

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 6, 2011**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

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

**IN RE: HB2716** by Darby (Relating to the management and preservation of the county clerk's records and to the county clerk's records archive.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend Section 118.0216(c) of the Local Government Code to authorize all counties to collect a fee for records management and preservation services that are performed by the county clerk after the filing and recording of a document in the office of the clerk. Under current statute, only a county that is adjacent to an international border can collect a records management and preservation services fee.

The bill would require interest accrued to be deposited in a separate records archive account in the county's general fund. The commissioners court would be required to approve the designation of public documents by the county clerk in a public meeting during the budget process, and would require a public hearing that could be held during the budget process. The county clerk would be required to prepare an annual written plan for funding the preservation and restoration of the county clerk's records archives prior to collecting the fee.

The bill would repeal Section 118.025(j) of the Local Government Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

According to information provided to the Comptroller of Public Accounts, Tom Green, Gregg, and Matagorda counties all reported there would not be a fiscal impact associated with the fee for records management and preservation services. The counties stated that any additional costs as a result of the process changes related to the management and preservation of the county clerk's records would not be significant. All three counties also anticipated that the repeal of Section 118.025(j) of the Local Government Code would allow for any excess funds in the records archive account to be appropriated for other purposes related to the general fund of the county, but none were unable to provide estimates.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** JOB, KKR, TP