

SENATE AMENDMENTS

2nd Printing

By: Lewis

H.B. No. 1513

A BILL TO BE ENTITLED

AN ACT

relating to increases in the records archive fees and the records management and preservation fees charged by district and county clerks.

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 \$10 [~~\$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 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 51.317(b), Government Code, is amended to read as follows:

(b) The fees are:

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

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party

petition, \$15;

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

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

(5) in addition to the other fees imposed under this section, for filing 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, the amount adopted by the county commissioners court, not to exceed \$10 [~~\$5~~], for court records archiving.

SECTION 3. Section 101.0611, Government Code, is amended to read as follows:

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

(1) appellate judicial system filing fees for:

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

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

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

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

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

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

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

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

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

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

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

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

(3) additional filing fees:

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

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

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec.

51.707, Government Code) . . . not more than \$15; and

(D) to fund the preservation of court records
(Sec. 51.708, Government Code) . . . not more than \$10;

(4) for filing a suit, including an appeal from an
inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec.
51.317, Government Code) . . . \$50;

(B) for a suit with at least 11 but not more than
25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

(C) for a suit with at least 26 but not more than
100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

(D) for a suit with at least 101 but not more than
500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

(E) for a suit with at least 501 but not more than
1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

(F) for a suit with more than 1,000 plaintiffs
(Sec. 51.317, Government Code) . . . \$200;

(5) for filing a cross-action, counterclaim,
intervention, contempt action, motion for new trial, or third-party
petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not
otherwise provided for, including one copy, when requested at the
time a suit or action is filed (Sec. 51.317, Government Code) . . .
\$8;

(7) for records management and preservation (Sec.
51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted

1 by the county commissioners court (Sec. 51.317(b)(5), Government
2 Code) . . . not more than \$10 [~~\$5~~];

3 (8) for issuing a subpoena, including one copy (Sec.
4 51.318, Government Code) . . . \$8;

5 (9) for issuing a citation, commission for deposition,
6 writ of execution, order of sale, writ of execution and order of
7 sale, writ of injunction, writ of garnishment, writ of attachment,
8 or writ of sequestration not provided for in Section 51.317, or any
9 other writ or process not otherwise provided for, including one
10 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

11 (10) for searching files or records to locate a cause
12 when the docket number is not provided (Sec. 51.318, Government
13 Code) . . . \$5;

14 (11) for searching files or records to ascertain the
15 existence of an instrument or record in the district clerk's office
16 (Sec. 51.318, Government Code) . . . \$5;

17 (12) for abstracting a judgment (Sec. 51.318,
18 Government Code) . . . \$8;

19 (13) for approving a bond (Sec. 51.318, Government
20 Code) . . . \$4;

21 (14) for a certified copy of a record, judgment,
22 order, pleading, or paper on file or of record in the district
23 clerk's office, including certificate and seal, for each page or
24 part of a page (Sec. 51.318, Government Code) . . . not to exceed
25 \$1;

26 (15) for a noncertified copy, for each page or part of
27 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

(17) jury fee (Sec. 51.604, Government Code) . . . \$30;

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

(19) at a hearing held by an associate judge in Dallas County, a court cost to preserve the record, in the absence of a court reporter, by other means (Sec. 54.509, Government Code) . . . as assessed by the referring court or associate judge; and

(20) at a hearing held by an associate judge in Duval County, a court cost to preserve the record (Sec. 54.1151, Government Code) . . . as imposed by the referring court or associate judge.

SECTION 4. Sections 118.011(b) and (f), Local Government

Code, are amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$10 [~~\$5~~]

(3) Mental Health Background Check for License to Carry a Concealed Weapon (Sec. 118.0217) not more than \$2

(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:

Records Archive Fee (Sec. 118.025) not more than \$10 [~~\$5~~]

SECTION 5. The changes in law made by this Act apply only to a fee that becomes payable on or after the effective date of this Act. A fee that becomes payable before the effective date of this Act is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 6. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. This Act takes effect September 1, 2013.

ADOPTED

MAY 21 2013

Atty. Gen.
Secretary of the Senate

By: Roger W. N.

H.B. No. 1513

Substitute the following for H.B. No. 1513:

By: Jose Rodriguez

C.S. H.B. No. 1513

A BILL TO BE ENTITLED

1 AN ACT

2 relating to temporary increases in the records archive fees and the
3 records management and preservation fees charged by district and
4 county clerks.

