

SENATE AMENDMENTS

2nd Printing

By: Hunter, Thompson of Harris

H.B. No. 2302

A BILL TO BE ENTITLED

AN ACT

1
2 relating to signing electronic or digital court documents, to the
3 electronic filing system established by the Texas Supreme Court, to
4 the statewide electronic filing system fund, and to certain court
5 fees and court costs; imposing and authorizing certain fees.

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

7 SECTION 1. Chapter 21, Government Code, is amended by
8 adding Section 21.011 to read as follows:

9 Sec. 21.011. ELECTRONIC OR DIGITAL SIGNATURE. A judge or
10 justice presiding over a court in this state may sign an electronic
11 or digital court document, including an order, judgment, ruling,
12 notice, commission, or precept, electronically, digitally, or
13 through another secure method. The document signed in that manner
14 is the official document issued by the court.

15 SECTION 2. Chapter 51, Government Code, is amended by
16 adding Subchapter I-1 to read as follows:

17 SUBCHAPTER I-1. ELECTRONIC FILING FEE

18 Sec. 51.851. ELECTRONIC FILING FEE. (a) In this section,
19 "conviction" has the meaning assigned by Section 133.101, Local
20 Government Code.

21 (b) In addition to other fees authorized or required by law,
22 the clerk of the supreme court, a court of appeals, a district
23 court, a county court, a statutory county court, or a statutory
24 probate court shall collect a \$20 fee on the filing of any civil

1 action or proceeding requiring a filing fee, including an appeal,
2 and on the filing of any counterclaim, cross-action, intervention,
3 interpleader, or third-party action requiring a filing fee to be
4 used as provided by Section 51.852.

5 (c) In addition to other fees authorized or required by law,
6 the clerk of a justice court shall collect a \$10 fee on the filing of
7 any civil action or proceeding requiring a filing fee, including an
8 appeal, and on the filing of any counterclaim, cross-action,
9 intervention, interpleader, or third-party action requiring a
10 filing fee to be used as provided by Section 51.852.

11 (d) In addition to other court costs, a person shall pay \$5
12 as a court cost on conviction of any criminal offense in a district
13 court, county court, or statutory county court.

14 (e) A court may waive payment of a court cost or fee due
15 under this section for an individual the court determines is
16 indigent.

17 (f) Court costs and fees due under this section shall be
18 collected in the same manner as other fees, fines, or costs in the
19 case.

20 (g) The clerk shall send the court costs and fees collected
21 under this section to the comptroller not later than the last day of
22 the month following each calendar quarter.

23 (h) The comptroller shall deposit the court costs and fees
24 received under this section to the credit of the statewide
25 electronic filing system fund established under Section 51.852.

26 (i) The comptroller may audit the records of a county
27 related to costs and fees collected under this section.

1 (j) Money spent from costs and fees collected under this
2 section is subject to audit by the state auditor.

3 Sec. 51.852. STATEWIDE ELECTRONIC FILING SYSTEM FUND. (a)
4 The statewide electronic filing system fund is an account in the
5 general revenue fund.

6 (b) Money in the statewide electronic filing system fund may
7 only be appropriated to the Office of Court Administration of the
8 Texas Judicial System and used to:

9 (1) support a statewide electronic filing technology
10 project for courts in this state;

11 (2) provide grants to counties to implement components
12 of the project; or

13 (3) support court technology projects that have a
14 statewide impact as determined by the office of court
15 administration.

16 SECTION 3. Subchapter C, Chapter 72, Government Code, is
17 amended by adding Section 72.031 to read as follows:

18 Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this
19 section:

20 (1) "Appellate court" means the supreme court, the
21 court of criminal appeals, or a court of appeals.

22 (2) "Electronic filing system" means the filing system
23 established by supreme court rule or order for the electronic
24 filing of documents in courts of this state.

25 (3) "Electronic filing transaction" means the
26 simultaneous electronic filing of one or more documents related to
27 a proceeding before a court in this state.

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

2 (b) The office as authorized by supreme court rule or order
3 may implement an electronic filing system for use in the courts of
4 this state.

