

By: Gallego, Coleman

H.B. No. 3776

Substitute the following for H.B. No. 3776:

By: Bolton

C.S.H.B. No. 3776

A BILL TO BE ENTITLED

AN ACT

relating to a filing fee imposed on a notice of foreclosure sale to fund civil legal services for indigents.

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

SECTION 1. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.026 to read as follows:

Sec. 118.026. NOTICE OF FORECLOSURE SALE. (a) A county clerk shall collect a \$150 fee for a notice of sale filed under Section 51.002(b)(2), Property Code, from the holder of the security instrument, unless the holder is the original grantee of the security instrument.

(b) The county clerk shall keep a separate record of the fees collected under this section and shall remit the fees to the county treasurer not later than the deadline provided by Section 113.022. The county may retain not more than five percent of the fees for the county's costs for implementing and administering this section.

(c) On or before the last day of the month following each calendar quarter, the county treasurer shall remit to the comptroller the money from all fees collected during the preceding quarter, except as provided by Subsection (b).

(d) The comptroller shall deposit the money received under Subsection (c) in the judicial fund for programs approved by the supreme court that provide basic civil legal services to the

1 indigent.

2 SECTION 2. The change in law made by Section 118.026, Local
3 Government Code, as added by this Act, applies only to a notice of
4 sale filed on or after the effective date of this Act. A notice
5 filed before the effective date of this Act is governed by the law
6 in effect when the notice was filed, and the former law is continued
7 in effect for that purpose.

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