

SENATE AMENDMENTS

2nd Printing

By: Darby

H.B. No. 2717

A BILL TO BE ENTITLED

AN ACT

relating to the duties and responsibilities of certain county officials and the functions of county government.

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

SECTION 1. Section 51.305(b), Government Code, is amended 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, if the court exercises concurrent jurisdiction over the suit 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.

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

(c) A clerk must each year [~~annually~~] complete 20 hours of continuing education courses including at least one hour of continuing education courses regarding registry funds handled under Chapter 117, Local Government Code, in the performance of the

1 duties of office. The 20 hours of required continuing education
2 courses must include at least one hour of continuing education
3 regarding fraudulent court documents and fraudulent document
4 filings.

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

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

9 (1) is over 70 years of age;

10 (2) has legal custody of a child younger than 12 [~~15~~]
11 years of age and the person's service on the jury requires leaving
12 the child without adequate supervision;

13 (3) is a student of a public or private secondary
14 school;

15 (4) is a person enrolled and in actual attendance at an
16 institution of higher education;

17 (5) is an officer or an employee of the senate, the
18 house of representatives, or any department, commission, board,
19 office, or other agency in the legislative branch of state
20 government;

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

27 (7) is the primary caretaker of a person who is an

1 invalid unable to care for himself;

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

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

10 SECTION 4. Subchapter E, Chapter 101, Government Code, is
11 amended by adding Section 101.08118 to read as follows:

12 Sec. 101.08118. ADDITIONAL STATUTORY COUNTY COURT FEES:
13 LOCAL GOVERNMENT CODE. The clerk of a statutory county court shall
14 collect a district court records archive fee of not more than \$5
15 under Section 118.068, Local Government Code, if adopted by the
16 county commissioners court.

17 SECTION 5. Subchapter F, Chapter 101, Government Code, is
18 amended by adding Section 101.10117 to read as follows:

19 Sec. 101.10117. ADDITIONAL STATUTORY PROBATE COURT FEES:
20 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
21 collect a district court records archive fee of not more than \$5
22 under Section 118.068, Local Government Code, if adopted by the
23 county commissioners court.

24 SECTION 6. Section 191.0045, Health and Safety Code, is
25 amended by amending Subsection (h) and adding Subsection (i) to
26 read as follows:

27 (h) In addition to other fees collected under this section,

1 a local registrar or county clerk may collect a fee not to exceed \$1
2 for:

3 (1) preserving [the preservation of] vital statistics
4 records maintained by the registrar or county clerk, including
5 birth, death, fetal death, marriage, divorce, and annulment
6 records;

7 (2) training registrar or county clerk employees
8 regarding vital statistics records; and

9 (3) ensuring the safety and security of vital
10 statistics records.

11 (i) A fee under this section shall be collected by the
12 registrar or county clerk on the issuance of a vital statistics
13 record, including a record issued through a Remote Birth Access
14 site.

15 SECTION 7. Section 118.051, Local Government Code, is
16 amended to read as follows:

17 Sec. 118.051. CLERICAL DUTIES. Except as provided by
18 Sections [Section] 118.067 and 118.068, the fees listed in this
19 subchapter for county civil court dockets under Section 118.052(1)
20 and county probate court dockets under Section 118.052(2) are fees
21 for all clerical duties performed in connection with the docket,
22 including:

23 (1) filing, registering or recording, docketing, and
24 taxing costs for an application, will, complaint, petition, return,
25 document, or proceeding;

26 (2) issuing and recording the return of a citation,
27 notice, subpoena, commission to take depositions, execution while

1 the docket is still open (civil docket), garnishment before
2 judgment (civil docket), order, writ, process, or any other
3 document authorized or required to be issued by the clerk on which a
4 return must be recorded;

5 (3) attendances in court as clerk of the court;

6 (4) impaneling a jury (civil docket);

7 (5) swearing witnesses;

8 (6) approving bonds involved in court action; and

9 (7) administering oaths.

