

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 18, 2005

**TO:** Honorable Frank Corte, Jr., Chair, House Committee on Defense Affairs & State-Federal Relations

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

**IN RE: HB1123** by Uresti (Relating to military discharge records that are recorded with or otherwise in the possession of a governmental body.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would except from disclosure all Department of Defense Forms DD-214 or other military discharge records filed with a county clerk regardless of when those records were filed. The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

#### Local Government Impact

Under current statute, only DD-214 forms or other military records first recorded or in the possession of the local government on or after September 1, 2003 are excepted from public disclosure.

The fiscal impact would vary by county. According to the County and District Clerks Association, the bill would have the greatest fiscal impact on counties that combine all types of records together into books or microfilm. The county would have to use staff to locate each of the documents and remove them from the books or film, then reproduce the books or microfilm. The cost per roll of film is estimated to be \$35, not including staff time. No estimate was provided on the number of rolls of film likely affected, although it is anticipated to vary by county and could be numerous for several counties. Under this circumstance, a county could have to close access to public research material while trying to identify and remove the records.

Harris County (population 3.4 million) combines DD-214 records with other records in a miscellaneous personal records category. The county estimates it would require two full-time staff working for two years to separate out all of the DD-214 records, copy those records to a new and separate restricted record, and then physically remove the records from the miscellaneous category of records, at a cost of \$89,978 per year, plus \$30,000 for additional equipment in fiscal year 2006.

For counties that have a system in place that already separates the records or for which computer programming could be developed to implement provisions of the bill, the costs would not be as significant. For example, the Fort Bend County Clerk (population 354,452) indicates the county would incur an increase of \$22,000 in costs in fiscal year 2006 and another \$22,000 in fiscal year 2007. The Williamson County Clerk (population 249,967) indicates that the bill would cost the county \$25,000 in fiscal 2006 and \$22,000 in fiscal 2007. They have all of their records together on microfilm and do not separate the DD-214 records. The costs would be for staff and a microfilm splicer.

Other counties contacted have already separated the records completely and report they would have no fiscal impact from passage of the bill: Cochran County (population 3,730), Comal County (population 78,021) and Bexar County (population nearly 1.4 million).

**Source Agencies:** 304 Comptroller of Public Accounts

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