

BILL ANALYSIS

Senate Research Center
81R8 MSE-D

S.B. 1574
By: Hinojosa
Intergovernmental Relations
3/31/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 77th Legislature, Regular Session, 2001, H.B. 370 created a records archive fee in border counties to preserve and restore county clerk archives as detailed in Section 118.025 (County Clerk's Records Archive), Local Government Code. Subsequently, the archive fee statute was changed to apply statewide, and the original language requiring that only the county clerks along the Texas/Mexico border submit a plan to the commissioners court for approval, stating the use of funds collected from records management and the preservation fee was kept in statute. Having to specifically state the use of the collected funds does not allow border county clerks to anticipate and adapt for changes in the way that other county clerks have the ability.

As proposed, S.B. 1574 makes application of this law uniform across the state. S.B. 1574 deletes existing text requiring a county clerk in a county adjacent to an international boundary to prepare an annual written plan and requiring that plan be considered for approval by the commissioners court. The bill also deletes existing text authorizing funds from the records management and preservation account to be expended only as provided by the plan.

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(e), Local Government Code, to delete existing text requiring the county clerk, in a county that is adjacent to an international boundary, to prepare an annual written plan for funding the automation projects and records management and preservation services performed by the clerk, and requiring that the plan, after a public hearing, be considered for approval by the commissioners court. Deletes existing text authorizing funds from the records management and preservation account to be expended only as provided by the plan.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.