5 (c) A local government or appellate court that uses the
6 electronic filing system may charge a fee of \$2 for each electronic
7 filing transaction if:

8 (1) the fee is necessary to recover the actual system
9 operating costs reasonably incurred by the local government or
10 appellate court to:

11 (A) accept electronic payment methods; or

12 (B) interface with other technology information
13 systems;

14 (2) the fee does not include an amount to recover local
15 government or appellate court employee costs, other than costs for
16 directly maintaining the system;

17 (3) the governing body of the local government or the
18 appellate court approves the fee using the local government or
19 appellate court's standard approval process for fee increases; and

20 (4) the local government or appellate court annually
21 certifies to the office on a form prescribed by the office that the
22 amount of the fee is necessary to recover the actual system
23 operating costs incurred by the local government or appellate
24 court.

25 (c-1) This subsection and Subsection (c) expire September
26 1, 2019.

27 (d) A local government or appellate court that uses the

1 electronic filing system may accept electronic payment methods,
2 including payments made with credit and debit cards.

3 (e) A governmental entity not otherwise required to pay a
4 filing fee under any other law may not be required to pay a fee
5 established under this section.

6 (f) A court shall waive payment of any fee due under this
7 section for an individual the court determines is indigent.

8 (g) The comptroller may audit the records of a county or
9 municipality relating to fees collected under this section. Money
10 spent from fees collected under this section is subject to audit by
11 the state auditor.

12 SECTION 4. Subchapter B, Chapter 101, Government Code, is
13 amended by adding Section 101.0211 to read as follows:

14 Sec. 101.0211. ADDITIONAL SUPREME COURT FEES: GOVERNMENT
15 CODE. The clerk of the supreme court shall collect a statewide
16 electronic filing system fund fee of \$20 under Section 51.851,
17 Government Code.

18 SECTION 5. Subchapter C, Chapter 101, Government Code, is
19 amended by adding Section 101.0411 to read as follows:

20 Sec. 101.0411. ADDITIONAL COURT OF APPEALS FEES: GOVERNMENT
21 CODE. The clerk of a court of appeals shall collect a statewide
22 electronic filing system fund fee of \$20 under Section 51.851,
23 Government Code.

24 SECTION 6. Subchapter D, Chapter 101, Government Code, is
25 amended by adding Section 101.06118 to read as follows:

26 Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
27 CODE. The clerk of a district court shall collect a statewide

1 electronic filing system fund fee of \$20 under Section 51.851,
2 Government Code.

3 SECTION 7. Subchapter E, Chapter 101, Government Code, is
4 amended by adding Section 101.08117 to read as follows:

5 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:
6 GOVERNMENT CODE. The clerk of a statutory county court shall
7 collect a statewide electronic filing system fund fee of \$20 under
8 Section 51.851, Government Code.

9 SECTION 8. Subchapter F, Chapter 101, Government Code, is
10 amended by adding Section 101.10116 to read as follows:

11 Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES:
12 GOVERNMENT CODE. The clerk of a statutory probate court shall
13 collect a statewide electronic filing system fund fee of \$20 under
14 Section 51.851, Government Code.

15 SECTION 9. Subchapter G, Chapter 101, Government Code, is
16 amended by adding Section 101.12126 to read as follows:

17 Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
18 CODE. The clerk of a county court shall collect a statewide
19 electronic filing system fund fee of \$20 under Section 51.851,
20 Government Code.

21 SECTION 10. Subchapter H, Chapter 101, Government Code, is
22 amended by adding Section 101.1411 to read as follows:

23 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT
24 CODE. The clerk of a justice court shall collect a statewide
25 electronic filing system fund fee of \$10 under Section 51.851,
26 Government Code.

27 SECTION 11. Subchapter C, Chapter 102, Government Code, is

1 amended by adding Section 102.0415 to read as follows:

2 Sec. 102.0415. ADDITIONAL COURT COSTS ON CONVICTION IN
3 DISTRICT COURT: GOVERNMENT CODE. The clerk of a district court
4 shall collect from a defendant a court cost on conviction of \$5
5 under Section 51.851, Government Code.

