

BILL ANALYSIS

Senate Research Center
82R11194 MXM-F

S.B. 1609
By: Carona
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

County clerks are authorized to assess and collect a "records management and preservation fee" from any person requesting services from the county clerk. The fee may not exceed \$5.00. The applicable section of the Local Government Code currently requires that, in any county adjacent to an international boundary, the fee must be deposited into a separate records management and preservation account in the general fund of the county.

S.B. 1609 would expand this requirement to all counties. S.B. 1609 would further provide that any interest accrued on the fees would remain with the fund and would create a process by which the county commissioners court would meet to determine the distribution of the interest proceeds.

As proposed, S.B. 1609 amends current law relating to fees charged for the management and preservation of the county clerk's 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. Amends Section 118.0216(c), Local Government Code, as follows:

(c) Requires that the fee charged for the management and preservation of the county clerk's records be deposited in a separate records management and preservation account in the general fund of the county. Deletes existing text relating to requiring the fee to be deposited in a county that is adjacent to an international boundary.

SECTION 2. Amends Sections 118.025(d), (e), (g), and (i), Local Government Code, as follows:

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

(e) Provides that the designation of public documents by the county clerk under this subsection is subject to approval by the commissioners court in a public meeting during the budget process.

(g) Requires the county clerk, before collecting the fee under this section, to prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive. Requires the commissioners court to publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15th day before the date of the hearing. Authorizes the hearing to be held during the budget process. Authorizes the plan, after establishing the fee, to be approved annually during the budget process.

(i) Makes a conforming change.

SECTION 3. Repealer: Section 118.025(j) (relating to authorizing expenditures from the excess fund generated from the collection of a fee under Section 118.025), Local Government Code.

SECTION 4. Effective date: upon passage or September 1, 2011.