

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 436  
By: Lucio  
Intergovernmental Relations  
5-21-97  
Committee Report (Substituted)

### **DIGEST**

Currently, the legislature finds 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 C.S.S.B. 436 is to provide for collection of a user's fee for the preservation and restoration of all public records in the office of county clerk. C.S.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 preserve and restore 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.

### **PURPOSE**

As proposed, C.S.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 finds that the deterioration of public documents in the offices of the county clerks constitutes a threat to the integrity and reliability of the existing system for preserving public documents. Provides that the purpose of this Act is to impose a fee for filing public documents in the offices of the county clerks beginning September 1, 1997, and ending September 1, 2004, to provide funds that will be used to preserve and restore existing public documents filed in the offices of the county clerks.

SECTION 2. Amends Section 118.001(b), Local Government Code, to authorize the county clerk to set and collect a records archive fee of not more than \$10 from any person.

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

Sec. 118.0216. RECORDS MANAGEMENT AND PRESERVATION. Outlines provisions and sets forth requirements for utilization of the fee for "records management and preservation" under Section 118.011.

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

Sec. 118.0217. RECORDS ARCHIVE. Outlines provisions and sets forth requirements for utilization of the fee and funds generated from the collection of the fee for "records archive" under Section 118.011. Defines "deterioration," "preservation," "public document," "records archive," and "restoration." Provides that this section expires September 1, 2004.

SECTION 5. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 6. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amends proposed relating clause.

SECTION 1.

Amends the findings of the legislature.

SECTION 2.

Amends Section 118.011(b), Local Government Code, regarding collection of a records archive fee.

SECTION 3.

Amends Section 118.0216, Local Government Code, regarding utilization of a fee for records management and preservation.

SECTION 4.

Amends Section 118.0217, Local Government Code, regarding utilization of a fee for records archive. Redefines "deterioration," "preservation," and "restoration." Deletes previous definitions.

SECTION 5.

Adds the effective date of this Act.

Adds SECTION 6, regarding the emergency clause.