

BILL ANALYSIS

C.S.H.B. 1055
By: Villarreal
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, municipal clerks preserve their cities' records. C.S.H.B.1055 will provide the municipal clerk's office in cities with a population of more than one million with the option for a new revenue source for covering costs of preservation services.

C.S.H.B.1055 allows for the municipal clerk in cities with a population of more than one million to impose a fee not to exceed \$5 for records management and preservation services. The bill will give the governing body of the municipality the authority to set the fee and determine the documents that qualify as municipal documents. The fee may be used only by the municipal clerk for specific records management and preservation of municipal records.

C.S.H.B.1055 will improve the preservation of historic records so that we may pass on to each generation the history of the State of Texas.

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 Subtitle A, Title 4, Local Government Code by adding Chapter 109 to read as follows: CHAPTER 109. FEES CHARGED BY MUNICIPAL OFFICERS SUBCHAPTER A. GENERAL PROVISIONS. Further, Sec.109.001 applies only to a municipality in a county with a population of more than one million. Sections 109.002-109.020 are reserved for expansion. Additionally, Sec.109.021 of the bill provides a municipality may impose a fee not to exceed \$5 for records management and preservation services performed by a municipal clerk for a historical municipal document requested from the office of the clerk. Additionally, the person requesting the document must pay the fee when the document is requested, the governing body of the municipality shall set the fee and determine the documents that qualify as historical municipal documents under this section, and the fee may be used only by the municipal clerk for specific records management and preservation of municipal records.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the 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, 2011.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1055 differs from the original H.B.1055, in that the substitute adds language to specify the municipal documents to which the bill applies as historical documents. Additionally, C.S.H.B.1055 changes the scope of the bill from "a municipality with a population of more than one million" to include "a municipality in a county with a population of more than one million" with the option to impose a fee not to exceed \$5 for records management and preservation services.