10 SECTION 8. Section 118.052, Local Government Code, is
11 amended to read as follows:

12 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
13 shall collect the following fees for services rendered to any
14 person:

15 (1) CIVIL COURT ACTIONS

16 (A) Filing of Original Action (Sec. 118.053):

17 (i) Garnishment after judgment . . . \$15.00

18 (ii) All others . . . \$40.00

19 (B) Filing of Action Other than Original (Sec.
20 118.054) . . . \$30.00

21 (C) Services Rendered After Judgment in Original
22 Action (Sec. 118.0545):

23 (i) Abstract of judgment . . . \$ 5.00

24 (ii) Execution, order of sale, writ, or
25 other process . . . \$ 5.00

26 (2) PROBATE COURT ACTIONS

27 (A) Probate Original Action (Sec. 118.055):

- 1 (i) Probate of a will with independent
2 executor, administration with will attached, administration of an
3 estate, guardianship or receivership of an estate, or muniment of
4 title . . . \$40.00
- 5 (ii) Community survivors . . . \$40.00
- 6 (iii) Small estates . . . \$40.00
- 7 (iv) Declarations of heirship . . . \$40.00
- 8 (v) Mental health or chemical dependency
9 services . . . \$40.00
- 10 (vi) Additional, special fee (Sec. 118.064)
11 . . . \$ 5.00
- 12 (B) Services in Pending Probate Action (Sec.
13 118.056):
- 14 (i) Filing an inventory and appraisement as
15 provided by Section 118.056(d) . . . \$25.00
- 16 (ii) Approving and recording bond . . .
17 \$3.00
- 18 (iii) Administering oath . . . \$ 2.00
- 19 (iv) Filing annual or final account of
20 estate . . . \$25.00
- 21 (v) Filing application for sale of real or
22 personal property . . . \$25.00
- 23 (vi) Filing annual or final report of
24 guardian of a person . . . \$10.00
- 25 (vii) Filing a document not listed under
26 this paragraph after the filing of an order approving the inventory
27 and appraisement or after the 120th day after the date of the

1 initial filing of the action, whichever occurs first, if more than
2 25 pages . . . \$25.00
3 (C) Adverse Probate Action (Sec. 118.057) . . .
4 \$40.00
5 (D) Claim Against Estate (Sec. 118.058) . . .
6 \$2.00
7 (E) Supplemental Court-Initiated Guardianship
8 Fee in Probate Original Actions and Adverse Probate Actions (Sec.
9 118.067) . . . \$20.00
10 (3) OTHER FEES
11 (A) Issuing Document (Sec. 118.059):
12 original document and one copy . . . \$ 4.00
13 each additional set of an original and one copy
14 . . . \$ 4.00
15 (B) Certified Papers (Sec. 118.060):
16 for the clerk's certificate . . . \$ 5.00
17 plus a fee per page or part of a page of . . . \$1.00
18 (C) Noncertified Papers (Sec. 118.0605):
19 for each page or part of a page . . . \$ 1.00
20 (D) Letters Testamentary, Letter of
21 Guardianship, Letter of Administration, or Abstract of Judgment
22 (Sec. 118.061) . . . \$ 2.00
23 (E) Safekeeping of Wills (Sec. 118.062) . . .
24 \$5.00
25 (F) Mail Service of Process (Sec. 118.063) . . .
26 same as sheriff
27 (G) Records Management and Preservation Fee

1 . . . \$ 5.00

2 (H) District Court Records Archive Fee . . .
3 \$5.00

4 SECTION 9. Subchapter C, Chapter 118, Local Government
5 Code, is amended by adding Section 118.068 to read as follows:

6 Sec. 118.068. DISTRICT COURT RECORDS ARCHIVE FEE. (a) If
7 adopted by the commissioners court, the clerk of a county court
8 shall collect a district court records archive fee of not more than
9 \$5 when a person files a suit in a statutory county court for which
10 the court exercises concurrent jurisdiction with a district court,
11 including an appeal from an inferior court, or a cross-action,
12 counterclaim, intervention, contempt action, motion for new trial,
13 or third-party petition.

