

BILL ANALYSIS

Senate Research Center
80R5999 UM-F

S.B. 1106
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Intergovernmental Relations
3/26/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Association of County Auditors has identified four statutes that have inadvertently created conflict, confusion, or redundancy in the financial processes of county government.

As proposed, S.B. 1106 clarifies how financial documents are to be expunged, changes the deadlines for the annual audit to ensure accuracy by pushing the deadline back 30 days, and removes a redundancy in the timing of jail commissary audits. In addition, S.B. 1106 authorizes a county to withhold payments to persons indebted to the county for taxes or other reasons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5, Article 55.02, Code of Criminal Procedure, by amending Subsections (a), (c), and (d) and adding Subsection (g), as follows:

(a) Makes conforming changes.

(c) Make conforming changes.

(d) Makes a conforming change.

(g) Authorizes certain entities to retain records of financial transactions that arose from the expunction proceeding or prosecution of the underlying criminal cause in accordance with internal financial control procedures, notwithstanding any other provision of this section. Requires certain entities retaining records under this subsection to obliterate all portions of the record or file that identify the person who is the subject of the expunction order.

SECTION 2. Amends Article 59.06(g), Code of Criminal Procedure, as follows:

(g) Requires certified copies of an audit to account for the seizure, forfeiture, receipt and specific expenditures of certain proceeds and property to be sent to the comptroller of public account's office and the attorney general not later than the 60th, rather than 30th, day after the date on which the annual period that is the subject of the audit ends. Makes a conforming change.

SECTION 3. Amends Section 511.016(a), Government Code, as follows:

(a) Requires each county auditor to provide the Commission on Jail Standards with a copy of each audit, rather than the auditor's quarterly audit, of the county jail's commissary operation the auditor performs under Section 351.0415 (Commissary Operation by Sherriff or Private Vender), Local Government Code.

SECTION 4. Amends Section 154.025, Local Government Code, as follows:

Sec. 154.025. DISBURSEMENTS TO PERSONS WITH OUTSTANDING DEBT PROHIBITED. (a) Defines "debt."

(b) Creates this subsection from existing text. Prohibits a warrant from being drawn on a county fund in favor of a person, agent, or assignee thereof until the county treasurer, or county auditor if the county does not have a treasurer, notifies in writing the person owing the debt that the debt is outstanding and the debt is paid.

(c) Authorizes a county to apply any funds the county owes a person to the outstanding balance of a debt for which notice is made under Subsection (b)(1), if the notice includes a statement authorizing the county to do so.

(d) Authorizes a county to include a notice in its forms, bonds, or other agreements stating that the county may offset payments to a person in accordance with this section.

SECTION 5. Amends Section 154.045, Local Government Code, to define "debt" and to make conforming changes.

SECTION 6. Makes application of the changes in law made to Chapter 55, Code of Criminal Procedure, and Article 59.06(g), Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 7. Effective date: September 1, 2007.