



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 27, 1996

Honorable Mike Driscoll  
County Attorney  
Harris County Attorney's Office  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR96-2264

Dear Mr. Driscoll:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 39864.

You ask whether "court registry account records maintained and kept solely by the District Clerk on behalf of the courts is information subject to disclosure under the Open Records Act." Furthermore, you ask "what charge should be assessed if the records are not subject to disclosure under such Act?"

In prior rulings to Harris County, this office has addressed the public nature of this type of information. In Open Records Letter Nos. 96-041 (1996) and 93-764 (1993), this office concluded that although trust fund account information held by the district clerk constituted records of the judiciary, and thus was not subject to the provisions of the Open Records Act, these records were nevertheless subject to common-law and statutory rights of access. Thus, Open Records Letter Nos. 96-041 (1996) and 93-764 (1993) govern your first question.

With respect to your second question, this office has recently concluded that section 118.011 of the Local Government Code, which establishes a one-dollar fee for each page or part of a page for noncertified copies of records held by county clerks, prevails over section 552.265 of the Government Code, which limits the fee that a district or county clerk may charge for other than certified copies to not more than actual cost. Letter Opinion 96-082 (1996) at 2. That conclusion is based on the rule of statutory construction which provides that where two statutes conflict, the one that was enacted at the later date prevails. *Id.* We believe that a similar conclusion applies in this instance to records held by a district clerk.

Section 51.318(b) of the Government Code allows a district clerk to charge not more than one dollar per page for non-certified copies. Act of May 27, 1995, 74th Leg., ch. 641, § 1.02 1995 Tex. Gen. Laws 3513, 3516. This provision is in conflict with section 552.265 of the Government Code as described above, which limits the copy fee that a district or county clerk may charge to not more than actual cost. However, because section 51.318(b) of the Government Code was enacted after section 552.265 of the Government Code, section 51.318(b) prevails. Thus, a district clerk may charge any fee not in excess of one dollar for non-certified copies.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive style with a large initial "L".

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 39864