

## **BILL ANALYSIS**

Senate Research Center  
76R11683 CAG-D

C.S.S.B. 1193  
By: Lucio  
Intergovernmental Relations  
4/8/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, in Texas, a number of historic county courthouses and county records are deteriorating and are in need of preservation. This bill would impose a fee for filing public documents in county clerk offices for a certain period for the preservation and restoration of certain county records and county courthouses.

### **PURPOSE**

As proposed, C.S.S.B. 1193 imposes a fee for filing public documents in county clerk offices for a certain period for the preservation and restoration of certain county records and county courthouses.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Sets forth legislative findings regarding the deteriorated status of county courthouses and county records, and the purpose of this Act.

SECTION 2. Amends Section 118.011, Local Government Code, by adding Subsections (e), (f), and (g), to require the county clerk to collect certain fees for preservation and restoration of certain county records and county courthouses if the commissioners court of the county adopts an order establishing the amount of the fees. Provides that this subsection and Subsections (e) and (f) expire on September 1, 2006.

SECTION 3. Amends Section 118.0216, Local Government Code, to require the fee for "Records Management and Preservation" to be deposited in a separate records management account in the general fund of the county. Authorizes the fee to be used only for specific records preservation and automation purposes, rather than projects. Requires the county clerk to prepare an annual written plan for funding the automation projects and records management services performed by the clerk. Requires the plan to be considered for approval by the commissioners court, after a public hearing. Authorizes funds from the records management account to be expended only as provided by the plan. Requires all expenditures from the records management account to comply with the provisions of Chapter 262C. Makes conforming changes.

SECTION 4. Amends Chapter 118B, Local Government Code, by adding Sections 118.0217 and 118.0218, as follows:

Sec. 118.0217. RECORDS ARCHIVE. Defines "deterioration," "preservation," "public document," "records archive," and "restoration." Authorizes the commissioners court of a county, by order, to adopt a records archive fee under Section 118.011(e). Provides that the fee for "Records Archive" under Section 118.011(e) is for the preservation and restoration services performed by the county clerk in connection with maintaining a county clerk's records archive. Requires the fee to be paid at the time a person, excluding a state agency, presents a public document to the county clerk for recording or filing. Requires the fee to be deposited in a separate records archive account in the general fund of the county. Authorizes the funds generated from the collection of a fee collected to be expended only for the preservation and restoration of the county clerk's records archive. Prohibits the funds from being used to purchase, lease, or develop software to geographically index public records, excluding indexing public records by lot and block description, as provided by Section 193.009(b)(4). Requires the county clerk to prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive.

Requires the plan to be considered for approval by the commissioners court, after a public hearing. Authorizes funds from the records archive account to be expended only as provided by the plan. Requires all expenditures from the records archive account to comply with the provisions of Chapter 262C. Requires a notice to be posted in a conspicuous place in the county clerk's office, if a county charges a fee under this section. Sets forth the form of the notice of the fee. Provides that the fee is subject to approval by the commissioners court in a public meeting. Authorizes any excess funds generated from the collection of a fee remaining after completion of a county records archive preservation and restoration project to be expended only for the purposes described in Section 118.0216. Prohibits the commissioners court of a county from ordering the collection of a fee authorized by this section after the county records archive preservation and restoration is complete. Provides that this section expires September 1, 2006.

Sec. 118.0218. COUNTY COURTHOUSE RESTORATION. Authorizes the commissioners court of a county, by order, to adopt a county courthouse restoration fee under Section 118.011(e). Provides that the fee for "County Courthouse Restoration" under Section 118.011 is for the preservation and restoration of the county courthouse of the county in which the fee is collected. Requires the fee to be paid at the time a person, excluding a state agency, presents a public document to the county clerk for recording or filing. Requires the fee to be deposited in a separate county courthouse restoration account in the general fund of the county. Authorizes the funds generated from the collection of a fee collected to be expended only for the preservation and restoration of the county courthouse. Requires the county clerk to prepare an annual written plan for funding the preservation and restoration of the county courthouse. Requires the plan to be considered for approval by the commissioners court, after a public hearing. Authorizes funds from the records archive account to be expended only as provided by the plan. Requires all expenditures from the records archive account to comply with the provisions of Chapter 262C. Requires a notice to be posted in a conspicuous place in the county clerk's office, if a county charges a fee under this section. Sets forth the form of the notice of the fee. Provides that the fee is subject to approval by the commissioners court in a public meeting. Provides that this section expires September 1, 2006.

SECTION 5. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 6. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 2.

Amends Section 118.011, Local Government Code, by adding Subsections (e), (f), and (g), to require the county clerk to collect certain fees for preservation and restoration of certain county records and county courthouses, if the commissioners court of the county adopts an order establishing the amount of the fees. Deletes proposed SECTION 2.

SECTION 3.

Amends Section 118.0216, Local Government Code, to require the fee for "Records Management and Preservation" to be deposited in a separate records management account, rather than a separate records management preservation account, in the general fund of the county. Authorizes the fee to be used only for specific records preservation and automation purposes, rather than projects. Requires the county clerk to prepare an annual written plan for funding the automation projects and records management services, rather than records management and preservation services, performed by the clerk. Authorizes funds from the records management account, rather than preservation and restoration account, to be expended only as provided by the plan. Makes conforming changes.

SECTION 4.

Amends Section 118.0217, Chapter 118B, Local Government Code, to authorize the commissioners court of a county, by order, to adopt a records archive fee under Section 118.011(e). Revises the form of the notice of the fee. Prohibits the commissioners court of a

county from ordering the collection of a fee authorized by this section after the county records archive preservation and restoration is complete, rather than prohibiting the county clerk from collecting the fee.

Amends Section 118.0218, Chapter 118B, Local Government Code, to authorize the commissioners court of a county, by order, to adopt a county courthouse restoration fee under Section 118.011(e). Revises the form of the notice of the fee.