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

6 ARTICLE 1. FEES EFFECTIVE SEPTEMBER 1, 2013

7 SECTION 1.01. Section 51.305(b), Government Code, is
8 amended to read as follows:

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

19 SECTION 1.02. Section 51.317(b), Government Code, is
20 amended to read as follows:

21 (b) The fees are:

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

24 (2) for filing a cross-action, counterclaim,

1 intervention, contempt action, motion for new trial, or third-party
2 petition, \$15;

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

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

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

13 SECTION 1.03. Section 101.0611, Government Code, is amended
14 to read as follows:

15 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
16 CODE. The clerk of a district court shall collect fees and costs
17 under the Government Code as follows:

18 (1) appellate judicial system filing fees for:

19 (A) First or Fourteenth Court of Appeals District
20 (Sec. 22.2021, Government Code) . . . not more than \$5;

21 (B) Second Court of Appeals District (Sec.
22 22.2031, Government Code) . . . not more than \$5;

23 (C) Third Court of Appeals District (Sec.
24 22.2041, Government Code) . . . \$5;

25 (D) Fourth Court of Appeals District (Sec.
26 22.2051, Government Code) . . . not more than \$5;

27 (E) Fifth Court of Appeals District (Sec.

1 22.2061, Government Code) . . . not more than \$5;
2 (E-1) Sixth Court of Appeals District (Sec.
3 22.2071, Government Code) . . . \$5;
4 (E-2) Seventh Court of Appeals District (Sec.
5 22.2081, Government Code) . . . \$5;
6 (F) Ninth Court of Appeals District (Sec.
7 22.2101, Government Code) . . . \$5;
8 (G) Eleventh Court of Appeals District (Sec.
9 22.2121, Government Code) . . . \$5;
10 (G-1) Twelfth Court of Appeals District (Sec.
11 22.2131, Government Code) . . . \$5; and
12 (H) Thirteenth Court of Appeals District (Sec.
13 22.2141, Government Code) . . . not more than \$5;
14 (2) when administering a case for the Rockwall County
15 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
16 court costs as if the case had been filed in district court;
17 (3) additional filing fees:
18 (A) for each suit filed for insurance contingency
19 fund, if authorized by the county commissioners court (Sec. 51.302,
20 Government Code) . . . not to exceed \$5;
21 (B) to fund the improvement of Dallas County
22 civil court facilities, if authorized by the county commissioners
23 court (Sec. 51.705, Government Code) . . . not more than \$15;
24 (B-1) to fund the improvement of Bexar County
25 court facilities, if authorized by the county commissioners court
26 (Sec. 51.706, Government Code) . . . not more than \$15;
27 (C) to fund the improvement of Hays County court

1 facilities, if authorized by the county commissioners court (Sec.
2 51.707, Government Code) . . . not more than \$15; and
3 (D) to fund the preservation of court records
4 (Sec. 51.708, Government Code) . . . not more than \$10;
5 (4) for filing a suit, including an appeal from an
6 inferior court:
7 (A) for a suit with 10 or fewer plaintiffs (Sec.
8 51.317, Government Code) . . . \$50;
9 (B) for a suit with at least 11 but not more than
10 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
11 (C) for a suit with at least 26 but not more than
12 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
13 (D) for a suit with at least 101 but not more than
14 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
15 (E) for a suit with at least 501 but not more than
16 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
17 (F) for a suit with more than 1,000 plaintiffs
18 (Sec. 51.317, Government Code) . . . \$200;
19 (5) for filing a cross-action, counterclaim,
20 intervention, contempt action, motion for new trial, or third-party
21 petition (Sec. 51.317, Government Code) . . . \$15;
22 (6) for issuing a citation or other writ or process not
23 otherwise provided for, including one copy, when requested at the
24 time a suit or action is filed (Sec. 51.317, Government Code) . . .
25 \$8;
26 (7) for records management and preservation (Sec.
27 51.317, Government Code) . . . \$10;

1 (7-a) for district court records archiving, if adopted
2 by the county commissioners court (Sec. 51.317(b)(5), Government
3 Code) . . . not more than \$10 [~~\$5~~];
4 (8) for issuing a subpoena, including one copy (Sec.
5 51.318, Government Code) . . . \$8;
6 (9) for issuing a citation, commission for deposition,
7 writ of execution, order of sale, writ of execution and order of
8 sale, writ of injunction, writ of garnishment, writ of attachment,
9 or writ of sequestration not provided for in Section 51.317, or any
10 other writ or process not otherwise provided for, including one
11 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
12 (10) for searching files or records to locate a cause
13 when the docket number is not provided (Sec. 51.318, Government
14 Code) . . . \$5;
15 (11) for searching files or records to ascertain the
16 existence of an instrument or record in the district clerk's office
17 (Sec. 51.318, Government Code) . . . \$5;
18 (12) for abstracting a judgment (Sec. 51.318,
19 Government Code) . . . \$8;
20 (13) for approving a bond (Sec. 51.318, Government
21 Code) . . . \$4;
22 (14) for a certified copy of a record, judgment,
23 order, pleading, or paper on file or of record in the district
24 clerk's office, including certificate and seal, for each page or
25 part of a page (Sec. 51.318, Government Code) . . . not to exceed
26 \$1;
27 (15) for a noncertified copy, for each page or part of

