

1-1 By: Lewis (Senate Sponsor - West) H.B. No. 1513
 1-2 (In the Senate - Received from the House April 15, 2013;
 1-3 April 17, 2013, read first time and referred to Committee on
 1-4 Jurisprudence; May 17, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
 1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1513 By: Rodriguez

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to temporary increases in the records archive fees and the
 1-20 records management and preservation fees charged by district and
 1-21 county clerks.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 ARTICLE 1. FEES EFFECTIVE SEPTEMBER 1, 2013

1-24 SECTION 1.01. Section 51.305(b), Government Code, is
 1-25 amended to read as follows:

1-26 (b) The commissioners court of a county may adopt a district
 1-27 court records archive fee of not more than \$10 [~~\$5~~] for the filing
 1-28 of a suit, including an appeal from an inferior court, or a
 1-29 cross-action, counterclaim, intervention, contempt action, motion
 1-30 for new trial, or third-party petition, in a district court in the
 1-31 county as part of the county's annual budget. The fee must be set
 1-32 and itemized in the county's budget as part of the budget
 1-33 preparation process and must be approved in a public meeting. The
 1-34 fee is for preservation and restoration services performed in
 1-35 connection with maintaining a district court records archive.

1-36 SECTION 1.02. Section 51.317(b), Government Code, is
 1-37 amended to read as follows:

1-38 (b) The fees are:

1-39 (1) except as provided by Subsection (b-1), for filing
 1-40 a suit, including an appeal from an inferior court, \$50;

1-41 (2) for filing a cross-action, counterclaim,
 1-42 intervention, contempt action, motion for new trial, or third-party
 1-43 petition, \$15;

1-44 (3) for issuing a citation or other writ or process not
 1-45 otherwise provided for, including one copy, when requested at the
 1-46 time a suit or action is filed, \$8;

1-47 (4) for records management and preservation, \$10; and

1-48 (5) in addition to the other fees imposed under this
 1-49 section, for filing a suit, including an appeal from an inferior
 1-50 court, or a cross-action, counterclaim, intervention, contempt
 1-51 action, motion for new trial, or third-party petition, the amount
 1-52 adopted by the county commissioners court, not to exceed \$10 [~~\$5~~],
 1-53 for court records archiving.

1-54 SECTION 1.03. Section 101.0611, Government Code, is amended
 1-55 to read as follows:

1-56 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
 1-57 CODE. The clerk of a district court shall collect fees and costs
 1-58 under the Government Code as follows:

1-59 (1) appellate judicial system filing fees for:

