

BILL ANALYSIS

H.B. 1353
By: Uresti
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Records stored by the City of San Antonio hold historical significance and many provide valuable information about the progress of our community over the last 150 years. The City is the repository of the only permanent original documents such as tax records, deeds, plats and architectural plans, and birth/death/fetal death records. In order to ensure their preservation, a permanent fee is necessary to generate sufficient revenues to cover the costs associated with archiving and preserving these documents.

Currently, there is no fee available to a municipality for the preservation of records. However, the counties have several fees that they are allowed to impose for records management and preservation:

1. Counties charge a \$20 record fee for a defendant in county court, district court, or county court at law. Code of Criminal Procedure Article 102.005(f).
2. Counties charge a \$5 records management and preservation fee for all district court filings under Texas Government Code § 51.317. Municipalities do not have any similar authority.

Records are currently microfilmed, imaged and maintained by the City Clerk's Office Records Management Division and stored at the Municipal Records Facility. House Bill 1353 would allow the city to levy a one dollar fee for records preservation on birth and death records will help the City preserve and restore valuable historical and archival documents and enable the City to preserve and maintain numerous historical documents.

San Antonio is the 9th largest city in the U.S., and one of the oldest established cities in the State. Texas is the second most populous state in the union. San Antonio and other Texas cities are facing a crisis in records preservation. Local registrars provide the easiest access for citizens to obtain records from the city and the state. In order to meet the ever increasing demands of our citizens, the City must be able to adequately preserve their records and provide easier access in the future.

San Antonio provides approximately 78,000 births and 97,000 death/fetal death records each year.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill amends the Health and Safety Code by authorizing a local registrar to collect a fee not to exceed \$1, in addition to other fees collected under the chapter on fees in the Health and Safety Code, for the preservation of vital statistics records maintained by the registrar, including birth, death, fetal death, marriage, divorce, and annulment records. The bill requires the fee to be collected by the registrar on the issuance of a vital statistics record.

EFFECTIVE DATE

September 1, 2003