6 SECTION 12. Subchapter D, Chapter 102, Government Code, is
7 amended by adding Section 102.0615 to read as follows:

8 Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN
9 STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory
10 county court shall collect from a defendant a court cost on
11 conviction of \$5 under Section 51.851, Government Code.

12 SECTION 13. Subchapter E, Chapter 102, Government Code, is
13 amended by adding Section 102.082 to read as follows:

14 Sec. 102.082. ADDITIONAL COURT COSTS ON CONVICTION IN
15 COUNTY COURT: GOVERNMENT CODE. The clerk of a county court shall
16 collect from a defendant a court cost on conviction of \$5 under
17 Section 51.851, Government Code.

18 SECTION 14. Section 231.202, Family Code, is amended to
19 read as follows:

20 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
21 CASES. In a Title IV-D case filed under this title, including a
22 case filed under Chapter 159, the Title IV-D agency shall pay only
23 the following costs and fees:

24 (1) filing fees and fees for issuance and service of
25 process as provided by Chapter 110 of this code and by Sections
26 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2),
27 Government Code;

- 1 (2) fees for transfer as provided by Chapter 110;
- 2 (3) fees for the issuance and delivery of orders and
3 writs of income withholding in the amounts provided by Chapter 110;
- 4 (4) the fee for services provided by sheriffs and
5 constables, including:
- 6 (A) a fee authorized under Section 118.131, Local
7 Government Code, for serving each item of process to each
8 individual on whom service is required, including service by
9 certified or registered mail; and
- 10 (B) a fee authorized under Section 157.103(b) for
11 serving a *capias*;
- 12 (5) the fee for filing an administrative writ of
13 withholding under Section 158.503(d);
- 14 (6) the fee for issuance of a subpoena as provided by
15 Section 51.318(b)(1), Government Code; and
- 16 (7) a fee authorized [~~under a local rule~~] for the
17 electronic filing of documents with a clerk.

18 SECTION 15. Section 133.058(d), Local Government Code, is
19 amended to read as follows:

20 (d) A county may not retain a service fee on the collection
21 of a fee:

- 22 (1) for the judicial fund; [~~or~~]
- 23 (2) under Sections 14 and 19, Article 42.12, Code of
24 Criminal Procedure; or
- 25 (3) under Section 51.851, Government Code.

26 SECTION 16. The imposition of a cost of court on conviction
27 under Section 51.851, Government Code, as added by this Act,

1 applies only to an offense committed on or after the effective date
2 of this Act. An offense committed before the effective date of this
3 Act is covered by the law in effect when the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense was
7 committed before that date.

8 SECTION 17. (a) Section 51.607, Government Code, does not
9 apply to the imposition of a fee assessed under:

10 (1) Section 51.851, Government Code, as added by this
11 Act;

12 (2) Section 101.0211, Government Code, as added by
13 this Act;

14 (3) Section 101.0411, Government Code, as added by
15 this Act;

16 (4) Section 101.06118, Government Code, as added by
17 this Act;

18 (5) Section 101.08117, Government Code, as added by
19 this Act;

20 (6) Section 101.10116, Government Code, as added by
21 this Act;

22 (7) Section 101.12126, Government Code, as added by
23 this Act;

24 (8) Section 101.1411, Government Code, as added by
25 this Act;

26 (9) Section 102.0415, Government Code, as added by
27 this Act;

1 (10) Section 102.0615, Government Code, as added by
2 this Act; or

3 (11) Section 102.082, Government Code, as added by
4 this Act.

5 (b) The changes in law made by this Act apply only to a fee
6 that becomes payable on or after September 1, 2013. A fee that
7 becomes payable before that date is governed by the law in effect
8 when the fee became payable, and the former law is continued in
9 effect for that purpose.

10 SECTION 18. Not later than December 1, 2018, the Office of
11 Court Administration of the Texas Judicial System shall file a
12 report with the lieutenant governor, the speaker of the house of
13 representatives, and the presiding officers of the standing
14 committees of each house of the legislature with jurisdiction over
15 the judiciary detailing the number of local governments and
16 appellate courts collecting a fee under Section 72.031(c),
17 Government Code, as added by this Act, and the necessity of the
18 local governments and appellate courts to continue collecting the
19 fee.

