

By: Darby

H.B. No. 2716

A BILL TO BE ENTITLED

AN ACT

relating to the management and preservation of the county clerk's records and to the county clerk's records archive.

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

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

(c) The [~~In a county that is adjacent to an international boundary, the~~] fee shall be deposited in a separate records management and preservation account in the general fund of the county.

SECTION 2. Subsections (d), (e), (g), and (i), Section 118.025, Local Government Code, are amended to read as follows:

(d) The fee shall be deposited in a separate records archive account in the general fund of the county. Any interest accrued remains with the fund.

(e) The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county clerk's records archive. The county clerk shall designate the public documents that are part of the records archive for purposes of this section. The designation of public documents by the county clerk under this subsection is subject to approval by the commissioners court in a public meeting during the budget process.

(g) Before collecting the fee under this section, the [~~The~~]

1 county clerk shall prepare an annual written plan for funding the
2 preservation and restoration of the county clerk's records archive.
3 The commissioners court shall publish notice of a public hearing on
4 the plan in a newspaper of general circulation in the county not
5 later than the 15th day before the date of the hearing. After the
6 public hearing, the plan shall be considered for approval by the
7 commissioners court. Funds from the records archive account may be
8 expended only as provided by the plan. All expenditures from the
9 records archive account shall comply with Subchapter C, Chapter
10 262. The hearing may be held during the budget process. After the
11 establishment of the fee, the plan may be approved annually during
12 the budget process.

13 (i) The fee is subject to approval by the commissioners
14 court in a public meeting during the budget process.

15 SECTION 3. Section 118.025(j), Local Government Code, is
16 repealed.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.