1-60 (A) First or Fourteenth Court of Appeals District

- 2-1 (Sec. 22.2021, Government Code) . . . not more than \$5;
- 2-2 (B) Second Court of Appeals District (Sec.
- 2-3 22.2031, Government Code) . . . not more than \$5;
- 2-4 (C) Third Court of Appeals District (Sec.
- 2-5 22.2041, Government Code) . . . \$5;
- 2-6 (D) Fourth Court of Appeals District (Sec.
- 2-7 22.2051, Government Code) . . . not more than \$5;
- 2-8 (E) Fifth Court of Appeals District (Sec.
- 2-9 22.2061, Government Code) . . . not more than \$5;
- 2-10 (E-1) Sixth Court of Appeals District (Sec.
- 2-11 22.2071, Government Code) . . . \$5;
- 2-12 (E-2) Seventh Court of Appeals District (Sec.
- 2-13 22.2081, Government Code) . . . \$5;
- 2-14 (F) Ninth Court of Appeals District (Sec.
- 2-15 22.2101, Government Code) . . . \$5;
- 2-16 (G) Eleventh Court of Appeals District (Sec.
- 2-17 22.2121, Government Code) . . . \$5;
- 2-18 (G-1) Twelfth Court of Appeals District (Sec.
- 2-19 22.2131, Government Code) . . . \$5; and
- 2-20 (H) Thirteenth Court of Appeals District (Sec.
- 2-21 22.2141, Government Code) . . . not more than \$5;
- 2-22 (2) when administering a case for the Rockwall County
- 2-23 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
- 2-24 court costs as if the case had been filed in district court;
- 2-25 (3) additional filing fees:
- 2-26 (A) for each suit filed for insurance contingency
- 2-27 fund, if authorized by the county commissioners court (Sec. 51.302,
- 2-28 Government Code) . . . not to exceed \$5;
- 2-29 (B) to fund the improvement of Dallas County
- 2-30 civil court facilities, if authorized by the county commissioners
- 2-31 court (Sec. 51.705, Government Code) . . . not more than \$15;
- 2-32 (B-1) to fund the improvement of Bexar County
- 2-33 court facilities, if authorized by the county commissioners court
- 2-34 (Sec. 51.706, Government Code) . . . not more than \$15;
- 2-35 (C) to fund the improvement of Hays County court
- 2-36 facilities, if authorized by the county commissioners court (Sec.
- 2-37 51.707, Government Code) . . . not more than \$15; and
- 2-38 (D) to fund the preservation of court records
- 2-39 (Sec. 51.708, Government Code) . . . not more than \$10;
- 2-40 (4) for filing a suit, including an appeal from an
- 2-41 inferior court:
- 2-42 (A) for a suit with 10 or fewer plaintiffs (Sec.
- 2-43 51.317, Government Code) . . . \$50;
- 2-44 (B) for a suit with at least 11 but not more than
- 2-45 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
- 2-46 (C) for a suit with at least 26 but not more than
- 2-47 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- 2-48 (D) for a suit with at least 101 but not more than
- 2-49 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 2-50 (E) for a suit with at least 501 but not more than
- 2-51 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 2-52 (F) for a suit with more than 1,000 plaintiffs
- 2-53 (Sec. 51.317, Government Code) . . . \$200;
- 2-54 (5) for filing a cross-action, counterclaim,
- 2-55 intervention, contempt action, motion for new trial, or third-party
- 2-56 petition (Sec. 51.317, Government Code) . . . \$15;
- 2-57 (6) for issuing a citation or other writ or process not
- 2-58 otherwise provided for, including one copy, when requested at the
- 2-59 time a suit or action is filed (Sec. 51.317, Government Code) . . .
- 2-60 \$8;
- 2-61 (7) for records management and preservation (Sec.
- 2-62 51.317, Government Code) . . . \$10;
- 2-63 (7-a) for district court records archiving, if adopted
- 2-64 by the county commissioners court (Sec. 51.317(b)(5), Government
- 2-65 Code) . . . not more than \$10 [~~\$5~~];
- 2-66 (8) for issuing a subpoena, including one copy (Sec.
- 2-67 51.318, Government Code) . . . \$8;
- 2-68 (9) for issuing a citation, commission for deposition,
- 2-69 writ of execution, order of sale, writ of execution and order of