1 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

2 (16) fee for performing a service:

3 (A) related to the matter of the estate of a

4 deceased person (Sec. 51.319, Government Code) . . . the same fee

5 allowed the county clerk for those services;

6 (B) related to the matter of a minor (Sec.

7 51.319, Government Code) . . . the same fee allowed the county

8 clerk for the service;

9 (C) of serving process by certified or registered

10 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or

11 constable is authorized to charge for the service under Section

12 118.131, Local Government Code; and

13 (D) prescribed or authorized by law but for which

14 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

15 (17) jury fee (Sec. 51.604, Government Code) . . .

16 \$30;

17 (18) additional filing fee for family protection on

18 filing a suit for dissolution of a marriage under Chapter 6, Family

19 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

20 (19) at a hearing held by an associate judge in Dallas

21 County, a court cost to preserve the record, in the absence of a

22 court reporter, by other means (Sec. 54.509, Government Code) . . .

23 as assessed by the referring court or associate judge; and

24 (20) at a hearing held by an associate judge in Duval

25 County, a court cost to preserve the record (Sec. 54.1151,

26 Government Code) . . . as imposed by the referring court or

27 associate judge.

1 SECTION 1.04. Sections 118.011(b) and (f), Local Government
2 Code, are amended to read as follows:

3 (b) The county clerk may set and collect the following fee
4 from any person:

5 (1) Returned Check (Sec. 118.0215) not less
6 than \$15 or more than \$30

7 (2) Records Management and Preservation Fee (Sec.
8 118.0216) not more than \$10 [~~\$5~~]

9 (3) Mental Health Background Check for License to
10 Carry a Concealed Weapon (Sec. 118.0217) not more than \$2

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

14 Records Archive Fee (Sec. 118.025) not more
15 than \$10 [~~\$5~~]

16 SECTION 1.05. The changes in law made by this article apply
17 only to a fee that becomes payable on or after September 1, 2013. A
18 fee that becomes payable before September 1, 2013, is governed by
19 the law in effect when the fee became payable, and the former law is
20 continued in effect for that purpose.

21 SECTION 1.06. This article takes effect September 1, 2013.

22 ARTICLE 2. FEES EFFECTIVE SEPTEMBER 1, 2019

23 SECTION 2.01. Section 51.305(b), Government Code, is
24 amended to read as follows:

25 (b) The commissioners court of a county may adopt a district
26 court records archive fee of not more than \$5 for the filing of a
27 suit, including an appeal from an inferior court, or a

1 cross-action, counterclaim, intervention, contempt action, motion
2 for new trial, or third-party petition, in a district court in the
3 county as part of the county's annual budget. The fee must be set
4 and itemized in the county's budget as part of the budget
5 preparation process and must be approved in a public meeting. The
6 fee is for preservation and restoration services performed in
7 connection with maintaining a district court records archive.

8 SECTION 2.02. Section 51.317(b), Government Code, is
9 amended to read as follows:

10 (b) The fees are:

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

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14 intervention, contempt action, motion for new trial, or third-party
15 petition, \$15;

16 (3) for issuing a citation or other writ or process not
17 otherwise provided for, including one copy, when requested at the
18 time a suit or action is filed, \$8;

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20 (5) in addition to the other fees imposed under this
21 section, for filing a suit, including an appeal from an inferior
22 court, or a cross-action, counterclaim, intervention, contempt
23 action, motion for new trial, or third-party petition, the amount
24 adopted by the county commissioners court, not to exceed \$5, for
25 court records archiving.

26 SECTION 2.03. Section 101.0611, Government Code, is amended
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9 as assessed by the referring court or associate judge; and

10 (20) at a hearing held by an associate judge in Duval
11 County, a court cost to preserve the record (Sec. 54.1151,
12 Government Code) . . . as imposed by the referring court or
13 associate judge.

