

1-1 By: Darby (Senate Sponsor - Carona) H.B. No. 2716
1-2 (In the Senate - Received from the House April 18, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 13, 2011, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 13, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2716 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to fees charged for the management and preservation of the
1-11 county clerk's records.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 118.0216(c), Local Government Code, is
1-14 amended to read as follows:

1-15 (c) ~~The [In a county that is adjacent to an international~~
1-16 ~~boundary, the]~~ fee shall be deposited in a separate records
1-17 management and preservation account in the general fund of the
1-18 county.

1-19 SECTION 2. Sections 118.025(d), (e), (g), and (i), Local
1-20 Government Code, are amended to read as follows:

1-21 (d) The fee shall be deposited in a separate records archive
1-22 account in the general fund of the county. Any interest accrued
1-23 remains with the account.

1-24 (e) The funds generated from the collection of a fee under
1-25 this section may be expended only for the preservation and
1-26 restoration of the county clerk's records archive. The county
1-27 clerk shall designate the public documents that are part of the
1-28 records archive for purposes of this section. The designation of
1-29 public documents by the county clerk under this subsection is
1-30 subject to approval by the commissioners court in a public meeting
1-31 during the budget process.

1-32 (g) Before collecting the fee under this section, the [The]
1-33 county clerk shall prepare an annual written plan for funding the
1-34 preservation and restoration of the county clerk's records archive.
1-35 The commissioners court shall publish notice of a public hearing on
1-36 the plan in a newspaper of general circulation in the county not
1-37 later than the 15th day before the date of the hearing. After the
1-38 public hearing, the plan shall be considered for approval by the
1-39 commissioners court. Funds from the records archive account may be
1-40 expended only as provided by the plan. All expenditures from the
1-41 records archive account shall comply with Subchapter C, Chapter
1-42 262. The hearing may be held during the budget process. After
1-43 establishing the fee, the plan may be approved annually during the
1-44 budget process.

1-45 (i) The fee is subject to approval by the commissioners
1-46 court in a public meeting during the budget process.

1-47 SECTION 3. Section 118.025(j), Local Government Code, is
1-48 repealed.

1-49 SECTION 4. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2011.

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