3-1 sale, writ of injunction, writ of garnishment, writ of attachment,
3-2 or writ of sequestration not provided for in Section 51.317, or any
3-3 other writ or process not otherwise provided for, including one
3-4 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
3-5 (10) for searching files or records to locate a cause
3-6 when the docket number is not provided (Sec. 51.318, Government
3-7 Code) . . . \$5;
3-8 (11) for searching files or records to ascertain the
3-9 existence of an instrument or record in the district clerk's office
3-10 (Sec. 51.318, Government Code) . . . \$5;
3-11 (12) for abstracting a judgment (Sec. 51.318,
3-12 Government Code) . . . \$8;
3-13 (13) for approving a bond (Sec. 51.318, Government
3-14 Code) . . . \$4;
3-15 (14) for a certified copy of a record, judgment,
3-16 order, pleading, or paper on file or of record in the district
3-17 clerk's office, including certificate and seal, for each page or
3-18 part of a page (Sec. 51.318, Government Code) . . . not to exceed
3-19 \$1;
3-20 (15) for a noncertified copy, for each page or part of
3-21 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
3-22 (16) fee for performing a service:
3-23 (A) related to the matter of the estate of a
3-24 deceased person (Sec. 51.319, Government Code) . . . the same fee
3-25 allowed the county clerk for those services;
3-26 (B) related to the matter of a minor (Sec.
3-27 51.319, Government Code) . . . the same fee allowed the county
3-28 clerk for the service;
3-29 (C) of serving process by certified or registered
3-30 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
3-31 constable is authorized to charge for the service under Section
3-32 118.131, Local Government Code; and
3-33 (D) prescribed or authorized by law but for which
3-34 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;
3-35 (17) jury fee (Sec. 51.604, Government Code) . . .
3-36 \$30;
3-37 (18) additional filing fee for family protection on
3-38 filing a suit for dissolution of a marriage under Chapter 6, Family
3-39 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;
3-40 (19) at a hearing held by an associate judge in Dallas
3-41 County, a court cost to preserve the record, in the absence of a
3-42 court reporter, by other means (Sec. 54.509, Government Code) . . .
3-43 as assessed by the referring court or associate judge; and
3-44 (20) at a hearing held by an associate judge in Duval
3-45 County, a court cost to preserve the record (Sec. 54.1151,
3-46 Government Code) . . . as imposed by the referring court or
3-47 associate judge.
3-48 SECTION 1.04. Sections 118.011(b) and (f), Local Government
3-49 Code, are amended to read as follows:
3-50 (b) The county clerk may set and collect the following fee
3-51 from any person:
3-52 (1) Returned Check (Sec. 118.0215) not less
3-53 than \$15 or more than \$30
3-54 (2) Records Management and Preservation Fee (Sec.
3-55 118.0216) not more than \$10 [~~\$5~~]
3-56 (3) Mental Health Background Check for License to
3-57 Carry a Concealed Weapon (Sec. 118.0217) not more than \$2
3-58 (f) The county clerk of a county shall, if the commissioners
3-59 court of the county adopts the fee as part of the county's annual
3-60 budget, collect the following fee from any person:
3-61 Records Archive Fee (Sec. 118.025) not more
3-62 than \$10 [~~\$5~~]
3-63 SECTION 1.05. The changes in law made by this article apply
3-64 only to a fee that becomes payable on or after September 1, 2013. A
3-65 fee that becomes payable before September 1, 2013, is governed by
3-66 the law in effect when the fee became payable, and the former law is
3-67 continued in effect for that purpose.
3-68 SECTION 1.06. This article takes effect September 1, 2013.

4-1 ARTICLE 2. FEES EFFECTIVE SEPTEMBER 1, 2019
4-2 SECTION 2.01. Section 51.305(b), Government Code, is
4-3 amended to read as follows:

4-4 (b) The commissioners court of a county may adopt a district
4-5 court records archive fee of not more than \$5 for the filing of a
4-6 suit, including an appeal from an inferior court, or a
4-7 cross-action, counterclaim, intervention, contempt action, motion
4-8 for new trial, or third-party petition, in a district court in the
4-9 county as part of the county's annual budget. The fee must be set
4-10 and itemized in the county's budget as part of the budget
4-11 preparation process and must be approved in a public meeting. The
4-12 fee is for preservation and restoration services performed in
4-13 connection with maintaining a district court records archive.

4-14 SECTION 2.02. Section 51.317(b), Government Code, is
4-15 amended to read as follows:

4-16 (b) The fees are:

4-17 (1) except as provided by Subsection (b-1), for filing
4-18 a suit, including an appeal from an inferior court, \$50;

4-19 (2) for filing a cross-action, counterclaim,
4-20 intervention, contempt action, motion for new trial, or third-party
4-21 petition, \$15;

4-22 (3) for issuing a citation or other writ or process not
4-23 otherwise provided for, including one copy, when requested at the
4-24 time a suit or action is filed, \$8;

4-25 (4) for records management and preservation, \$10; and

4-26 (5) in addition to the other fees imposed under this
4-27 section, for filing a suit, including an appeal from an inferior
4-28 court, or a cross-action, counterclaim, intervention, contempt
4-29 action, motion for new trial, or third-party petition, the amount
4-30 adopted by the county commissioners court, not to exceed \$5, for
4-31 court records archiving.

