

BILL ANALYSIS

Senate Research Center
84R2192 TSR-D

H.B. 1062
By: Lucio III (Lucio)
Intergovernmental Relations
5/13/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that new federal regulations will require all governmental records to be maintained in an e-filing system and that certain counties, such as Cameron County, seek to integrate the software needs of all the county's offices into one centralized computer software system. There is concern that, due to current budget constraints, the county will not be able to cover the costs associated with the implementation and maintenance of the integrated computer software system. The parties assert that a technology fee would provide the needed county funds. H.B. 1062 seeks to address these concerns.

H.B. 1062 amends current law relating to authorizing a fee for county records technology and infrastructure costs in certain counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 118.011(f), Local Government Code, as effective until September 1, 2019, as follows:

(f) Requires the county clerk of a county to, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

- (1) Creates this subdivision from existing text.
- (2) Records Technology and Infrastructure Fee (Sec. 118.026) \$2.00

SECTION 2. Amends Section 118.011(f), Local Government Code, as effective September 1, 2019, as follows:

(f) Requires the county clerk of a county to, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

- (1) Creates this subdivision from existing text.
- (2) Records Technology and Infrastructure Fee (Sec. 118.026) \$2.00

SECTION 3. Amends Subchapter B, Chapter 118, Local Government Code, by adding Section 118.026, as follows:

Sec. 118.026. FEE FOR COUNTY RECORDS TECHNOLOGY AND INFRASTRUCTURE IN CERTAIN COUNTIES. (a) Authorizes the commissioners court of a county that borders the United Mexican States and the Gulf of Mexico to adopt a records technology and infrastructure fee as part of the county's annual budget.

Requires that the fee be set and itemized in the county's budget as part of the budget preparation process.

(b) Requires that the fee be paid at the time a person pays a fee under Section 118.0216 (Records Management and Preservation) or, if applicable, Section 118.025.

(c) Requires that the fee be deposited in a separate records technology and infrastructure account in the general fund of the county. Provides that any interest accrued remains with the account.

(d) Provides that the funds generated from the collection of a fee under this section may be used only for technology and infrastructure for the maintenance of county records and the operation of the county records system.

(e) Provides that the fee is subject to approval by the commissioners court in a public meeting during the budget process.

SECTION 4. Amends Section 118.052, Local Government Code, as follows:

Sec. 118.052. FEE SCHEDULE. Requires each clerk of a county court to collect certain fees for services rendered to any person, including the Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. 118.026) . . . \$ 2.00.

SECTION 5. Amends Subchapter C, Chapter 118, Local Government Code, by adding Section 118.069, as follows:

Sec. 118.069. FEE FOR COUNTY RECORDS TECHNOLOGY AND INFRASTRUCTURE. Requires the clerk of a county court, if adopted by the commissioners court under Section 118.026, to collect the records technology and infrastructure fee at the time a person pays a fee under Section 118.0546 (Records Management and Preservation Fee--Civil Cases) or 118.0645 (Records Management and Preservation Fee--Probate Cases) and to deposit the fee in the records technology and infrastructure account under Section 118.026(c).

SECTION 6. Amends Section 118.101, Local Government Code, as follows:

Sec. 118.101. FEE SCHEDULE. Requires the county judge to collect certain fees in probate matters, including the records technology and infrastructure fee, if authorized by the commissioners court of the county . . . \$2.00.

SECTION 7. Amends Subchapter D, Chapter 118, Local Government Code, by adding Section 118.102, as follows:

Sec. 118.102. FEE FOR COUNTY RECORDS TECHNOLOGY AND INFRASTRUCTURE. Requires the county judge to collect the records technology and infrastructure fee, if adopted by the commissioners court under Section 118.026, at the time a person pays a fee for probate matters under Section 118.101 and requires the county judge to deposit the fee in the records technology and infrastructure account under Section 118.026(c).

SECTION 8. Amends Section 103.030, Government Code, as follows:

Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL GOVERNMENT CODE. Requires that certain fees and costs be paid or collected under the Local Government Code including a records technology and infrastructure fee, if authorized by the commissioners court of the county (Secs. 118.026, 118.069, and 118.102, Local Government Code) . . . \$2.00.

SECTION 9. Effective date: September 1, 2015.