

BILL ANALYSIS

Senate Research Center
77R7100 SMJ-D

H.B. 2873
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Under current law, a county or district clerk is authorized to charge a fee of \$1 per page for copies of public records maintained in a paper format or reproduced in a paper format. The law does not establish a clear fee for non-paper copies of records maintained in non-paper format, such as microfilm or an electronic format, since these documents may or may not consist of a number of pages. Many county and district clerks store or record public records in non-paper formats and are asked to produce copies of these records in various forms. For these reasons fees for copies of public records vary throughout the state. H.B. 2873 standardizes the fees charged for copies of public records produced in paper or other formats.

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 552.265, Government Code, as follows:

Sec. 552.265. New heading: CHARGE FOR PAPER COPY PROVIDED BY DISTRICT OR COUNTY CLERK. Requires the charge for providing a paper copy made by a district or county clerk's office to be the charge provided by Chapter 51 (Clerks) of this code, Chapter 118 (Fees Charged by County Officers), Local Government Code, or other applicable law.

SECTION 2. Amends Section 118.011, Local Government Code, by adding Subsection (e), to require a county clerk who provides a copy in a format other than paper of a record maintained by the clerk to provide the copy and charge a fee in accordance with Sections 552.231 (Responding to Requests for Information That Require Programming or Manipulation of Data) and 552.262 (Rules of the General Services Commission), Government Code.

SECTION 3. Effective date: upon passage or September 1, 2001.