14 SECTION 2.04. Sections 118.011(b) and (f), Local Government
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16 (b) The county clerk may set and collect the following fee
17 from any person:

18 (1) Returned Check (Sec. 118.0215) not less
19 than \$15 or more than \$30

20 (2) Records Management and Preservation Fee (Sec.
21 118.0216) not more than \$5

22 (3) Mental Health Background Check for License to
23 Carry a Concealed Weapon (Sec. 118.0217) not more than \$2

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

27 Records Archive Fee (Sec. 118.025) not more

1 than \$5

2 SECTION 2.05. The changes in law made by this article apply
3 only to a fee that becomes payable on or after September 1, 2019. A
4 fee that becomes payable before September 1, 2019, is governed by
5 the law in effect when the fee became payable, and the former law is
6 continued in effect for that purpose.

7 SECTION 2.06. This article takes effect September 1, 2019.

8 ARTICLE 3. CONFLICT WITH OTHER LEGISLATION

9 SECTION 3.01. To the extent of any conflict, this Act
10 prevails over another Act of the 83rd Legislature, Regular Session,
11 2013, relating to nonsubstantive additions to and corrections in
12 enacted codes.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 21, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1513 by Lewis (Relating to temporary increases in the records archive fees and the records management and preservation fees charged by district and county clerks.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Article 1 would amend the Government Code to authorize the commissioners court of a county to increase a district court records archive fee from not more than \$5 to not more than \$10. The fee would be required to be deposited into a district court records technology fund in the county's general fund and could only be expended for the preservation and restoration of the district court records archive. The bill would also amend the Local Government Code to authorize a county clerk to increase the Records Management and Preservation Fee and Records Archive Fee from not more than \$5 to not more than \$10. Article 1 would take effect September 1, 2013.

Article 2 would revert the fees to fee amounts prior to the increase in Article 1 and would take effect September 1, 2019.

According to the Office of Court Administration, the revenue generated by these fees is retained locally; therefore, no fiscal impact to the state is anticipated.

Local Government Impact

The Comptroller of Public Accounts provided information from Bexar, Collin, Llano and Harris counties to determine the potential fiscal impact of this bill on their counties. Based on the information obtained from the sample counties, the fiscal impact on the units of local government would be positive, but the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. The amount of revenue that each county and district court could generate from the higher fee would vary depending on the fee that is currently charged and the number of suits that are filed.

The fiscal year (FY) for Bexar, Collin, and Llano counties begins October 1, while Harris County's fiscal year begins on March 1.

Bexar County reported the bill would not create any additional expenses. Bexar County estimates additional revenue of \$150,000 per year for FY 2014-18 and a pro-rated revenue amount of \$12,500 for FY 2013. The fiscal implications after FY 2018 would continue to be similar.

Collin County reported the bill would not create any additional expenses. Collin County estimates additional revenue of \$100,000 per year for FY 2014-18 and a pro-rated revenue amount of \$10,000 for FY 2013. The fiscal implications after FY 2018 would continue to be similar.

Llano County reported the bill would not create any additional expenses. Llano County estimates additional revenue of \$1,560 per year for FY 2014-18 and a pro-rated revenue amount of \$130 for FY 2013. The fiscal implications after FY 2018 would be indeterminate.

Harris County reported the bill would not create any additional expenses. Harris County estimates additional revenue of \$1.1 million per year for FY 2015-18 and a pro-rated revenue amount of \$550,000 for FY 2014. The fiscal implications after FY 2018 would be indeterminate.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, CL, SD, TP, JJO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1513 by Lewis (Relating to temporary increases in the records archive fees and the records management and preservation fees charged by district and county clerks.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

Article 1 would amend the Government Code to authorize the commissioners court of a county to increase a district court records archive fee from not more than \$5 to not more than \$10. The fee would be required to be deposited into a district court records technology fund in the county's general fund and could only be expended for the preservation and restoration of the district court records archive. The bill would also amend the Local Government Code to authorize a county clerk to increase the Records Management and Preservation Fee and Records Archive Fee from not more than \$5 to not more than \$10. Article 1 would take effect September 1, 2013.

Article 2 would revert the fees to fee amounts prior to the increase in Article 1 and would take effect September 1, 2019.

According to the Office of Court Administration, the revenue generated by these fees is retained locally; therefore, no fiscal impact to the state is anticipated.

Local Government Impact

The Comptroller of Public Accounts provided information from Bexar, Collin, Llano and Harris counties to determine the potential fiscal impact of this bill on their counties. Based on the information obtained from the sample counties, the fiscal impact on the units of local government would be positive, but the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. The amount of revenue that each county and district court could generate from the higher fee would vary depending on the fee that is currently charged and the number of suits that are filed.

