

By: Lucio III

H.B. No. 3124

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a fee for county records technology and infrastructure costs.

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

SECTION 1. Section 118.011(f), Local Government Code, is amended to read as follows:

(f) The county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

(1) Records Archive Fee (Sec. 118.025) not more than \$5

(2) Records Technology and Infrastructure Fee (Sec. 118.026) \$2.00

SECTION 2. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.026 to read as follows:

Sec. 118.026. FEE FOR COUNTY RECORDS TECHNOLOGY AND INFRASTRUCTURE. (a) The commissioners court of a county may adopt a records technology and infrastructure fee 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.

(b) The fee must be paid at the time a person pays a fee under Section 118.0216 or, if applicable, Section 118.025.

(c) The fee shall be deposited in a separate records technology and infrastructure account in the general fund of the

1 county. Any interest accrued remains with the account.

2 (d) The funds generated from the collection of a fee under
3 this section may be used only for technology and infrastructure for
4 the maintenance of county records and the operation of the county
5 records system.

6 (e) The fee is subject to approval by the commissioners
7 court in a public meeting during the budget process.

8 SECTION 3. Section 118.052, Local Government Code, is
9 amended to read as follows:

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

- 13 (1) CIVIL COURT ACTIONS
- 14 (A) Filing of Original Action (Sec. 118.053):
- 15 (i) Garnishment after judgment . . . \$15.00
- 16 (ii) All others . . . \$40.00
- 17 (B) Filing of Action Other than Original (Sec.
- 18 118.054) . . . \$30.00
- 19 (C) Services Rendered After Judgment in Original
- 20 Action (Sec. 118.0545):
- 21 (i) Abstract of judgment . . . \$ 5.00
- 22 (ii) Execution, order of sale, writ, or
- 23 other process . . . \$ 5.00

- 24 (2) PROBATE COURT ACTIONS
- 25 (A) Probate Original Action (Sec. 118.055):
- 26 (i) Probate of a will with independent
- 27 executor, administration with will attached, administration of an

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

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

1 (H) Records Technology and Infrastructure Fee if
2 authorized by the commissioners court of the county (Sec. 118.026)
3 . . . \$2.00

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

6 Sec. 118.068. FEE FOR COUNTY RECORDS TECHNOLOGY AND
7 INFRASTRUCTURE. If adopted by the commissioners court under Section
8 118.026, the clerk of a county court shall collect the records
9 technology and infrastructure fee at the time a person pays a fee
10 under Section 118.0546 or 118.0645 and shall deposit the fee in the
11 records technology and infrastructure account under Section
12 118.026(c).

13 SECTION 5. Section 118.101, Local Government Code, is
14 amended to read as follows:

15 Sec. 118.101. FEE SCHEDULE. The county judge shall collect
16 the following fees in probate matters:

- 17 (1) Probate of a will \$2.00
- 18 (2) Granting letters testamentary, letter of
19 guardianship, or letter of administration \$2.00
- 20 (3) Order of sale \$2.00
- 21 (4) Approval and confirmation of sale \$2.00
- 22 (5) Decree refusing order of sale or confirmation of
23 sale \$2.00
- 24 (6) Decree of partition and distribution \$2.00
- 25 (7) Decree approving or setting aside the report of a
26 commissioner of partition and distribution \$2.00
- 27 (8) Decree removing an executor, administrator or

- 1 guardian (with the fee to be paid by that executor, administrator,
- 2 or guardian) \$1.00
- 3 (9) Fiat or certificate \$2.00
- 4 (10) Continuance \$0.10
- 5 (11) Orders for which another fee is not
- 6 prescribed \$2.00
- 7 (12) Administering oath or affirmation with
- 8 certificate and seal \$2.00
- 9 (13) Administering oath or affirmation without
- 10 certificate and seal \$0.25
- 11 (14) Records technology and infrastructure, if
- 12 authorized by the commissioners court of the county \$2.00

13 SECTION 6. Subchapter D, Chapter 118, Local Government
14 Code, is amended by adding Section 118.102 to read as follows:

15 Sec. 118.102. FEE FOR COUNTY RECORDS TECHNOLOGY AND
16 INFRASTRUCTURE. If adopted by the commissioners court under Section
17 118.026, the county judge shall collect the records technology and
18 infrastructure fee at the time a person pays a fee for probate
19 matters under Section 118.101 and shall deposit the fee in the
20 records technology and infrastructure account under Section
21 118.026(c).

22 SECTION 7. Section 103.030, Government Code, is amended to
23 read as follows:

24 Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL
25 GOVERNMENT CODE. Fees and costs shall be paid or collected under
26 the Local Government Code as follows:

- 27 (1) services by the offices of the sheriff and

1 constables (Sec. 118.131, Local Government Code) . . . amount set
2 by county commissioners court;

3 (2) a filing fee or recording fee for each page of a
4 legal paper presented for filing or recording that fails to meet
5 certain requirements regarding paper size, weight, substance,
6 headings, legibility, the presence of typed or printed names under
7 each signature, and number and size of riders or attachments (Sec.
8 191.007, Local Government Code) . . . twice the regular filing fee
9 or recording fee provided by statute for that page, rider, or
10 attachment;

11 (3) a processing fee as authorized by the
12 commissioners court for the payment by credit card of a fee, court
13 cost, or other charge processed by a county or precinct officer
14 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
15 reasonably related to the expense incurred by the county or
16 precinct officer but not to exceed five percent of the amount of the
17 fee, court cost, or other charge being paid;

18 (4) a processing fee as authorized by the governing
19 body of the municipality for the payment by credit card of a fee,
20 court cost, or other charge processed by a municipal official
21 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
22 reasonably related to the expense incurred by the municipal
23 official but not to exceed five percent of the amount of the fee,
24 court cost, or other charge being paid;

25 (5) a handling fee, if authorized by the commissioners
26 court under Section 132.002, Local Government Code, for
27 electronically processing the payment of a fee, fine, court cost,

1 or other charge (Secs. 132.002 and 132.003, Local Government Code):

2 (A) charged at a flat rate that does not exceed \$5
3 for each payment transaction; or

4 (B) charged at a rate reasonably related to the
5 expense incurred in processing a payment and that does not exceed
6 five percent of the amount of the fee, court cost, or other charge
7 being paid; ~~and~~

8 (6) a fee, if authorized by the commissioners court,
9 collected by a county or precinct officer on behalf of the county
10 from a person making payment by credit card of a fee, court cost, or
11 other charge (Sec. 132.003, Local Government Code) . . . an amount
12 equal to the amount of any transaction fee charged to the county by
13 a vendor providing services in connection with payments made by
14 credit card; and

15 (7) a records technology and infrastructure fee, if
16 authorized by the commissioners court of the county (Secs. 118.026,
17 118.068, and 118.102, Local Government Code) . . . \$2.00.

18 SECTION 8. This Act takes effect September 1, 2013.