20 SECTION 19. This Act takes effect September 1, 2013.

ADOPTED

MAY 15 2013

Adrian Smith
Secretary of the Senate
Secretary of the Senate

By: *Roger W. N.*

H.B. No. 2307

Substitute the following for H.B. No. 2307:

By: *Roger W. N.*

C.S.H.B. No. 2307

A BILL TO BE ENTITLED

AN ACT

1
2 relating to signing electronic or digital court documents, to the
3 electronic filing system established by the Texas Supreme Court, to
4 the statewide electronic filing system fund, to certain court fees
5 and court costs, and to recovery of electronic filing fees by taxing
6 units; imposing and authorizing certain fees.

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

8 SECTION 1. Chapter 21, Government Code, is amended by
9 adding Section 21.011 to read as follows:

10 Sec. 21.011. ELECTRONIC OR DIGITAL SIGNATURE. A judge or
11 justice presiding over a court in this state may sign an electronic
12 or digital court document, including an order, judgment, ruling,
13 notice, commission, or precept, electronically, digitally, or
14 through another secure method. The document signed in that manner
15 is the official document issued by the court.

16 SECTION 2. Chapter 51, Government Code, is amended by
17 adding Subchapter 1-1 to read as follows:

18 SUBCHAPTER 1-1. ELECTRONIC FILING FEE

19 Sec. 51.851. ELECTRONIC FILING FEE. (a) In this section,
20 "conviction" has the meaning assigned by Section 133.101, Local
21 Government Code.

22 (b) In addition to other fees authorized or required by law,
23 the clerk of the supreme court, a court of appeals, a district
24 court, a county court, a statutory county court, or a statutory

1 probate court shall collect a \$20 fee on the filing of any civil
2 action or proceeding requiring a filing fee, including an appeal,
3 and on the filing of any counterclaim, cross-action, intervention,
4 interpleader, or third-party action requiring a filing fee to be
5 used as provided by Section 51.852.

6 (c) In addition to other fees authorized or required by law,
7 the clerk of a justice court shall collect a \$10 fee on the filing of
8 any civil action or proceeding requiring a filing fee, including an
9 appeal, and on the filing of any counterclaim, cross-action,
10 intervention, interpleader, or third-party action requiring a
11 filing fee to be used as provided by Section 51.852.

12 (d) In addition to other court costs, a person shall pay \$5
13 as a court cost on conviction of any criminal offense in a district
14 court, county court, or statutory county court.

15 (e) A court may waive payment of a court cost or fee due
16 under this section for an individual the court determines is
17 indigent.

18 (f) Court costs and fees due under this section shall be
19 collected in the same manner as other fees, fines, or costs in the
20 case.

21 (g) The clerk of a district court, a county court, a
22 statutory county court, a statutory probate court, or a justice
23 court shall deposit the court costs and fees collected under this
24 section in the appropriate local treasury and remit the court costs
25 and fees to the comptroller in the manner provided by Subchapter B,
26 Chapter 133, Local Government Code.

27 (h) The clerk of the supreme court or of a court of appeals

1 shall remit the fees collected under this section to the
2 comptroller.

3 (i) The comptroller shall deposit the court costs and fees
4 received under this section to the credit of the statewide
5 electronic filing system fund established under Section 51.852.

6 (j) The comptroller may audit the records of a county
7 related to costs and fees collected under this section.

8 (k) Money spent from costs and fees collected under this
9 section is subject to audit by the state auditor.

10 Sec. 51.852. STATEWIDE ELECTRONIC FILING SYSTEM FUND. (a)
11 The statewide electronic filing system fund is an account in the
12 general revenue fund.

13 (b) Money in the statewide electronic filing system fund may
14 only be appropriated to the Office of Court Administration of the
15 Texas Judicial System and used to:

16 (1) support a statewide electronic filing technology
17 project for courts in this state;

18 (2) provide grants to counties to implement components
19 of the project; or

20 (3) support court technology projects that have a
21 statewide impact as determined by the office of court
22 administration.