14 (b) The fee imposed under this section does not apply to a
15 filing by a state agency.

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

21 SECTION 10. Section 132.002(a), Local Government Code, is
22 amended to read as follows:

23 (a) The commissioners court of a county may authorize a
24 county or precinct officer who collects fees, fines, court costs,
25 or other charges on behalf of the county or the state to accept
26 payment by credit card or electronic means of a fee, fine, court
27 costs, or other charge. The commissioners court may also authorize

1 a county or precinct officer to collect and retain a fee for
2 processing the payment by credit card or electronic means.

3 SECTION 11. Section 191.030, Health and Safety Code, is
4 repealed.

5 SECTION 12. (a) Section 51.607, Government Code, does not
6 apply to a fee imposed under Section 118.068, Local Government
7 Code, as added by this Act, or Section 101.08118 or 101.10117,
8 Government Code, as added by this Act.

9 (b) The change in law made by this Act applies only to the
10 imposition of a fee on a filing in a civil action or proceeding made
11 on or after the effective date of an order of a commissioners court
12 authorizing imposition of the fee. The imposition of a fee on a
13 filing made before that date is governed by the law in effect on the
14 date the filing was made, and the former law is continued in effect
15 for that purpose.

16 SECTION 13. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Atty Gen
Secretary of the Senate

By: Caron

H.B. No. 2117

Substitute the following for H.B. No. 2117:

By: Jose Rodriguez

C.S. H.B. No. 2117

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the duties and responsibilities of certain county
3 officials and the functions of county government.

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

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

7 (c) A clerk must each year [~~annually~~] complete 20 hours of
8 continuing education courses. A clerk must, during the first year
9 of each term of office, complete:

10 (1) [~~including~~] at least one hour of continuing
11 education courses regarding registry funds handled under Chapter
12 117, Local Government Code, in the performance of the duties of
13 office; and

14 (2) [~~The 20 hours of required continuing education~~
15 ~~courses must include~~] at least one hour of continuing education
16 courses regarding fraudulent court documents and fraudulent
17 document filings.

18 SECTION 2. Section 62.106(a), Government Code, is amended
19 to read as follows:

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

22 (1) is over 70 years of age;

23 (2) has legal custody of a child younger than 12 [~~15~~]
24 years of age and the person's service on the jury requires leaving

1 the child without adequate supervision;

2 (3) is a student of a public or private secondary
3 school;

4 (4) is a person enrolled and in actual attendance at an
5 institution of higher education;

6 (5) is an officer or an employee of the senate, the
7 house of representatives, or any department, commission, board,
8 office, or other agency in the legislative branch of state
9 government;

10 (6) is summoned for service in a county with a
11 population of at least 200,000, unless that county uses a jury plan
12 under Section 62.011 and the period authorized under Section
13 62.011(b)(5) exceeds two years, and the person has served as a petit
14 juror in the county during the 24-month period preceding the date
15 the person is to appear for jury service;

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

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

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

26 SECTION 3. Section 191.0045, Health and Safety Code, is
27 amended by amending Subsection (h) and adding Subsection (i) to

1 read as follows:

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

5 (1) preserving [the preservation of] vital statistics
6 records maintained by the registrar or county clerk, including
7 birth, death, fetal death, marriage, divorce, and annulment
8 records;

9 (2) training registrar or county clerk employees
10 regarding vital statistics records; and

11 (3) ensuring the safety and security of vital
12 statistics records.

13 (i) A fee under this section shall be collected by the
14 registrar or county clerk on the issuance of a vital statistics
15 record, including a record issued through a Remote Birth Access
16 site.

17 SECTION 4. Section 132.002(a), Local Government Code, is
18 amended to read as follows:

19 (a) The commissioners court of a county may authorize a
20 county or precinct officer who collects fees, fines, court costs,
21 or other charges on behalf of the county or the state to accept
22 payment by credit card or electronic means of a fee, fine, court
23 costs, or other charge. The commissioners court may also authorize
24 a county or precinct officer to collect and retain a fee for
25 processing the payment by credit card or electronic means.