4-32 SECTION 2.03. Section 101.0611, Government Code, is amended
4-33 to read as follows:

4-34 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
4-35 CODE. The clerk of a district court shall collect fees and costs
4-36 under the Government Code as follows:

4-37 (1) appellate judicial system filing fees for:

4-38 (A) First or Fourteenth Court of Appeals District
4-39 (Sec. 22.2021, Government Code) . . . not more than \$5;

4-40 (B) Second Court of Appeals District (Sec.
4-41 22.2031, Government Code) . . . not more than \$5;

4-42 (C) Third Court of Appeals District (Sec.
4-43 22.2041, Government Code) . . . \$5;

4-44 (D) Fourth Court of Appeals District (Sec.
4-45 22.2051, Government Code) . . . not more than \$5;

4-46 (E) Fifth Court of Appeals District (Sec.
4-47 22.2061, Government Code) . . . not more than \$5;

4-48 (E-1) Sixth Court of Appeals District (Sec.
4-49 22.2071, Government Code) . . . \$5;

4-50 (E-2) Seventh Court of Appeals District (Sec.
4-51 22.2081, Government Code) . . . \$5;

4-52 (F) Ninth Court of Appeals District (Sec.
4-53 22.2101, Government Code) . . . \$5;

4-54 (G) Eleventh Court of Appeals District (Sec.
4-55 22.2121, Government Code) . . . \$5;

4-56 (G-1) Twelfth Court of Appeals District (Sec.
4-57 22.2131, Government Code) . . . \$5; and

4-58 (H) Thirteenth Court of Appeals District (Sec.
4-59 22.2141, Government Code) . . . not more than \$5;

4-60 (2) when administering a case for the Rockwall County
4-61 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
4-62 court costs as if the case had been filed in district court;

4-63 (3) additional filing fees:

4-64 (A) for each suit filed for insurance contingency
4-65 fund, if authorized by the county commissioners court (Sec. 51.302,
4-66 Government Code) . . . not to exceed \$5;

4-67 (B) to fund the improvement of Dallas County
4-68 civil court facilities, if authorized by the county commissioners
4-69 court (Sec. 51.705, Government Code) . . . not more than \$15;

5-1 (B-1) to fund the improvement of Bexar County
5-2 court facilities, if authorized by the county commissioners court
5-3 (Sec. 51.706, Government Code) . . . not more than \$15;
5-4 (C) to fund the improvement of Hays County court
5-5 facilities, if authorized by the county commissioners court (Sec.
5-6 51.707, Government Code) . . . not more than \$15; and
5-7 (D) to fund the preservation of court records
5-8 (Sec. 51.708, Government Code) . . . not more than \$10;
5-9 (4) for filing a suit, including an appeal from an
5-10 inferior court:
5-11 (A) for a suit with 10 or fewer plaintiffs (Sec.
5-12 51.317, Government Code) . . . \$50;
5-13 (B) for a suit with at least 11 but not more than
5-14 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
5-15 (C) for a suit with at least 26 but not more than
5-16 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
5-17 (D) for a suit with at least 101 but not more than
5-18 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
5-19 (E) for a suit with at least 501 but not more than
5-20 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
5-21 (F) for a suit with more than 1,000 plaintiffs
5-22 (Sec. 51.317, Government Code) . . . \$200;
5-23 (5) for filing a cross-action, counterclaim,
5-24 intervention, contempt action, motion for new trial, or third-party
5-25 petition (Sec. 51.317, Government Code) . . . \$15;
5-26 (6) for issuing a citation or other writ or process not
5-27 otherwise provided for, including one copy, when requested at the
5-28 time a suit or action is filed (Sec. 51.317, Government Code) . . .
5-29 \$8;
5-30 (7) for records management and preservation (Sec.
5-31 51.317, Government Code) . . . \$10;
5-32 (7-a) for district court records archiving, if adopted
5-33 by the county commissioners court (Sec. 51.317(b)(5), Government
5-34 Code) . . . not more than \$5;
5-35 (8) for issuing a subpoena, including one copy (Sec.
5-36 51.318, Government Code) . . . \$8;
5-37 (9) for issuing a citation, commission for deposition,
5-38 writ of execution, order of sale, writ of execution and order of
5-39 sale, writ of injunction, writ of garnishment, writ of attachment,
5-40 or writ of sequestration not provided for in Section 51.317, or any
5-41 other writ or process not otherwise provided for, including one
5-42 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
5-43 (10) for searching files or records to locate a cause
5-44 when the docket number is not provided (Sec. 51.318, Government
5-45 Code) . . . \$5;
5-46 (11) for searching files or records to ascertain the
5-47 existence of an instrument or record in the district clerk's office
5-48 (Sec. 51.318, Government Code) . . . \$5;
5-49 (12) for abstracting a judgment (Sec. 51.318,
5-50 Government Code) . . . \$8;
5-51 (13) for approving a bond (Sec. 51.318, Government
5-52 Code) . . . \$4;
5-53 (14) for a certified copy of a record, judgment,
5-54 order, pleading, or paper on file or of record in the district
5-55 clerk's office, including certificate and seal, for each page or
5-56 part of a page (Sec. 51.318, Government Code) . . . not to exceed
5-57 \$1;
5-58 (15) for a noncertified copy, for each page or part of
5-59 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
5-60 (16) fee for performing a service:
5-61 (A) related to the matter of the estate of a
5-62 deceased person (Sec. 51.319, Government Code) . . . the same fee
5-63 allowed the county clerk for those services;
5-64 (B) related to the matter of a minor (Sec.
5-65 51.319, Government Code) . . . the same fee allowed the county
5-66 clerk for the service;
5-67 (C) of serving process by certified or registered
5-68 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
5-69 constable is authorized to charge for the service under Section