23 SECTION 3. Subchapter C, Chapter 72, Government Code, is
24 amended by adding Section 72.031 to read as follows:

25 Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this
26 section:

27 (1) "Appellate court" means the supreme court, the

1 court of criminal appeals, or a court of appeals.

2 (2) "Electronic filing system" means the filing system
3 established by supreme court rule or order for the electronic
4 filing of documents in courts of this state.

5 (3) "Electronic filing transaction" means the
6 simultaneous electronic filing of one or more documents related to
7 a proceeding before a court in this state.

8 (4) "Local government" means a county or municipality.

9 (b) The office as authorized by supreme court rule or order
10 may implement an electronic filing system for use in the courts of
11 this state.

12 (c) A local government or appellate court that uses the
13 electronic filing system may charge a fee of \$2 for each electronic
14 filing transaction if:

15 (1) the fee is necessary to recover the actual system
16 operating costs reasonably incurred by the local government or
17 appellate court to:

18 (A) accept electronic payment methods; or

19 (B) interface with other technology information
20 systems;

21 (2) the fee does not include an amount to recover local
22 government or appellate court employee costs, other than costs for
23 directly maintaining the system;

24 (3) the governing body of the local government or the
25 appellate court approves the fee using the local government or
26 appellate court's standard approval process for fee increases; and

27 (4) the local government or appellate court annually

1 certifies to the office on a form prescribed by the office that the
2 amount of the fee is necessary to recover the actual system
3 operating costs incurred by the local government or appellate
4 court.

5 (c-1) This subsection and Subsection (c) expire September
6 1, 2019.

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

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

13 (f) A court shall waive payment of any fee due under this
14 section for an individual the court determines is indigent.

15 SECTION 4. Subchapter B, Chapter 101, Government Code, is
16 amended by adding Section 101.0211 to read as follows:

17 Sec. 101.0211. ADDITIONAL SUPREME COURT FEES: GOVERNMENT
18 CODE. The clerk of the supreme court shall collect a statewide
19 electronic filing system fund fee of \$20 under Section 51.851,
20 Government Code.

21 SECTION 5. Subchapter C, Chapter 101, Government Code, is
22 amended by adding Section 101.0411 to read as follows:

23 Sec. 101.0411. ADDITIONAL COURT OF APPEALS FEES: GOVERNMENT
24 CODE. The clerk of a court of appeals shall collect a statewide
25 electronic filing system fund fee of \$20 under Section 51.851,
26 Government Code.

27 SECTION 6. Subchapter D, Chapter 101, Government Code, is

1 amended by adding Section 101.06118 to read as follows:

2 Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
3 CODE. The clerk of a district court shall collect a statewide
4 electronic filing system fund fee of \$20 under Section 51.851,
5 Government Code.

6 SECTION 7. Subchapter E, Chapter 101, Government Code, is
7 amended by adding Section 101.08117 to read as follows:

8 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:
9 GOVERNMENT CODE. The clerk of a statutory county court shall
10 collect a statewide electronic filing system fund fee of \$20 under
11 Section 51.851, Government Code.

12 SECTION 8. Subchapter F, Chapter 101, Government Code, is
13 amended by adding Section 101.10116 to read as follows:

14 Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES:
15 GOVERNMENT CODE. The clerk of a statutory probate court shall
16 collect a statewide electronic filing system fund fee of \$20 under
17 Section 51.851, Government Code.

18 SECTION 9. Subchapter G, Chapter 101, Government Code, is
19 amended by adding Section 101.12126 to read as follows:

20 Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
21 CODE. The clerk of a county court shall collect a statewide
22 electronic filing system fund fee of \$20 under Section 51.851,
23 Government Code.

24 SECTION 10. Subchapter H, Chapter 101, Government Code, is
25 amended by adding Section 101.1411 to read as follows:

26 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT
27 CODE. The clerk of a justice court shall collect a statewide

1 electronic filing system fund fee of \$10 under Section 51.851,
2 Government Code.

3 SECTION 11. Subchapter C, Chapter 102, Government Code, is
4 amended by adding Section 102.0415 to read as follows:

5 Sec. 102.0415. ADDITIONAL COURT COSTS ON CONVICTION IN
6 DISTRICT COURT: GOVERNMENT CODE. The clerk of a district court
7 shall collect from a defendant a court cost on conviction of \$5
8 under Section 51.851, Government Code.

