

## **BILL ANALYSIS**

Senate Research Center

S.B. 526  
By: Hinojosa  
Intergovernmental Relations  
8/18/2005  
Enrolled

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The 77<sup>th</sup> Legislature, Regular Session, 2001, amended Chapter 118, Local Government Code, to authorize the commissioners court of a county adjacent to an international border to adopt a records archive fee of not more than \$5 for the preservation, restoration, and maintenance of certain county records in the care of the county clerk. The 78<sup>th</sup> Legislature, Regular Session, 2003, amended Chapter 118 to allow all counties to adopt a records archive fee. S.B. 526 directs the county clerk to designate the public documents that are part of the records archive, subject to the approval of the commissioners court. S.B. 526 also removes the sunset provision related to the records archive fee in Sections 118.011(g) and 118.025(k), Local Government Code. It also increases the records management and preservation fee paid by defendants who are convicted in a county court, county court at law, or a district court.

### **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 118.025(e), Local Government Code, to require the county clerk to designate the public documents that are part of the records archive for purposes of this section. Provides that the designation of public documents by the county clerk under this subsection is subject to approval by the commissioners court in a public meeting.

SECTION 2. Amends Article 102.005, Code of Criminal Procedure, by amending Subsection (f) and adding Subsections (g) and (h), as follows:

(f) Increases from \$20 to \$25 the records management and preservation services fee paid by defendants who are convicted in certain courts. Requires the fee to be collected and distributed by the clerk of the court to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, to be deposited in a certain manner.

(g) Authorizes a fee deposited in accordance with Subsection (f) to be used for certain purposes.

(h) Requires an expenditure from a records management and preservation fund to comply with Subchapter C (Competitive Bidding in General), Chapter 262, Local Government Code.

SECTION 3. Amends, Section 51.317(c), Government Code, to require the district clerk, after collecting a fee under Subsection (b)(4), to pay the fee to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, to be deposited in a certain manner.

SECTION 4. Amends Section 102.041, Government Code, to make a conforming change.

SECTION 5. Amends Section 102.061, Government Code, to make a conforming change.

SECTION 6. Amends Section 102.081, Government Code, to make a conforming change.

SECTION 7. Repealer: Sections 118.011(g) (Fee Schedule) and 118.025(a)(4) and (k), (County Clerks Records Archive), Local Government Code.

SECTION. 8. Makes application of this Act prospective.

SECTION 9. Effective date: upon passage or September 1, 2005.