6-1 118.131, Local Government Code; and
6-2 (D) prescribed or authorized by law but for which
6-3 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;
6-4 (17) jury fee (Sec. 51.604, Government Code) . . .
6-5 \$30;
6-6 (18) additional filing fee for family protection on
6-7 filing a suit for dissolution of a marriage under Chapter 6, Family
6-8 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;
6-9 (19) at a hearing held by an associate judge in Dallas
6-10 County, a court cost to preserve the record, in the absence of a
6-11 court reporter, by other means (Sec. 54.509, Government Code) . . .
6-12 as assessed by the referring court or associate judge; and
6-13 (20) at a hearing held by an associate judge in Duval
6-14 County, a court cost to preserve the record (Sec. 54.1151,
6-15 Government Code) . . . as imposed by the referring court or
6-16 associate judge.
6-17 SECTION 2.04. Sections 118.011(b) and (f), Local Government
6-18 Code, are amended to read as follows:
6-19 (b) The county clerk may set and collect the following fee
6-20 from any person:
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6-22 than \$15 or more than \$30
6-23 (2) Records Management and Preservation Fee (Sec.
6-24 118.0216) not more than \$5
6-25 (3) Mental Health Background Check for License to
6-26 Carry a Concealed Weapon (Sec. 118.0217) not more than \$2
6-27 (f) The county clerk of a county shall, if the commissioners
6-28 court of the county adopts the fee as part of the county's annual
6-29 budget, collect the following fee from any person:
6-30 Records Archive Fee (Sec. 118.025) not more
6-31 than \$5
6-32 SECTION 2.05. The changes in law made by this article apply
6-33 only to a fee that becomes payable on or after September 1, 2019. A
6-34 fee that becomes payable before September 1, 2019, is governed by
6-35 the law in effect when the fee became payable, and the former law is
6-36 continued in effect for that purpose.
6-37 SECTION 2.06. This article takes effect September 1, 2019.
6-38 ARTICLE 3. CONFLICT WITH OTHER LEGISLATION
6-39 SECTION 3.01. To the extent of any conflict, this Act
6-40 prevails over another Act of the 83rd Legislature, Regular Session,
6-41 2013, relating to nonsubstantive additions to and corrections in
6-42 enacted codes.

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6-43