9 SECTION 12. Subchapter D, Chapter 102, Government Code, is
10 amended by adding Section 102.0615 to read as follows:

11 Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN
12 STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory
13 county court shall collect from a defendant a court cost on
14 conviction of \$5 under Section 51.851, Government Code.

15 SECTION 13. Subchapter E, Chapter 102, Government Code, is
16 amended by adding Section 102.082 to read as follows:

17 Sec. 102.082. ADDITIONAL COURT COSTS ON CONVICTION IN
18 COUNTY COURT: GOVERNMENT CODE. The clerk of a county court shall
19 collect from a defendant a court cost on conviction of \$5 under
20 Section 51.851, Government Code.

21 SECTION 14. Section 103.027, Government Code, is amended to
22 read as follows:

23 Sec. 103.027. MISCELLANEOUS FEES AND COSTS: GOVERNMENT
24 CODE. (a) Fees and costs shall be paid or collected under the
25 Government Code as follows:

26 (1) filing a certified copy of a judicial finding of
27 fact and conclusion of law if charged by the secretary of state

1 (Sec. 51.905, Government Code) . . . \$15;

2 (2) cost paid by each surety posting the bail bond for
3 an offense other than a misdemeanor punishable by fine only under
4 Chapter 17, Code of Criminal Procedure, for the assistant
5 prosecutor supplement fund and the fair defense account (Sec.
6 41.258, Government Code) . . . \$15, provided the cost does not
7 exceed \$30 for all bail bonds posted at that time for an individual
8 and the cost is not required on the posting of a personal or cash
9 bond;

10 (3) to participate in a court proceeding in this
11 state, a nonresident attorney fee (Sec. 82.0361, Government Code)
12 . . . \$250 except as waived or reduced under supreme court rules for
13 representing an indigent person;

14 (4) on a party's appeal of a final decision in a
15 contested case, the cost of preparing the original or a certified
16 copy of the record of the agency proceeding, if required by the
17 agency's rule, as a court cost (Sec. 2001.177, Government Code)
18 . . . as assessed by the court, all or part of the cost of
19 preparation;

20 (5) compensation to a referee in juvenile court in
21 Wichita County taxed as costs if the judge determines the parties
22 are able to pay the costs (Sec. 54.403, Government Code) . . . as
23 determined by the judge; and

24 (6) the expense of preserving the record as a court
25 cost in Brazos County if imposed on a party by the referring court
26 or magistrate (Sec. 54.1111, Government Code) . . . actual cost.

27 (b) Any fee of \$2 charged by a local government or appellate

1 court for an electronic filing transaction as authorized under
2 Section 72.031(c), Government Code, shall be collected. This
3 subsection expires September 1, 2019.

4 SECTION 15. Section 231.202, Family Code, is amended to
5 read as follows:

6 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
7 CASES. In a Title IV-D case filed under this title, including a
8 case filed under Chapter 159, the Title IV-D agency shall pay only
9 the following costs and fees:

10 (1) filing fees and fees for issuance and service of
11 process as provided by Chapter 110 of this code and by Sections
12 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2),
13 Government Code;

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

15 (3) fees for the issuance and delivery of orders and
16 writs of income withholding in the amounts provided by Chapter 110;

17 (4) the fee for services provided by sheriffs and
18 constables, including:

19 (A) a fee authorized under Section 118.131, Local
20 Government Code, for serving each item of process to each
21 individual on whom service is required, including service by
22 certified or registered mail; and

23 (B) a fee authorized under Section 157.103(b) for
24 serving a capias;

25 (5) the fee for filing an administrative writ of
26 withholding under Section 158.503(d);

27 (6) the fee for issuance of a subpoena as provided by

1 Section 51.318(b)(1), Government Code; and

2 (7) a fee authorized by Section 72.031, Government
3 Code, [~~under a local rule~~] for the electronic filing of documents
4 with a clerk.