26 SECTION 5. Section 191.030, Health and Safety Code, is
27 repealed.

1 SECTION 6. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2717 by Darby (Relating to the duties and responsibilities of certain county officials and the functions of county government.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to require a clerk to annually complete 20 hours of continuing education during each term of office and within the first 12 months of taking office, including at least one hour of training regarding fraudulent court documents and filings.

The bill would permit a person qualified to serve as a petit juror to establish an exemption from jury service if the person has legal custody of a child under 12; the current exemption is for persons with legal custody of a child under 15.

The bill would amend the Health and Safety Code to authorize a local registrar or a county clerk that currently collects a fee not to exceed \$1 to be used to pay for training a registrar or a county clerk regarding vital statistics records and ensuring the safety and security of vital statistics records.

The bill would amend the Local Government Code to permit a county commissioners court to authorize officers who collect fees, fines, court costs or other charges to accept a payment by a check verified electronically. A state agency would not be required to remit the district court records fee imposed under Chapter 118 of the Local Government Code.

The bill would repeal Section 191.030 of the Health and Safety Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, JT, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2717 by Darby (relating to the duties and responsibilities of certain county officials and the functions of county government.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to require a clerk to annually complete 20 hours of continuing education during each term of office and within the first 12 months of taking office, including at least one hour of training regarding fraudulent court documents and filings.

The bill would permit a person qualified to serve as a petit juror to establish an exemption from jury service if the person has legal custody of a child under 12; the current exemption is for persons with legal custody of a child under 15.

The bill would amend the Health and Safety Code to authorize a local registrar or a county clerk that currently collects a fee not to exceed \$1 to be used to pay for training a registrar or a county clerk regarding vital statistics records and ensuring the safety and security of vital statistics records.

The bill would amend the Local Government Code to permit a county commissioners court to authorize officers who collect fees, fines, court costs or other charges to accept a payment by a check verified electronically. A state agency would not be required to remit the district court records fee imposed under Chapter 118 of the Local Government Code.

The bill would repeal Section 191.030 of the Health and Safety Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JT, KKR, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 10, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2717 by Darby (Relating to the duties and responsibilities of certain county officials and the functions of county government.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a commissioners court to adopt a district court records archive fee of not more than \$5 for the filing of a suit in a statutory county court if the court exercises concurrent jurisdiction over the suit with a district court, or a statutory probate court. The fees collected would be paid to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit to the district court records technology fund.

The bill also would permit a person qualified to serve as a petit juror to establish an exemption from jury service if the person has legal custody of a child under 12; the current exemption is for persons with legal custody of a child under 15.

The bill would amend the Health and Safety Code to authorize a local registrar or a county clerk that currently collects a fee not to exceed \$1 to be used to pay for training a registrar or a county clerk regarding vital statistics records and ensuring the safety and security of vital statistics records.

The bill would amend the Local Government Code to permit a county commissioners court to authorize officers who collect fees, fines, court costs, or other charges to accept a payment by a check verified electronically. A state agency would not be required to remit the district court records fee imposed under Chapter 118 of the Local Government Code.

The bill would repeal Section 191.030 of the Health and Safety Code.

Local Government Impact

According to the Comptroller of Public Accounts (CPA), based on the information provided by three sample counties, the bill would have a positive fiscal impact on units of local government. However, the impact would vary depending on whether the fee is adopted by a county commissioners court, the amount of the fee and the number of eligible defendants in each county's statutory and probate courts. In addition, the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. It is assumed that a commissioners court would adopt the maximum allowable fee of \$5.

