

## BILL ANALYSIS

C.S.H.B. 1222  
By: Goolsby  
State Affairs  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Attorney General Opinion GA-0519 released February 21, 2007 requires all documents maintained for display on the internet by a County Clerk to have the social security numbers of living persons redacted. C.S.H.B. 1222 will make it clear in the statutes that funds from the fees in Sections 118.0216(d); 118.025(a), (b), (e), (g), (h), and (j); 118.0546(d) and (e); and 118.0645(d) and (e) of the Local Government Code are authorized to be used to redact the type of information required by GA-0519.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

SECTION 1. Amends Subsection 118.0216(d), Local Government Code, to clarify that funds from the fee for "Records Management and Preservation" are authorized to be used only for automation purposes and in a county with a population of more than 2.2 million that is adjacent to a county with a population of more than 1.4 million, for prevention of identity theft by redacting information in a record, as authorized or required by law.

SECTION 2. Amends Subsection 118.025(a), Local Government Code, to define the term **Protection** as any process of redacting information in a public document for the prevention of identity theft.

SECTION 3. Amends Subsections 118.025(b), (e), (g), (h), and (j), Local Government Code, to clarify that funds from the fee for "Records Archive" are authorized to be used for the preservation, restoration, and if applicable, protection of the county clerk's records archive and services performed by the county clerk in connection with maintaining the archive. The bill provides the format for the notice to be posted in a conspicuous place in the county clerk's office. The bill prohibits the commissioners court of a county from ordering the collection of a fee authorized by this section after the county records archive preservation, restoration, and, if applicable, protection are complete.

SECTION 4. Amends Subsection 118.0546(d) and adds Subsection 118.0546(e), Local Government Code, to clarify that funds from the fee for "Records Management and Preservation" are required to be only for records management and preservation purposes in the county or in a county with a population of more than 2.2 million that is adjacent to a county with a population of more than 1.4 million, the fee is authorized to be used for the prevention of identity theft by redacting information in a record as authorized or required by law.

SECTION 5. Amends Subsection 118.0645(d) and adds Subsection 118.0645(e), Local Government Code, to clarify that funds from the fee for "Records Management and Preservation" are required to be used only for records management and preservation purposes in the county as required by Chapter 203 or in a county with a population of more than 2.2 million that is adjacent to a county with a population of more than 1.4 million, the fee is authorized to be used for the prevention of identity theft by redacting information in a record as authorized or required by law.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original caption to read "relating to the use by a county of certain fees for the management, protection, and preservation of records" instead of "relating to the use of records management and preservation fees." The substitute conforms the original to Texas Legislative Council style and format. The substitute also makes conforming changes throughout the original.

SECTION 1. The substitute modifies the original by adding "in a county with a population of more than 2.2 million that is adjacent to a county with a population of more than 1.4 million" to clarify where funds from the records management and preservation fee are authorized to be used for the prevention of identity theft by redacting information in a record.

SECTION 2. The substitute adds a new section to the original to define the term "protection."

SECTION 3. The substitute adds a new section to the original to clarify that funds from the records archive fee are authorized to be used for the preservation, restoration, and if applicable, protection of the county clerk's records archive and services performed by the county clerk in connection with maintaining the archive. The bill provides the format for the notice to be posted in a conspicuous place in the county clerk's office. The bill prohibits the commissioners court of a county from ordering the collection of a fee authorized by this section after the county records archive preservation, restoration, and, if applicable, protection are complete.

SECTION 4. The substitute replaces SECTION 2 of the original to clarify that funds from the records management and preservation fee are required to be only for records management and preservation purposes in the county or in a county with a population of more than 2.2. million that is adjacent to a county with a population of more than 1.4 million, the fee is authorized to be used for the prevention of identity theft by redacting information in a record as authorized or required by law.

SECTION 5. The substitute replaces SECTION 3 of the original to clarify that funds from the records management and preservation fee are required to be used only for records management and preservation purposes in the county as required by Chapter 203 or in a county with a population of more than 2.2. million that is adjacent to a county with a population of more than 1.4 million, the fee is authorized to be used for the prevention of identity theft by redacting information in a record as authorized or required by law.

SECTION 6. The substitute is identical to SECTION 4 of the original and provides the effective date of the Act.