

1-1 By: West S.B. No. 1147  
 1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read  
 1-3 first time and referred to Committee on Jurisprudence;  
 1-4 April 2, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 2, 2013,  
 1-6 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 S.B. No. 1147 By: West

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

1-19 relating to the electronic filing system established by rule or  
 1-20 order of the Texas Supreme Court; authorizing fees.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter C, Chapter 72, Government Code, is  
 1-23 amended by adding Section 72.031 to read as follows:

1-24 Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this  
 1-25 section:

1-26 (1) "Appellate court" means the supreme court, the  
 1-27 court of criminal appeals, or a court of appeals.

1-28 (2) "Electronic filing system" means the filing system  
 1-29 established by supreme court rule or order for the electronic  
 1-30 filing of documents in courts of this state.

1-31 (3) "Electronic filing transaction" means the  
 1-32 simultaneous electronic filing of one or more documents related to  
 1-33 a proceeding before a court in this state.

1-34 (4) "Local government" means a county or municipality.

1-35 (b) The office as authorized by supreme court rule or order  
 1-36 may implement an electronic filing system for use in the courts of  
 1-37 this state and may set fees for transactions that use the electronic  
 1-38 filing system. A fee set under this subsection for a transaction  
 1-39 may not exceed \$4.

1-40 (c) A fee set by the office for using the electronic filing  
 1-41 system is in addition to any other statutory fee. The revenue  
 1-42 collected from the fees must be used to support the electronic  
 1-43 filing system, including the recovery of system costs.

1-44 (d) A local government or appellate court that uses the  
 1-45 electronic filing system may charge a fee of \$2 for each electronic  
 1-46 filing transaction if:

1-47 (1) the fee is necessary to recover the actual system  
 1-48 operating costs reasonably incurred by the local government or  
 1-49 appellate court to:

1-50 (A) accept electronic payment methods; or

1-51 (B) interface with other technology information  
 1-52 systems;

1-53 (2) the fee does not include an amount to recover local  
 1-54 government or appellate court employee costs, other than costs for  
 1-55 directly maintaining the system;

1-56 (3) the governing body of the local government or the  
 1-57 appellate court approves the fee using the local government or  
 1-58 appellate court's standard approval process for fee increases; and

1-59 (4) the local government or appellate court annually  
 1-60 certifies to the office on a form prescribed by the office that the

2-1 amount of the fee is necessary to recover the actual system  
2-2 operating costs incurred by the local government or appellate  
2-3 court.

2-4 (d-1) This subsection and Subsection (d) expire September  
2-5 1, 2019.

2-6 (e) A local government or appellate court that uses the  
2-7 electronic filing system may accept electronic payment methods,  
2-8 including payments made with credit and debit cards.

2-9 (f) A governmental entity not otherwise required to pay a  
2-10 filing fee under any other law may not be required to pay a fee  
2-11 established under this section.

2-12 (g) A court shall waive payment of any fee due under this  
2-13 section for an individual the court determines is indigent.

2-14 SECTION 2. Subsection (a), Section 33.48, Tax Code, is  
2-15 amended to read as follows:

2-16 (a) In addition to other costs authorized by law, a taxing  
2-17 unit is entitled to recover the following costs and expenses in a  
2-18 suit to collect a delinquent tax:

2-19 (1) all usual court costs, including the cost of  
2-20 serving process and electronic filing fees;

2-21 (2) costs of filing for record a notice of lis pendens  
2-22 against property;

2-23 (3) expenses of foreclosure sale;

2-24 (4) reasonable expenses that are incurred by the  
2-25 taxing unit in determining the name, identity, and location of  
2-26 necessary parties and in procuring necessary legal descriptions of  
2-27 the property on which a delinquent tax is due;

2-28 (5) attorney's fees in the amount of 15 percent of the  
2-29 total amount of taxes, penalties, and interest due the unit; and

2-30 (6) reasonable attorney ad litem fees approved by the  
2-31 court that are incurred in a suit in which the court orders the  
2-32 appointment of an attorney to represent the interests of a  
2-33 defendant served with process by means of citation by publication  
2-34 or posting.

2-35 SECTION 3. Subsection (a), Section 33.49, Tax Code, is  
2-36 amended to read as follows:

2-37 (a) Except as provided by Subsection (b), a taxing unit is  
2-38 not liable in a suit to collect taxes for court costs, including any  
2-39 fees for service of process and electronic filing fees, an attorney  
2-40 ad litem, arbitration, or mediation, and may not be required to post  
2-41 security for costs.

2-42 SECTION 4. Section 231.202, Family Code, is amended to read  
2-43 as follows:

2-44 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D  
2-45 CASES. In a Title IV-D case filed under this title, including a  
2-46 case filed under Chapter 159, the Title IV-D agency shall pay only  
2-47 the following costs and fees:

2-48 (1) filing fees and fees for issuance and service of  
2-49 process as provided by Chapter 110 of this code and by Sections  
2-50 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2),  
2-51 Government Code;

2-52 (2) fees for transfer as provided by Chapter 110;

2-53 (3) fees for the issuance and delivery of orders and  
2-54 writs of income withholding in the amounts provided by Chapter 110;

2-55 (4) the fee for services provided by sheriffs and  
2-56 constables, including:

2-57 (A) a fee authorized under Section 118.131, Local  
2-58 Government Code, for serving each item of process to each  
2-59 individual on whom service is required, including service by  
2-60 certified or registered mail; and

2-61 (B) a fee authorized under Section 157.103(b) for  
2-62 serving a capias;

2-63 (5) the fee for filing an administrative writ of  
2-64 withholding under Section 158.503(d);

2-65 (6) the fee for issuance of a subpoena as provided by  
2-66 Section 51.318(b)(1), Government Code; and

2-67 (7) a fee authorized [~~under a local rule~~] for the  
2-68 electronic filing of documents with a clerk.

2-69 SECTION 5. Not later than December 1, 2018, the Office of

3-1 Court Administration of the Texas Judicial System shall file a  
3-2 report with the lieutenant governor, the speaker of the house of  
3-3 representatives, and the presiding officers of the standing  
3-4 committees of each house of the legislature with jurisdiction over  
3-5 the judiciary detailing the number of local governments and  
3-6 appellate courts collecting a fee under Subsection (d), Section  
3-7 72.031, Government Code, as added by this Act, and the necessity of  
3-8 the local governments and appellate courts to continue collecting  
3-9 the fee.

3-10 SECTION 6. This Act takes effect September 1, 2013.

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