

By: Gonzales, Martinez, Eiland

H.B. No. 3312

Substitute the following for H.B. No. 3312:

By: Martinez

C.S.H.B. No. 3312

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a district court records technology fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 51, Government Code, is amended by adding Section 51.305 to read as follows:

Sec. 51.305. DISTRICT COURT RECORDS TECHNOLOGY FUND. (a)

In this section:

(1) "Court document" means any instrument, document, paper, or other record that the district clerk is authorized to accept for filing or maintenance.

(2) "Deterioration" means any naturally occurring process or a natural disaster that results in the destruction or partial destruction of a court document.

(3) "Preservation" means any process that:

(A) suspends or reduces the deterioration of a court document; or

(B) provides public access to a court document in a manner that reduces the risk of deterioration.

(4) "Restoration" means any process that permits the visual enhancement of a court document, including making the document more legible.

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$5 for the filing of a

1 suit, including an appeal from an inferior court, or a
2 cross-action, counterclaim, intervention, contempt action, motion
3 for new trial, or third-party petition, in a district court in the
4 county as part of the county's annual budget. The fee must be set
5 and itemized in the county's budget as part of the budget
6 preparation process and must be approved in a public meeting. The
7 fee is for preservation and restoration services performed in
8 connection with maintaining a district court records archive.

9 (c) The county treasurer, or the official who discharges the
10 duties commonly delegated to the county treasurer, in a county that
11 adopts a fee under Subsection (b) shall establish a district court
12 records technology fund in the general fund of the county for
13 deposit of fees paid under Section 51.317(f).

14 (d) Subject to Subsection (f), money generated from the fee
15 imposed under this section may be expended only for the
16 preservation and restoration of the district court records archive.

17 (e) The district clerk shall designate the court documents
18 that are part of the records archive for purposes of this
19 section. The designation of court documents by the district clerk
20 under this subsection is subject to approval by the commissioners
21 court in a public meeting.

22 (f) The district clerk in a county that adopts a fee under
23 this section shall prepare an annual written plan for the
24 preservation and restoration of the district court records archive.
25 The plan may include a proposal for entering into a contract with
26 another person for preservation and restoration services. The
27 commissioners court shall publish notice of a public hearing on the

1 plan in a newspaper of general circulation in the county not later
2 than the 15th day before the date of the hearing. After the public
3 hearing, the plan shall be considered for approval by the
4 commissioners court. Money in the district court records
5 technology fund may be expended only as provided by the plan. All
6 expenditures from the records technology fund must comply with
7 Subchapter C, Chapter 262, Local Government Code.

8 (g) If a county imposes a fee under this section, a notice
9 shall be posted in a conspicuous place in the district clerk's
10 office. The notice must state the amount of the fee in the
11 following form: "THE COMMISSIONERS COURT OF _____
12 (Insert name of county) COUNTY HAS DETERMINED THAT A RECORDS
13 ARCHIVE FEE OF \$_____ (Insert amount adopted by commissioners
14 court) IS NEEDED TO PRESERVE AND RESTORE DISTRICT COURT RECORDS."

15 (h) Money remaining from the collection of fees imposed
16 under this section after completion of a district court records
17 archive preservation and restoration project may be expended for
18 records management and preservation purposes in the manner provided
19 by Section 51.317(d). The commissioners court of a county may not
20 impose a fee under this section after the district court records
21 archive preservation and restoration project is complete.

22 SECTION 2. Section 51.317, Government Code, is amended by
23 amending Subsection (b) and adding Subsections (b-2) and (f) to
24 read as follows:

25 (b) The fees are:

26 (1) except as provided by Subsection (b-1), for filing
27 a suit, including an appeal from an inferior court, \$50;

1 (2) for filing a cross-action, counterclaim,
2 intervention, contempt action, motion for new trial, or third-party
3 petition, \$15;

4 (3) for issuing a citation or other writ or process not
5 otherwise provided for, including one copy, when requested at the
6 time a suit or action is filed, \$8;

7 (4) for records management and preservation, \$10; and

8 (5) in addition to the other fees imposed under this
9 section, for filing a suit, including an appeal from an inferior
10 court, or a cross-action, counterclaim, intervention, contempt
11 action, motion for new trial, or third-party petition, the amount
12 adopted by the county commissioners court, not to exceed \$5, for
13 court records archiving.

14 (b-2) The fee imposed under Subsection (b)(5) does not apply
15 to a filing by a state agency.

16 (f) The district clerk, after collecting a fee under
17 Subsection (b)(5), shall pay the fee to the county treasurer, or to
18 an official who discharges the duties commonly delegated to the
19 county treasurer, for deposit to the district court records
20 technology fund established under Section 51.305.

21 SECTION 3. Subchapter D, Chapter 101, Government Code, is
22 amended by adding Section 101.06116 to read as follows:

23 Sec. 101.06116. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
24 CODE. The clerk of a district court shall collect a district court
25 records archive fee of not more than \$5 under Section 51.317(b)(5),
26 if adopted by the county commissioners court.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.