

## **BILL ANALYSIS**

H.B. 2716  
By: Darby  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Observers note that certain statutory provisions require that a records management and preservation fee be deposited in a separate account in the general fund of certain counties and that legislation is required to make those provisions apply to other counties and to make changes to other matters relating to the fee. H.B. 2716 seeks to address these matters by making statutory changes relating to the management and preservation of a county clerk's records and to a county clerk's records archive.

### **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**

H.B. 2716 amends the Local Government Code, in a provision requiring a records management and preservation fee set and collected by a county clerk to be deposited in a separate records management and preservation account in the general fund of the county, to remove language limiting such requirement to a county that is adjacent to an international boundary.

H.B. 2716 establishes that any interest accrued in regard to a records archive fee adopted by the commissioners court of a county required to be deposited in a separate records archive account in the general fund of the county remains with the fund. The bill, in a provision making the designation of public documents that are part of an applicable records archive by a county clerk subject to approval by the commissioners court in a public meeting, specifies such public meeting as a public meeting during the budget process. The bill, in a provision requiring a county clerk to prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive, specifies that such preparation occur before collecting the records archive fee. The bill authorizes a public hearing on the plan to be held during the budget process. The bill authorizes the plan, after the establishment of the fee, to be approved annually during the budget process. The bill, in a provision making the fee subject to approval by the commissioners court in a public meeting, specifies such a public meeting as a public meeting during the budget process.

H.B. 2716 repeals a provision authorizing any excess funds generated from the collection of a records archives fee remaining after completion of a county records archive preservation and restoration project to be expended only for records management and preservation purposes. The bill repeals a provision prohibiting the commissioners court of a county from ordering the collection of a records archive fee after the county records archive preservation and restoration is complete.

H.B. 2716 repeals Section 118.025(j), Local Government Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.