

By: Phillips

H.B. No. 2697

A BILL TO BE ENTITLED

AN ACT

relating to the preservation of Texas historical resources and historical government records; imposing fees; making an appropriation.

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

SECTION 1. Chapter 441, Government Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. TEXAS HISTORICAL GOVERNMENT RECORDS PRESERVATION

ACCOUNT

Sec. 441.261. TEXAS HISTORICAL GOVERNMENT RECORDS PRESERVATION ACCOUNT. (a) The Texas historical government records preservation account is an account in the general revenue fund and to be administered by the commission for the purposes stated in this subchapter.

(b) The amount of \$2.50 of each fee paid for the first page of a real property records filing under Section 118.011, Local Government Code, must be deposited to the credit of the account.

Sec. 441.262. HISTORICAL GOVERNMENT RECORDS. For purposes of this subchapter, historical government records include:

(1) any local government record with a retention period established as permanent or for which a review for possible historical value is required in a local government records retention schedule issued under Section 441.158; and

(2) any state record identified as an archival state

1 record or subject to review as a potential archival state record by
2 the state archivist under Section 441.186.

3 Sec. 441.263. TEXAS HISTORICAL GOVERNMENT RECORDS
4 PRESERVATION GRANTS. (a) The commission shall establish a program
5 of state grants to counties, municipalities, other local
6 governmental entities, and state governmental entities to preserve
7 the historically valuable records of the governments of this state.

8 (b) The commission shall award the grants to enable grant
9 recipients to:

10 (1) preserve, repair, restore, manage, and provide
11 public access to historical government records in the custody of
12 the recipient; and

13 (2) establish or enhance efficient records management
14 programs to ensure that current records of historical value or
15 potential historical value in the custody of the recipient are
16 identified, managed, and preserved.

17 (c) The commission shall adopt any necessary rules for the
18 administration of the grant program, including rules relating to
19 eligibility for and the terms of grants awarded under this section.

20 (d) The commission shall approve the award of grants made
21 under this section in open meetings in accordance with Chapter 551.

22 (e) The commission shall determine the amount of the account
23 to be used for the award of grants under this section, but the
24 amount may not be less than 65 percent of the account in any
25 appropriation year, subject to appropriations.

26 Sec. 441.264. STATE ARCHIVES. (a) The commission shall use
27 a portion of the account to preserve, repair, restore, manage, and

1 provide access to the historical government records in the custody
2 of the commission, including records in any regional historical
3 resource depository established by agreement under Section 441.153
4 or in any regional research center established and operated by the
5 commission under Section 441.154.

6 (b) The commission shall determine the amount of the account
7 to be used for activities under this section, subject to
8 appropriations.

9 Sec. 441.265. EMERGENCY DISASTER RECOVERY GRANTS. (a) The
10 commission shall reserve an amount of the account, subject to
11 appropriations, for making emergency grants to local governments to
12 assist them in the recovery of records damaged by fire, flood, or
13 other natural or manmade disaster.

14 (b) The commission shall adopt any necessary rules for the
15 administration of emergency disaster recovery grants, including
16 rules relating to eligibility for and the terms and conditions of an
17 emergency grant.

18 (c) The commission shall determine the amount of the account
19 to be used for emergency disaster recovery grants under this
20 section, subject to appropriations.

21 Sec. 441.266. OTHER USES OF ACCOUNT. (a) The commission
22 shall reserve an amount of the account, subject to appropriations,
23 to:

24 (1) provide training in archival and records
25 management principles and practices to local government officials;

26 (2) provide advanced training in the preservation of
27 electronic records of historical value;

1 (3) provide funding for other projects determined by
2 the commission to be of benefit in the preservation of historical
3 government records; and

4 (4) pay for personnel and administrative expenses
5 incurred by the commission associated with grants, programs, and
6 other activities under this subchapter.

7 (b) The commission shall determine the amount of the account
8 to be used for programs and activities under this section, subject
9 to appropriations.

10 Sec. 441.267. ADVISORY COMMITTEES. The local government
11 records committee established under Section 441.161, and the Texas
12 Historical Records Advisory Board established under Section
13 441.242, shall advise the commission in its adoption of rules under
14 Sections 441.263 and 441.265.

