

BILL ANALYSIS

Senate Research Center

H.B. 2716
By: Darby (Carona)
Intergovernmental Relations
5/9/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2716 amends current law relating to the management and preservation of the county clerk's records and to the county clerk's records archive.

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, to require a fee to be deposited in a separate records management and preservation account in the general fund of the county, rather than requiring the fee 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.

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

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

(e) Authorizes the funds generated from the collection of a fee under this section to be expended only for the preservation and restoration of the county clerk's records archive. Requires the county clerk to designate the public documents that are part of the records archive for purposes of this section. 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. Requires that the plan, after the public hearing, be considered for approval by the commissioners court. Authorizes funds from the records archive account to be expended only as provided by the plan. Requires that all expenditures from the records archive account comply with Subchapter C (Competitive Bidding in General), Chapter 262 (Purchasing and Contracting Authority of Counties). Authorizes the hearing to be held during the budget process. Authorizes the plan, after the establishment of the fee, to be approved annually during the budget process.

(i) Provides that the fee is subject to approval by the commissioners court in a public meeting during the budget process.

SECTION 3. Repealer: Section 118.025(j) (relating to excess funds generated from the collection of fees), Local Government Code.

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