

**PROPOSED FEE INCREASE**

**FOR PRESERVATION AND RESTORATION  
OF ARCHIVED RECORDS**

**PRESENTED BY**

**TRACY SMITH, COUNTY CLERK  
HOPKINS COUNTY, TEXAS  
SEPTEMBER 9, 2019**

**EFFECTIVE: OCTOBER 1<sup>ST</sup>, 2019**

## **EXECUTIVE SUMMARY**

The County Clerk's Office wants to take advantage of new legislation that is designed to preserve archived records by adding an archive fee to each filed or recorded document. This fee is to be dedicated to that task. The vast majority of the permanent records in the County Clerk's Office are paper based. These records are used on a daily basis by the public and are vulnerable to loss by theft and wear and tear.

With no cost to the County, these records can be preserved by adding an archive fee to cover the cost of scanning the paper based documents. In addition, to preserving the documents, the images can be added to our existing imaging system and improve customer service.

Additionally, these records can be restored and preserved, to prevent the records from further deterioration. Several records in the office are not preserved by any other format other than paper.

### **Background (Statutory History)**

Currently, Counties adjacent to international borders have the ability to charge a records archive fee not to exceed \$5.00 for the recording or filing of public documents in county clerk's offices. SB 1731 removes "adjacent to international borders" restriction and opens the fee to all Texas counties. SB 1731 provides for a fee not to exceed \$5.00 to be imposed for recording or filing public documents in county clerk's offices in any county for the purpose of preserving, restoring, and managing county records.

County Clerks are currently authorized to collect a records management fee for maintaining and preserving current documents. In most cases, this fee is not sufficient to also preserve and restore archived records. This new legislation is designed to target archived records.

This bill authorizes the Commissioners' Court to adopt a records archive fee as part of the county's annual budget. If the provisions of SB 1731 are implemented, the county will experience a revenue gain. This additional revenue will be dedicated to helping county clerks focus on preserving older records.

The effective date of this Act is September 1, 2003 and expires September 1, 2008.

**\*NEW LEGISLATION: SB 526**

Allows County Clerk to designate records that are part of records archive plan, with approval of Commissioners' Court in a public meeting.

118.025(e) Local Government Code – **Effective 6/17/2005**

**REPEALS** the definition of "Records Archive" as public documents filed with the County Clerk before January 1, 1990.

118.025(a)(4) Local Government Code – **Effective 6/17/2005**

**REPEALS** the expiration date (9/1/08) on collection of Records Archive Fee.

118.011(g) and 118.025(k) Local Government Code – **Effective 6/17/2005**

**\*NEW LEGISLATION: HB 2716**

The fee shall be deposited in a separate records archive account in the general fund of the county. Any interest accrued remains with the account

118.025(d) Local Government Code – **Effective 6/17/2011**

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.

118.025(e) Local Government Code – **Effective 6/17/2011**

Before collecting the fee under this section, the county clerk shall prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive.

The hearing may be held during the budget process. After establishing the fee, the plan may be approved annually during the budget process

118.025(g) Local Government Code – **Effective 6/17/2011**

The fee is subject to approval by the commissioners court in a public meeting during the budget process.

118.025(i) Local Government Code – **Effective 6/17/2011**

118.025(j), Local Government Code, is **repealed.** **Effective 6/17/2011**