5 SECTION 16. Section 231.204, Family Code, is amended to
6 read as follows:

7 Sec. 231.204. PROHIBITED FEES IN TITLE IV-D CASES. Except
8 as provided by this subchapter, an appellate court, a clerk of an
9 appellate court, a district or county clerk, sheriff, constable, or
10 other government officer or employee may not charge the Title IV-D
11 agency or a private attorney or political subdivision that has
12 entered into a contract to provide Title IV-D services any fees or
13 other amounts otherwise imposed by law for services rendered in, or
14 in connection with, a Title IV-D case, including:

15 (1) a fee payable to a district clerk for:

16 (A) performing services related to the estates of
17 deceased persons or minors;

18 (B) certifying copies; or

19 (C) comparing copies to originals;

20 (2) a court reporter fee, except as provided by
21 Section 231.209;

22 (3) a judicial fund fee;

23 (4) a fee for a child support registry, enforcement
24 office, or domestic relations office;

25 (5) a fee for alternative dispute resolution services;

26 [~~and~~]

27 (6) a filing fee or other costs payable to a clerk of

1 an appellate court; and

2 (7) a statewide electronic filing system fund fee.

3 SECTION 17. Section 133.058(d), Local Government Code, is
4 amended to read as follows:

5 (d) A county may not retain a service fee on the collection
6 of a fee:

7 (1) for the judicial fund; ~~[or]~~

8 (2) under Sections 14 and 19, Article 42.12, Code of
9 Criminal Procedure; or

10 (3) under Section 51.851, Government Code.

11 SECTION 18. The imposition of a cost of court on conviction
12 under Section 51.851, Government Code, as added by this Act,
13 applies only to an offense committed on or after the effective date
14 of this Act. An offense committed before the effective date of this
15 Act is covered by the law in effect when the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense was
19 committed before that date.

20 SECTION 19. Section 33.48(a), Tax Code, is amended to read
21 as follows:

22 (a) In addition to other costs authorized by law, a taxing
23 unit is entitled to recover the following costs and expenses in a
24 suit to collect a delinquent tax:

25 (1) all usual court costs, including the cost of
26 serving process and electronic filing fees;

27 (2) costs of filing for record a notice of lis pendens

1 against property;

2 (3) expenses of foreclosure sale;

3 (4) reasonable expenses that are incurred by the
4 taxing unit in determining the name, identity, and location of
5 necessary parties and in procuring necessary legal descriptions of
6 the property on which a delinquent tax is due;

7 (5) attorney's fees in the amount of 15 percent of the
8 total amount of taxes, penalties, and interest due the unit; and

9 (6) reasonable attorney ad litem fees approved by the
10 court that are incurred in a suit in which the court orders the
11 appointment of an attorney to represent the interests of a
12 defendant served with process by means of citation by publication
13 or posting.

14 SECTION 20. Section 33.49(a), Tax Code, is amended to read
15 as follows:

16 (a) Except as provided by Subsection (b), a taxing unit is
17 not liable in a suit to collect taxes for court costs, including any
18 fees for service of process and electronic filing fees, an attorney
19 ad litem, arbitration, or mediation, and may not be required to post
20 security for costs.

21 SECTION 21. (a) Section 51.607, Government Code, does not
22 apply to the imposition of a fee assessed under:

23 (1) Section 51.851, Government Code, as added by this
24 Act;

25 (2) Section 101.0211, Government Code, as added by
26 this Act;

27 (3) Section 101.0411, Government Code, as added by

1 this Act;

2 (4) Section 101.06118, Government Code, as added by
3 this Act;

4 (5) Section 101.08117, Government Code, as added by
5 this Act;

6 (6) Section 101.10116, Government Code, as added by
7 this Act;

8 (7) Section 101.12126, Government Code, as added by
9 this Act;

10 (8) Section 101.1411, Government Code, as added by
11 this Act;

12 (9) Section 102.0415, Government Code, as added by
13 this Act;

14 (10) Section 102.0615, Government Code, as added by
15 this Act; or

16 (11) Section 102.082, Government Code, as added by
17 this Act.

