

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable Ray Allen, Chair, House Committee on County Affairs

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

IN RE: SB526 by Hinojosa (Relating to a county's authority to impose a records archive fee.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would require a county clerk, with approval by the commissioners court, to designate the public documents that are part of the county's records archive for the purposes of using funds received from the records archive fee. The date on which Sections 118.025 and 118.011(g), Local Government Code, would expire would be repealed. 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

The repeal of Sections 118.011(g) and 118.025 of the Local Government Code would continue authorization of a county clerk to collect a records archive fee of not more than \$5 if the fee is adopted in the county's budget. The proposed change in statute would also continue the requirements for imposition of the fee and use of the funds collected, as well as continue the definition of a records archive as "public documents filed with the county clerk before January 1, 1990." The county clerk would also be authorized to designate which public documents are part of the records archive, upon approval from the commissioners court.

If the current expiration date of September 1, 2008 for the referenced sections of statute were to remain in place, the applicable current sources of revenue for records archive and restoration would discontinue on that date. The fiscal impact would vary by county.

Bexar County currently archives records prior to January 1990 and has a contract in place that has a fixed amount with a vendor to supply adequate storage. The county indicates the bill would have no fiscal impact on the county.

Dallas County is not charging the archive fee in the fiscal year 2005 budget because it does not have a plan to spend the current \$2.7 million fund balance. The fee was collected in fiscal year 2004. There would be no significant fiscal impact to the county because it does not have a current comprehensive records archive plan.

Harris County currently collects \$5 to preserve those records filed before January 1990. The bill would impact Harris County only beyond fiscal year 2008 when the sunset on the records archive fee would be lifted. If the September 1, 2008 expiration date is lifted, Harris County commissioners may decide to reduce the archive fee from \$5 to \$3 on the 900,000 records filed annually because not as many funds may be required to complete the county's preservation project. Harris County then expects to receive between \$2.7 and \$4.5 million annually that otherwise would not be collected.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, DLBa