15 SECTION 2. Section 118.011(a), Local Government Code, is
16 amended to read as follows:

17 (a) A county clerk shall collect the following fees for
18 services rendered to any person:

19 (1) Personal Property Records Filing (Sec.
20 118.012) \$ 2.00

21 (2) Real Property Records Filing (Sec. 118.013):
22 for the first page \$5.50 [~~\$3.00~~]
23 for each additional page or part of a page on which
24 there are visible marks of any kind \$ 2.00
25 for all or part of each 8-1/2" X 14" attachment or
26 rider \$ 2.00

27 for each name in excess of five names that has to

1 be indexed in all records in which the document must be
2 indexed \$ 0.25

3 (3) Certified Papers (Sec. 118.014):
4 for the clerk's certificate \$ 5.00
5 plus a fee for each page or part of a page. \$ 1.00

6 (4) Noncertified Papers (Sec. 118.0145):
7 for each page or part of a page. \$ 1.00

8 (5) Birth or Death Certificate (Sec.
9 118.015) same as state registrar

10 (6) Bond Approval (Sec. 118.016) \$ 3.00

11 (7) Marriage License (Sec. 118.018) \$30.00

12 (8) Declaration of Informal Marriage (Sec.
13 118.019) \$25.00

14 (9) Brand Registration (Sec. 118.020) \$ 5.00

15 (10) Oath Administration (Sec. 118.021) \$ 1.00

16 SECTION 3. Subchapter B, Chapter 118, Local Government
17 Code, is amended by adding Section 118.026 to read as follows:

18 Sec. 118.026. DISPOSITION OF REAL PROPERTY FILING FEES. (a)
19 The county clerk shall forward \$2.50 of each fee collected for the
20 filing of the first page of a real property document under Section
21 118.011(a)(2) to the comptroller for deposit as provided by
22 Subsection (b).

23 (b) The comptroller shall deposit the money received under
24 this section to the credit of the Texas historical government
25 records preservation account established under Section 441.261,
26 Government Code.

27 SECTION 4. Section 133.004, Local Government Code, is

1 amended to read as follows:

2 Sec. 133.004. CIVIL FEES. This chapter applies to the
3 following civil fees:

4 (1) the consolidated fee on filing in district court
5 imposed under Section 133.151;

6 (2) the filing fee in district court for basic civil
7 legal services for indigents imposed under Section 133.152;

8 (3) the filing fee in courts other than district court
9 for basic civil legal services for indigents imposed under Section
10 133.153;

11 (4) the filing fees for the judicial fund imposed in
12 certain statutory county courts under Section 51.702, Government
13 Code;

14 (5) the filing fees for the judicial fund imposed in
15 certain county courts under Section 51.703, Government Code;

16 (6) the filing fees for the judicial fund imposed in
17 certain statutory probate courts under Section 51.704, Government
18 Code;

19 (7) fees collected under Section 118.015;

20 (8) marriage license fees for the family trust fund
21 collected under Section 118.018; ~~and~~

22 (9) marriage license or declaration of informal
23 marriage fees for the child abuse and neglect prevention trust fund
24 account collected under Section 118.022; and

25 (10) real property filing fees for the Texas
26 historical government records preservation account collected under
27 Section 118.026.

1 SECTION 5. Section 441.157, Government Code, is repealed.

2 SECTION 6. The changes in fees made by this Act apply only
3 to a fee that became payable on or after the effective date of this
4 Act. A fee that became payable before the effective date of this Act
5 is governed by the law in effect at the time the fee became payable,
6 and that law is continued in effect for that purpose only.

7 SECTION 7. (a) Revenue in the Texas historical government
8 records preservation account collected in the fiscal year beginning
9 September 1, 2005, is appropriated to the Texas State Library and
10 Archives Commission for the fiscal year ending August 31, 2006.

11 (b) Any revenue remaining in the Texas historical
12 government records preservation account on August 31, 2006, is
13 reappropriated for use by the Texas State Library and Archives
14 Commission for the fiscal year beginning September 1, 2006.

15 (c) The requirement of Section 441.263(e), Government Code,
16 that at least 65 percent of the Texas historical government records
17 preservation account be expended on grants, does not apply to the
18 fiscal year beginning September 1, 2005.

19 (d) The Texas State Library and Archives Commission is
20 authorized to employ eight full-time employees in addition to the
21 number of full-time employees allocated to the commission by the
22 legislature on the effective date of this Act to implement and
23 administer the grant program and other programs and activities
24 authorized by Subchapter O, Chapter 441, Government Code, as added
25 by this Act.

26 SECTION 8. This Act takes effect September 1, 2005.