

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 7, 2011

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

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

IN RE: SB1609 by Carona (Relating to fees charged for the management and preservation of the county clerk's records.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to authorize all counties to collect a fee for records management and preservation services under Section 118.011 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

There could be a positive fiscal impact to counties that would now be authorized to collect the fee for records management and preservation services, but the amounts would vary depending on the amount of services that are provided in a county.

According to information provided to the Comptroller of Public Accounts (CPA), Dallas, Gregg and Matagorda counties reported there would be no fiscal impact to implement the provisions of the bill. All three counties also indicated the repeal of Section 118.025(j) would allow excess funds in the records archive account to be appropriated for other purposes related to the general fund of the county, but were unable to provide estimates.

Source Agencies: 304 Comptroller of Public Accounts

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