

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 24, 2005**

**TO:** Honorable David Swinford, Chair, House Committee on State Affairs

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB971** by Talton (Relating to the availability under the public information law of certain documents filed with a county clerk or a district clerk.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would amend Sections 552.117(b) and 552.1175(e), Government Code, to specify criteria under which documents filed with a county clerk and a district clerk would be exempt from requirements imposed by Sections 552.117 and 552.1175. The bill would take effect September 1, 2005.

Under current statute, Sections 552.117 and 552.1175 create an exception from disclosure under public information requirements the address, telephone number, social security number, and personal family information of certain officials and employees of certain governmental bodies and agencies. That nondisclosure exception does not apply to documents filed with a county or district clerk. Under the proposed change in statute, documents filed with the county or district clerk would be exempt from the nondisclosure only if the documents are not available on the Internet to the general public, or if before giving access to a document or providing a copy of a document, the clerk obtains and makes a permanent record of the name, address, and date of birth of the person requesting the document.

**Local Government Impact**

The County and District Clerks Association reports that the increase in operational costs involved with implementing the provisions of the bill would be significant for most counties, and that all counties would likely incur costs for additional staff. The cost increase would vary by county.

Bexar County (population 1.39 million) and Midland County (population 116,009) did not have estimated amounts, but indicated the costs would increase for adding staff and equipment.

Fort Bend County (population 354,452) estimates the increase in costs would be \$163,750 in fiscal year 2006, which would include new staff and equipment. The county estimates the costs in fiscal years 2007 and 2008 would be \$111,250 and \$114,000 respectively. Additional equipment costs would be anticipated for fiscal year 2009, resulting in total costs of \$161,500, and dropping back to \$119,000 in fiscal year 2010.

Harris County (population 3.4 million) estimates an increase of \$118,785 in fiscal year 2006, \$123,436 in fiscal year 2007, and increasing to \$138,518 by fiscal year 2010.

**Source Agencies:**

**LBB Staff:** JOB, SR, DLBa