

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 9, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

IN RE: HB2061 by Keffer, Jim (Relating to the acquisition or disclosure of the social security number of a living person by a governmental body, including by a district or county clerk.),
As Engrossed

No fiscal implication to the State is anticipated.

The bill would amend Section 552.147, Government Code, to authorize a county or district clerk to disclose in the ordinary course of business a social security number that is contained in information held by the clerk's office. In addition, unless another law requires a social security number to be maintained in a government document, the clerk would be required to redact all but the last four digits of a social security number from official public records maintained by the clerk's office upon receiving a written request from an individual or their representative. The written request would be required to be on a form provided by the clerk.

The bill would amend Section 11.008, Property Code, to prohibit a preparer from including a person's social security number on an instrument submitted for recording in a county clerk's office. Other than the duty to redact an individual's social security number upon the person's request, a county clerk would have no duty to ensure an instrument presented does not contain a social security number.

The bill would take effect immediately if it were to receive a two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Local Government Impact

Based on Attorney General Opinion GA-0159 (February 2007), under current statute, clerks would have to go through all records maintained in their offices and redact social security numbers. Passage of the bill would create a significant savings for county and district clerks' offices that, prior to GA-0159, have not been redacting social security numbers from all existing records. The savings would vary depending on number of records maintained.

For example, Comal County (2000 U.S. Census population of 78,021) estimates implementing provisions of the bill would result in a savings of nearly \$667,000, an amount the county would otherwise incur as costs to come into compliance with GA-0159. The county estimates having about 1 million records, averaging 4 pages each.

The Fort Bend County Clerk's Office estimates a savings of \$1 million that would otherwise have to be spent for redacting social security numbers from all existing records maintained by that office. Fort Bend's most recent decennial population is 354,452. The Williamson County Clerk's Office estimates a savings of \$720,000, an amount that otherwise would be required for software, hardware, staff, and staff time (approximately six to nine months) to come into compliance with GA-0159. Williamson County's population according to the 2000 U.S. Census is 249,967.

Source Agencies:

LBB Staff: JOB, KJG, DB