

## **BILL ANALYSIS**

Senate Research Center  
77R12569 E

H.B. 370  
By: Hinojosa (Lucio)  
Intergovernmental Relations  
5/8/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, a number of county records are deteriorating and are in need of preservation. H.B. 370 provides for a records archive fee not to exceed \$5 to be imposed for filing public documents in county clerk offices in counties adjacent to an international boundary for the purpose of preserving, restoring, and managing certain county records.

### **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. Presents legislative findings. Provides findings of purpose.

SECTION 2. Amends Section 118.011, Local Government Code, by adding Subsections (e) and (f), as follows:

(e) Requires the county clerk of a county adjacent to an international boundary, if the commissioners court of the county adopts a records archive fee as part of the county's annual budget, to collect the fee from any person.

(f) Provides that this subsection and Subsection (e) expire on September 1, 2008.

SECTION 3. Amends Section 118.0216, Local Government Code, as follows:

Sec. 118.0216. Requires the fee for "Records Management and Preservation" under Section 118.011, in a county that is adjacent to an international boundary, to be deposited in a separate records management and preservation account in the general fund of the county. Authorizes the fee to be used only to provide funds for specific records management and preservation, including for automation purposes (rather than projects). Requires the county clerk, in a county that is adjacent to an international boundary, to prepare an annual written plan for funding the automation projects and records management and preservation services performed by the clerk. Requires the plan, after a public hearing, to be considered for approval by the commissioners court. Authorizes funds from the records management and preservation account to be expended only as provided by the plan. Requires all expenditures from the records management and preservation account to comply with Subchapter C, Chapter 262.

SECTION 4. Amend Chapter 118B, Local Government Code, by adding Section 118.025, as follows:

Sec. 118.025. RECORDS ARCHIVE IN BORDER COUNTY. Defines "deterioration," "preservation," "public document," "records archive," and "restoration." Authorizes the commissioners court of a county that is adjacent to an international boundary to adopt a

records archive fee under Section 118.011(e) as part of the county's annual budget. Sets forth guidelines regarding the fee and funds generated from the collection of the fee, a plan for funding the preservation and restoration of the county clerk's records archive, funds and expenditures from the records archive account, notice regarding the charging of the fee, approval by the commissioners court, and excess funds. 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, 2008.

SECTION 5. Effective date: September 1, 2001. Makes application of the change in law made by Section 118.025, Local Government Code, as added by this Act, prospective regarding a public document, as that term is defined by Section 118.025, Local Government Code, as added by this Act, that is presented for filing on or after September 1, 2001.