

By: Darby

H.B. No. 2717

A BILL TO BE ENTITLED

AN ACT

relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.

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

SECTION 1. Section 51.305, Government Code, is amended by amending Subsection (b) and adding Subsection (i) to read as follows:

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

(i) Notwithstanding any conflicting law, the fee prescribed by Subsection (b) in relation to a statutory county court that has concurrent jurisdiction with a district court is subject to Subchapters B and C, Chapter 118, Local Government Code, in the same manner as other similar fees under those subchapters.

1 SECTION 2. Section 51.605(c), Government Code, is amended
2 to read as follows:

3 (c) A clerk must annually complete 20 hours of continuing
4 education courses including, during each term of office and within
5 the first 12 months of taking office, at least one hour of
6 continuing education courses regarding registry funds handled
7 under Chapter 117, Local Government Code, in the performance of the
8 duties of office. The 20 hours of required continuing education
9 courses must include, during each term of office and within the
10 first 12 months of taking office, at least one hour of continuing
11 education regarding fraudulent court documents and fraudulent
12 document filings.

13 SECTION 3. Section 62.106(a), Government Code, is amended
14 to read as follows:

15 (a) A person qualified to serve as a petit juror may
16 establish an exemption from jury service if the person:

- 17 (1) is over 70 years of age;
- 18 (2) has legal custody of a child younger than 12 [~~15~~]
19 years of age and the person's service on the jury requires leaving
20 the child without adequate supervision;
- 21 (3) is a student of a public or private secondary
22 school;
- 23 (4) is a person enrolled and in actual attendance at an
24 institution of higher education;
- 25 (5) is an officer or an employee of the senate, the
26 house of representatives, or any department, commission, board,
27 office, or other agency in the legislative branch of state

1 government;

2 (6) is summoned for service in a county with a
3 population of at least 200,000, unless that county uses a jury plan
4 under Section 62.011 and the period authorized under Section
5 62.011(b)(5) exceeds two years, and the person has served as a petit
6 juror in the county during the 24-month period preceding the date
7 the person is to appear for jury service;

8 (7) is the primary caretaker of a person who is an
9 invalid unable to care for himself;

10 (8) except as provided by Subsection (b), is summoned
11 for service in a county with a population of at least 250,000 and
12 the person has served as a petit juror in the county during the
13 three-year period preceding the date the person is to appear for
14 jury service; or

15 (9) is a member of the United States military forces
16 serving on active duty and deployed to a location away from the
17 person's home station and out of the person's county of residence.

18 SECTION 4. Section 191.0045, Health and Safety Code, is
19 amended by amending Subsection (h) and adding Subsection (i) to
20 read as follows:

21 (h) In addition to other fees collected under this section,
22 a local registrar or county clerk may collect a fee not to exceed \$1
23 for:

24 (1) the preservation of vital statistics records
25 maintained by the registrar or county clerk, including birth,
26 death, fetal death, marriage, divorce, and annulment records;

27 (2) vital statistics training; or

1 (3) any other needs of the local registrar or county
2 clerk to ensure the safety and security of vital statistics
3 records.

4 (i) A fee under Subsection (h) [~~this section~~] shall be
5 collected by the registrar or county clerk on the issuance of a
6 vital statistics record, including a record issued through a Remote
7 Birth Access site.

8 SECTION 5. Section 132.002(a), Local Government Code, is
9 amended to read as follows:

10 (a) The commissioners court of a county may authorize a
11 county or precinct officer who collects fees, fines, court costs,
12 or other charges on behalf of the county or the state to accept
13 payment by credit card or by the electronic processing of checks of
14 a fee, fine, court costs, or other charge. The commissioners court
15 may also authorize a county or precinct officer to collect and
16 retain a fee for processing the payment by credit card or by the
17 electronic processing of checks.

18 SECTION 6. Section 151.001(d), Local Government Code, is
19 amended to read as follows:

20 (d) The application must be accompanied by a statement of
21 the probable receipts from fees, commissions, and compensation to
22 be collected by the office during the budget process [~~fiscal year~~]
23 and the probable disbursements, including salaries and expenses, of
24 the office.

25 SECTION 7. Section 191.030, Health and Safety Code, is
26 repealed.

27 SECTION 8. 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, 2011.