

By: Goolsby

H.B. No. 1222

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use by a county of certain fees for the management,  
3 protection, and preservation of records.

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

5 SECTION 1. Section 118.0216(d), Local Government Code, is  
6 amended to read as follows:

7 (d) The fee may be used only to provide funds for specific  
8 records management and preservation, including:

9 (1) for automation purposes; and

10 (2) in a county with a population of more than 2.2  
11 million that is adjacent to a county with a population of more than  
12 1.4 million, for prevention of identity theft by redacting  
13 information in a record, as authorized or required by law.

14 SECTION 2. Section 118.025(a), Local Government Code, is  
15 amended by adding Subdivision (4) to read as follows:

16 (4) "Protection" means any process of redacting  
17 information in a public document for the prevention of identity  
18 theft, as authorized or required by law.

19 SECTION 3. Sections 118.025(b), (e), (g), (h), and (j),  
20 Local Government Code, are amended to read as follows:

21 (b) The commissioners court of a county may adopt a records  
22 archive fee under Section 118.011(f) as part of the county's annual  
23 budget. The fee must be set and itemized in the county's budget as  
24 part of the budget preparation process. The fee for "Records

1 Archive" under Section 118.011(f) is for the preservation, ~~[and]~~  
2 restoration, and, if applicable, protection services performed by  
3 the county clerk in connection with maintaining a county clerk's  
4 records archive.

5 (e) The funds generated from the collection of a fee under  
6 this section may be expended only for the preservation, ~~[and]~~  
7 restoration, and, if applicable, protection of the county clerk's  
8 records archive. The county clerk shall designate the public  
9 documents that are part of the records archive for purposes of this  
10 section. The designation of public documents by the county clerk  
11 under this subsection is subject to approval by the commissioners  
12 court in a public meeting.

13 (g) The county clerk shall prepare an annual written plan  
14 for funding the preservation, ~~[and]~~ restoration, and, if  
15 applicable, protection of the county clerk's records archive. The  
16 commissioners court shall publish notice of a public hearing on the  
17 plan in a newspaper of general circulation in the county not later  
18 than the 15th day before the date of the hearing. After the public  
19 hearing, the plan shall be considered for approval by the  
20 commissioners court. Funds from the records archive account may be  
21 expended only as provided by the plan. All expenditures from the  
22 records archive account shall comply with Subchapter C, Chapter  
23 262.

24 (h) If a county charges a fee under this section, a notice  
25 shall be posted in a conspicuous place in the county clerk's office.  
26 The notice must state the amount of the fee in the following form:  
27 "THE COMMISSIONERS COURT OF \_\_\_\_\_ COUNTY HAS DETERMINED

1 THAT A RECORDS ARCHIVE FEE OF \$\_\_\_\_\_ IS NEEDED TO \_\_\_\_\_  
2 (preserve and restore, or preserve, restore, and protect, as  
3 applicable) [~~PRESERVE AND RESTORE~~] COUNTY RECORDS."

4 (j) Any excess funds generated from the collection of a fee  
5 under this section remaining after completion of a county records  
6 archive preservation, [~~and~~] restoration, and, if applicable,  
7 protection project may be expended only for the purposes described  
8 by Section 118.0216. The commissioners court of a county may not  
9 order the collection of a fee authorized by this section after the  
10 county records archive preservation, [~~and~~] restoration, and, if  
11 applicable, protection are [~~is~~] complete.

12 SECTION 4. Section 118.0546, Local Government Code, is  
13 amended by amending Subsection (d) and adding Subsection (e) to  
14 read as follows:

15 (d) The fee shall be used only for records management and  
16 preservation purposes in the county or as provided by Subsection  
17 (e). No expenditure may be made from this fund without prior  
18 approval of the commissioners court.

19 (e) In a county with a population of more than 2.2 million  
20 that is adjacent to a county with a population of more than 1.4  
21 million, the fee may be used for the prevention of identity theft by  
22 redacting information in a record as authorized or required by law.

23 SECTION 5. Section 118.0645, Local Government Code, is  
24 amended by amending Subsection (d) and adding Subsection (e) to  
25 read as follows:

26 (d) The fee shall be used only for records management and  
27 preservation purposes in the county as required by Chapter 203 or as

1 provided by Subsection (e). No expenditure may be made from this  
2 fund without prior approval of the commissioners court.

3 (e) In a county with a population of more than 2.2 million  
4 that is adjacent to a county with a population of more than 1.4  
5 million, the fee may be used for the prevention of identity theft by  
6 redacting information in a record as authorized or required by law.

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