Dallas County reported that there were 11,500 cases filed in statutory county court and 12,000 cases filed in probate county court in fiscal year (FY) 2010 and anticipate an increase to 11,600 per year in FY 2011 to 2016 in statutory county court, but no increase in probate county court. The statutory county court fee would generate an additional revenue gain of \$58,000 and the statutory probate court fee would generate an additional revenue gain of \$60,000 per year in FY 2011 to 2016. Dallas County also stated they currently collect the \$1 preserving vital statistic fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Dallas County does not anticipate any start-up or technology costs.

Rockwall County reported that there were 515 cases filed in statutory county court and 151 cases filed in probate county court in 2010 and anticipate approximately a 10 percent increase per year for FY 2011 to 2016. The statutory county court fee would generate an additional revenue gain of \$3,125 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. The statutory probate court fee would generate additional revenue gain of \$900 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. Rockwall County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Rockwall County does not anticipate any start-up or technology costs.

Bee County reported that there were 250 cases filed in statutory county court and 85 cases filed in probate county court in FY 2010 and do not anticipate an increase in FY 2011 to 2016. The statutory county court fee would generate additional revenue gain of \$1,250 per year in FY 2012 to 2016. The statutory probate court fee would generate an additional revenue gain of \$425 per year in FY 2012 to 2016. Bee County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Bee County anticipates a start-up cost of \$3,200 for equipment and technology. Bee County also estimates a need for an additional full-time employee with an annual salary and benefits of \$29,000.

Source Agencies:

LBB Staff: JOB, JT, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION
Revision 1

April 11, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2717 by Darby (relating to the duties and responsibilities of certain county officials and the functions of county government.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a commissioners court to adopt a district court records archive fee of not more than \$5 for the filing of a suit in a statutory county court if the court exercises concurrent jurisdiction over the suit with a district court, or a statutory probate court. The fees collected would be paid to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit to the district court records technology fund.

The bill also would permit a person qualified to serve as a petit juror to establish an exemption from jury service if the person has legal custody of a child under 12; the current exemption is for persons with legal custody of a child under 15.

The bill would amend the Health and Safety Code to authorize a local registrar or a county clerk that currently collects a fee not to exceed \$1 to be used to pay for training a registrar or a county clerk regarding vital statistics records and ensuring the safety and security of vital statistics records.

The bill would amend the Local Government Code to permit a county commissioners court to authorize officers who collect fees, fines, court costs, or other charges to accept a payment by a check verified electronically. A state agency would not be required to remit the district court records fee imposed under Chapter 118 of the Local Government Code.

The bill would repeal Section 191.030 of the Health and Safety Code.

Local Government Impact

According to the Comptroller of Public Accounts (CPA), based on the information provided by three sample counties, the bill would have a positive fiscal impact on units of local government. However, the impact would vary depending on whether the fee is adopted by a county commissioners court, the amount of the fee and the number of eligible defendants in each county's statutory and probate courts. In addition, the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. It is assumed that a commissioners court would adopt the maximum allowable fee of \$5.

Dallas County reported that there were 11,500 cases filed in statutory county court and 12,000 cases filed in probate county court in fiscal year (FY) 2010 and anticipate an increase to 11,600 per year in FY 2011 to 2016 in statutory county court, but no increase in probate county court. The statutory county court fee would generate an additional revenue gain of \$58,000 and the statutory probate court fee would generate an additional revenue gain of \$60,000 per year in FY 2011 to 2016. Dallas County also stated they currently collect the \$1 preserving vital statistic fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Dallas County does not anticipate any start-up or technology costs.

Rockwall County reported that there were 515 cases filed in statutory county court and 151 cases filed in probate county court in 2010 and anticipate approximately a 10 percent increase per year for FY 2011 to 2016. The statutory county court fee would generate an additional revenue gain of \$3,125 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. The statutory probate court fee would generate additional revenue gain of \$900 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. Rockwall County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Rockwall County does not anticipate any start-up or technology costs.

