

By: Gonzales

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 by the
8 district clerk in connection with maintaining a district court
9 records archive.

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

15 (d) Subject to Subsection (f), money generated from the fee
16 imposed under this section may be expended only for the
17 preservation and restoration of the district court records archive.
18 The money may not be used to purchase, lease, or develop computer
19 software to index court records.

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

25 (f) The district clerk in a county that adopts a fee under
26 this section shall prepare an annual written plan for the
27 preservation and restoration of the district court records archive.

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

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

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

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

27 (b) The fees are:

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

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

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

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

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

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

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

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

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

1 if adopted by the county commissioners court.

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