

SENATE AMENDMENTS

2nd Printing

By: Darby

H.B. No. 2716

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

24 (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16 repealed.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.

ADOPTED

MAY 19 2011

Atty. Gen.
Secretary of the Senate

By: *Chown*

H.B. No. 2716

Substitute the following for H.B. No. 2716:

By: *Pat J. ...*

C.S. 4 H.B. No. 2716

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB2716 by Darby (Relating to fees charged for the management and preservation of the county clerk's records.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

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, SD, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 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.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

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Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KKR, TP

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**

No fiscal implication to the State is anticipated.

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Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 30, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

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 Introduced**

No fiscal implication to the State is anticipated.

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.

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Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KKR, TP