

By: Madden

H.B. No. 561

A BILL TO BE ENTITLED

AN ACT

relating to the authority of county auditors with respect to computer software and data of other local officers or departments.

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

SECTION 1. Subchapter A, Chapter 112, Local Government Code, is amended by adding Section 112.011 to read as follows:

Sec. 112.011. INFORMATION TECHNOLOGY AND SOFTWARE PROGRAMS; LIMITATION ON AUDITOR AUTHORITY. In exercising authority granted under this subchapter, a county auditor in a county with a population of 190,000 or more may not mandate the use of information technology components or software programs used by county departments, district clerks, district attorneys, county officers, or precinct officers.

SECTION 2. Section 115.001, Local Government Code, is amended to read as follows:

Sec. 115.001. EXAMINATION OF RECORDS. (a) The county auditor shall [~~have continual access to and shall~~] examine and investigate the correctness of:

(1) the books, accounts, reports, vouchers, and other financial records of any officer;

(2) the orders of the commissioners court relating to county finances; and

(3) the vouchers given by the trustees of all common school districts of the county.

1        (b) In exercising authority granted under this section, a  
2 county auditor may not directly access or manipulate real-time data  
3 on a computer maintained by a county department or a district clerk,  
4 district attorney, county officer, or precinct officer except as  
5 authorized by a written agreement between the auditor and the  
6 entity responsible for compiling or maintaining the applicable  
7 data.

8        SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2009.