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Collin County reported the bill would not create any additional expenses. Collin County estimates additional revenue of \$100,000 per year for FY 2014-18 and a pro-rated revenue amount of \$10,000 for FY 2013. The fiscal implications after FY 2018 would continue to be similar.

Llano County reported the bill would not create any additional expenses. Llano County estimates additional revenue of \$1,560 per year for FY 2014-18 and a pro-rated revenue amount of \$130 for FY 2013. The fiscal implications after FY 2018 would be indeterminate.

Harris County reported the bill would not create any additional expenses. Harris County estimates additional revenue of \$1.1 million per year for FY 2015-18 and a pro-rated revenue amount of \$550,000 for FY 2014. The fiscal implications after FY 2018 would be indeterminate.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, CL, SD, TP, JJO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 24, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1513 by Lewis (Relating to increases in the records archive fees and the records management and preservation fees charged by district and county clerks.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize the commissioners court of a county to increase a district court records archive fee from not more than \$5 to not more than \$10. The fee would be required to be deposited into a district court records technology fund in the county's general fund and could only be expended for the preservation and restoration of the district court records archive.

The bill would amend the Local Government Code to authorize a county clerk to increase the Records Management and Preservation Fee and Records Archive Fee from not more than \$5 to not more than \$10.

According to the Office of Court Administration, the revenue generated by these fees is retained locally; therefore, no fiscal impact to the state is anticipated.

Local Government Impact

The Comptroller of Public Accounts provided information from Bexar, Collin, Llano and Harris counties to determine the potential fiscal impact of this bill on their counties. Based on the information obtained from the sample counties, the fiscal impact on the units of local government would be positive, but the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. The amount of revenue that each county and district court could generate from the higher fee would vary depending on the fee that is currently charged and the number of suits that are filed.

The fiscal year (FY) for Bexar, Collin, and Llano counties begins October 1, while Harris County's fiscal year begins on March 1.

Bexar County reported the bill would not create any additional expenses. Bexar County estimates additional revenue of \$150,000 per year for FY 2014–18 and a pro-rated revenue amount of \$12,500 for FY 2013.

Collin County reported the bill would not create any additional expenses. Collin County estimates additional revenue of \$100,000 per year for FY 2014–18 and a pro-rated revenue amount of \$10,000 for FY 2013.

Llano County reported the bill would not create any additional expenses. Llano County estimates additional revenue of \$1,560 per year for FY 2014–18 and a pro-rated revenue amount of \$130 for FY 2013.

Harris County reported the bill would not create any additional expenses. Harris County estimates additional revenue of \$1.1 million per year for FY 2015–18 and a pro-rated revenue amount of \$550,000 for FY 2014.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, CL, SD, TP, JJO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 17, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee On Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1513 by Lewis (Relating to increases in the records archive fees and the records management and preservation fees charged by district and county clerks.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize the commissioners court of a county to increase a district court records archive fee from not more than \$5 to not more than \$10. The fee would be required to be deposited into a district court records technology fund in the county's general fund and could only be expended for the preservation and restoration of the district court records archive.

The bill would amend the Local Government Code to authorize a county clerk to increase the Records Management and Preservation Fee and Records Archive Fee from not more than \$5 to not more than \$10.

According to the Office of Court Administration, the revenue generated by these fees is retained locally; therefore, no fiscal impact to the state is anticipated.

Local Government Impact

The Comptroller of Public Accounts provided information from Bexar, Collin, Llano and Harris counties to determine the potential fiscal impact of this bill on their counties. Based on the information obtained from the sample counties, the fiscal impact on the units of local government would be positive, but the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. The amount of revenue that each county and district court could generate from the higher fee would vary depending on the fee that is currently charged and the number of suits that are filed.

The fiscal year (FY) for Bexar, Collin, and Llano counties begins October 1, while Harris County's fiscal year begins on March 1.

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Collin County reported the bill would not create any additional expenses. Collin County estimates additional revenue of \$100,000 per year for FY 2014–18 and a pro-rated revenue amount of \$10,000 for FY 2013.

Llano County reported the bill would not create any additional expenses. Llano County estimates additional revenue of \$1,560 per year for FY 2014–18 and a pro-rated revenue amount of \$130 for FY 2013.

Harris County reported the bill would not create any additional expenses. Harris County estimates additional revenue of \$1.1 million per year for FY 2015–18 and a pro-rated revenue amount of \$550,000 for FY 2014.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, CL, SD, TP, JJO