Bee County reported that there were 250 cases filed in statutory county court and 85 cases filed in probate county court in FY 2010 and do not anticipate an increase in FY 2011 to 2016. The statutory county court fee would generate additional revenue gain of \$1,250 per year in FY 2012 to 2016. The statutory probate court fee would generate an additional revenue gain of \$425 per year in FY 2012 to 2016. Bee County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Bee County anticipates a start-up cost of \$3,200 for equipment and technology. Bee County also estimates a need for an additional full-time employee with an annual salary and benefits of \$29,000.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 6, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2717 by Darby (Relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a commissioners court to adopt a district court records archive fee of not more than \$5 for the filing of a suit in a statutory county court if the court exercises concurrent jurisdiction over the suit with a district court, or a statutory probate court. The fees collected would be paid to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit to the district court records technology fund.

The bill also would permit a person qualified to serve as a petit juror to establish an exemption from jury service if the person has legal custody of a child under 12; the current exemption is for persons with legal custody of a child under 15.

The bill would amend the Health and Safety Code to authorize a local registrar or a county clerk that currently collects a fee not to exceed \$1 to be used to pay for training a registrar or a county clerk regarding vital statistics records and ensuring the safety and security of vital statistics records.

The bill would amend the Local Government Code to permit a county commissioners court to authorize officers who collect fees, fines, court costs, or other charges to accept a payment by a check verified electronically. A state agency would not be required to remit the district court records fee imposed under Chapter 118 of the Local Government Code.

The bill would repeal Section 191.030 of the Health and Safety Code.

Local Government Impact

According to the Comptroller of Public Accounts (CPA), based on the information provided by three sample counties, the bill would have a positive fiscal impact on units of local government. However, the impact would vary depending on whether the fee is adopted by a county commissioners court, the amount of the fee and the number of eligible defendants in each county's statutory and probate courts. In addition, the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. It is assumed that a commissioners court would adopt the maximum allowable fee of \$5.

Dallas County reported that there were 11,500 cases filed in statutory county court and 12,000 cases filed in probate county court in fiscal year (FY) 2010 and anticipate an increase to 11,600 per year in FY 2011 to 2016 in statutory county court, but no increase in probate county court. The statutory county court fee would generate an additional revenue gain of \$58,000 and the statutory probate court fee would generate an additional revenue gain of \$60,000 per year in FY 2011 to 2016. Dallas County also stated they currently collect the \$1 preserving vital statistic fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Dallas County does not anticipate any start-up or technology costs.

Rockwall County reported that there were 515 cases filed in statutory county court and 151 cases filed in probate county court in 2010 and anticipate approximately a 10 percent increase per year for FY 2011 to 2016. The statutory county court fee would generate an additional revenue gain of \$3,125 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. The statutory probate court fee would generate additional revenue gain of \$900 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. Rockwall County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Rockwall County does not anticipate any start-up or technology costs.

Bee County reported that there were 250 cases filed in statutory county court and 85 cases filed in probate county court in FY 2010 and do not anticipate an increase in FY 2011 to 2016. The statutory county court fee would generate additional revenue gain of \$1,250 per year in FY 2012 to 2016. The statutory probate court fee would generate an additional revenue gain of \$425 per year in FY 2012 to 2016. Bee County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Bee County anticipates a start-up cost of \$3,200 for equipment and technology. Bee County also estimates a need for an additional full-time employee with an annual salary and benefits of \$29,000.

Source Agencies:

LBB Staff: JOB, KKR, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 30, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2717 by Darby (Relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code, the Local Government Code, and the Health and Safety Code relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars. The bill would authorize a statutory county court that has concurrent jurisdiction with a district court to collect a court records archive fee of not more than \$5 for the filing of a suit as defined by the provisions of the bill.

A clerk would be required to annually complete 20 hours of continuing education during each term of office and within the first 12 months of taking office, including at least one hour of training regarding fraudulent court documents and filings.

A local registrar or a county clerk would be authorized to collect a fee not to exceed \$1 for vital statistics training or any other needs to ensure the safety and security of vital statistics records.

The bill would repeal Section 191.030 of the Health and Safety Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, TP