

## **BILL ANALYSIS**

Senate Research Center

S.B. 436  
By: Lucio  
Intergovernmental Relations  
2-25-97  
As Filed

### **DIGEST**

Currently, the legislature has determined that the deterioration of public records in the county clerks' offices constitutes a threat to the reliability of the existing system for preserving public records. The goal of S.B. 436 is to provide for collection of a user's fee for the restoration, re-creation and preservation of all public records in the office of county clerk. S.B. 436 would authorize the county clerk to collect a \$10 user's fee at the time a document is filed with the county clerk. The fee would be placed in a separate account and utilized by the county clerk only to restore, re-create, preserve and make archivally permanent the public records and archives which are currently deteriorating. The county clerk would certify to the commissioners court upon completion of the restoration of the public records and archives, at which time the fee would no longer be collected. The statutory authority to collect this fee will terminate in seven years. Any user's fees unexpended at the time of certification would be remitted to the Comptroller of Public Accounts.

### **PURPOSE**

As proposed, S.B. 436 outlines provisions regarding the maintenance and preservation of public records filed with a county clerk and the collection and application of certain user fees.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that the legislature has determined that the deterioration of public records in the county clerks' offices constitutes a threat to the integrity and reliability of the existing system for preserving public records. Provides that the purpose of this legislation is to provide a user fee which will be used to restore, re-create, preserve, and make archivally permanent all public records in the office of the county clerk and, upon completion of the task, to provide for the elimination of the user fee.

SECTION 2. Amends Section 118.001, Local Government Code, as follows:

Sec.118.001. New heading: DEFINITIONS. Defines "archivally permanent," "deterioration," "documents," "public records and archives," "restoration," "re-creation," "preservation," and "user fee." Makes a conforming change.

SECTION 3. Amends Section 118.011(b), Local Government Code, to authorize the county clerk to set and collect a \$10 fee for records restoration and re-creation from any person.

SECTION 4. Amends Subchapter B, Local Government Code, by adding Section 118.0217, as follows:

Sec. 118.0217. RECORDS RESTORATION AND RE-CREATION. Outlines provisions and sets forth requirements for utilization of the user fee for "records restoration and re-creation" under Section 118.011. Requires the county clerk to certify to the commissioners court the completion of the restoration, re-creation, and preservation project. Requires any unexpended user fees to be returned to the comptroller. Requires the county clerk to

eliminate and thereafter not collect the user fee.

SECTION 5. Emergency clause.  
Effective date: upon passage.