claim is
7-12 extinguished by this subsection.

7-13 SECTION 24. The heading to Section 116.120, Local
7-14 Government Code, is amended to read as follows:

7-15 Sec. 116.120. COLLECTION OF CERTAIN OVERDUE COUNTY ORDERS
7-16 FOR PAYMENT [~~WARRANTS~~] OR CHECKS.

7-17 SECTION 25. Subsections (a) and (b), Section 116.120, Local
7-18 Government Code, are amended to read as follows:

7-19 (a) This section applies only to an order for payment [~~a~~
7-20 ~~warrant~~] or check issued by a county treasurer in settlement of a
7-21 claim against a county that has not been presented for payment.

7-22 (b) A person attempting to recover funds from the county for
7-23 a check or order for payment [~~warrant~~] issued by the county
7-24 treasurer may not charge the person to whom the check or order
7-25 [~~warrant~~] was issued and on whose behalf the attempted recovery is
7-26 made, or that person's successors or assigns, a fee in an amount
7-27 equal to more than 10 percent of the face value of the check or order
7-28 [~~warrant~~].

7-29 SECTION 26. Section 116.155, Local Government Code, is
7-30 amended to read as follows:

7-31 Sec. 116.155. FAILURE OF DEPOSITORY TO PAY CHECK OR ORDER
7-32 FOR PAYMENT [~~WARRANT~~]. A depository that does not pay a check or
7-33 order for payment [~~warrant~~] as required by Section 116.116(a) is
7-34 liable for and shall pay to the holder 10 percent of the amount of
7-35 the check or order for payment [~~warrant~~], and the commissioners
7-36 court shall revoke the order creating the depository.

7-37 SECTION 27. Subsection (c), Section 118.023, Local
7-38 Government Code, is amended to read as follows:

7-39 (c) In this section, "ex officio services" includes
7-40 services in relation to roads, bridges, and ferries; issuing and
7-41 taking receipts for jury scrip or county orders for payment
7-42 [~~warrants~~]; services in habeas corpus cases; making out bar
7-43 dockets; keeping records of trust funds; filing and docketing all
7-44 papers for the commissioners court; keeping road overseers' books
7-45 and lists of hands; recording all collection returns of delinquent
7-46 insolvents; recording county treasurer's reports; recording
7-47 reports of justices of the peace; recording reports of animals
7-48 slaughtered; and services in connection with elections.

7-49 SECTION 28. Subsection (c), Section 130.902, Local
7-50 Government Code, is amended to read as follows:

7-51 (c) A change fund may not be used to make loans or advances
7-52 or to cash checks or orders for payment [~~warrants~~] of any kind.

7-53 SECTION 29. Subsection (b), Section 130.905, Local
7-54 Government Code, is amended to read as follows:

7-55 (b) In making payments to support the paupers that the
7-56 county is required to support, the commissioners court, with the
7-57 concurrence of the county auditor, may make one payment to the head
7-58 of the county welfare department. The head of the county welfare
7-59 department may disburse the money to the paupers on orders for
7-60 payment [~~warrants~~] designed by the county auditor. The orders
7-61 [~~warrants~~] are subject to audit by the county auditor at any time.
7-62 The disbursements must be reported on forms and at times prescribed
7-63 by the auditor.

7-64 SECTION 30. Subsection (c), Section 130.909, Local
7-65 Government Code, is amended to read as follows:

7-66 (c) The petty cash fund may not be used to make loans or
7-67 advances or to cash checks or orders for payment [~~warrants~~] of any
7-68 kind.

7-69 SECTION 31. (a) Subsection (b), Article 103.004, Code of

8-1 Criminal Procedure, is repealed.

8-2 (b) The following sections of the Local Government Code are
8-3 repealed:

8-4 (1) Subsections (c), (d), (e), and (f), Section
8-5 113.061;

8-6 (2) Section 113.062; and

8-7 (3) Section 113.066.

8-8 SECTION 32. (a) A county treasurer required to execute a
8-9 surety bond under Section 83.008, Local Government Code, as added
8-10 by this Act, shall execute a surety bond not later than October 1,
8-11 2011.

8-12 (b) The change in law made by Section 83.009, Local
8-13 Government Code, as added by this Act, applies to an assistant
8-14 treasurer or treasury deputy appointed on or after the effective
8-15 date of this Act. An assistant treasurer or treasury deputy
8-16 appointed before the effective date of this Act is covered by the
8-17 law in effect when the assistant treasurer or treasury deputy was
8-18 appointed.

8-19 SECTION 33. This Act takes effect September 1, 2011.

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