18 (b) The changes in law made by this Act apply only to a fee
19 that becomes payable on or after September 1, 2013. A fee that
20 becomes payable before that date is governed by the law in effect
21 when the fee became payable, and the former law is continued in
22 effect for that purpose.

23 SECTION 22. Not later than December 1, 2018, the Office of
24 Court Administration of the Texas Judicial System shall file a
25 report with the lieutenant governor, the speaker of the house of
26 representatives, and the presiding officers of the standing
27 committees of each house of the legislature with jurisdiction over

1 the judiciary detailing the number of local governments and
2 appellate courts collecting a fee under Section 72.031(c),
3 Government Code, as added by this Act, and the necessity of the
4 local governments and appellate courts to continue collecting the
5 fee.

6 SECTION 23. This Act takes effect September 1, 2013.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2302 by Hunter (Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2302, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>	Probable Revenue Gain/(Loss) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>
2014	(\$17,719,000)	\$17,719,000
2015	(\$17,719,000)	\$17,719,000
2016	(\$17,719,000)	\$17,719,000
2017	(\$17,719,000)	\$17,719,000
2018	(\$17,719,000)	\$17,719,000

Fiscal Analysis

The bill would amend the Government Code, Chapter 21 to permit a judge to use a digital or electronic signature for an official court document.

The bill would amend the Government Code, Chapter 51 to create a \$20 filing fee for civil cases at the probate, county, district and appellate courts and the Supreme Court. The bill would create a \$10 filing fee for civil cases at the justice courts. The bill would also create a \$5 court cost for criminal convictions from the county and district courts. The bill would permit a judge to waive these fees if the individual is indigent. The bill would require the counties to remit the entire fee to the state and require the Comptroller of Public Accounts to deposit the fees to a Statewide Electronic Filing Fund as an account within the General Revenue Fund that can be appropriated to the Office of Court Administration for an electronic filing system.

This bill would amend the Government Code, Chapter 72 to permit an appellate court or local government that uses the electronic filing system to charge up to \$2 for each electronic transaction for cost recovery. The bill would also permit these entities to accept electronic payment methods, including payments made with credit and debit cards. The bill sets a September 2019 expiration date for the \$2 fee and requires OCA to file a report with certain legislative members in 2018 on the number of local governments collecting the fee and the necessity of continuing it.

Since revenue deposited into the new account consists of fees on civil cases, the Comptroller of Public Accounts may construe use of balances in the account for non-court related purposes as a potential violation of the open courts provision of the Texas Constitution (Art. I, Sec. 13).

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The criminal court cost created by the bill applies only to an offense committed on or after the effective date of the bill. The bill applies only to a fee made payable on or after September 1, 2013. The bill would take effect September 1, 2013.

Methodology

The Comptroller of Public Accounts (CPA) indicated a state revenue gain to General Revenue-Dedicated funds from the civil and criminal fees created by the bill of \$17.7 million per fiscal year. The agency uses criminal convictions and civil case statistics from the Office of Court Administration as the basis of its estimate.

For the \$5 criminal court cost, the agencies multiply the number of convictions by the fee amounts and an estimated collection rate. The OCA uses an estimated 40 percent for county and district courts. The agency reported 516,639 convictions in county and district with \$1,033,278 in state revenue anticipated for per fiscal year.

For the filing fees for civil cases, utilizing historical revenue collections in a similar civil filing fee, the OCA estimated that every \$1 of this type of civil filing fee raises \$418,209 in revenue at the justice courts, \$190,728 in the county courts, \$395,428 and in the district courts, \$4,891 in the

intermediate appellate courts, and \$990 in the Supreme Court. The agency estimates a per fiscal year civil case revenue of \$4.2 million from the justice courts for a \$10 filing fee. For the \$20 filing fee, the OCA also estimates per fiscal year revenue of \$3.8 million from the county courts and \$7.9 million from the district courts. The agency estimates a per fiscal year revenue of \$97,820 from the intermediate appellate courts and \$19,800 from the Supreme Court. In addition, the CPA included in its revenue estimates amounts for the \$2 transaction fee permitted by the bill.

The OCA signed a new contract for an electronic filing system in November 2012, with full rollout scheduled in 2013. Additionally, the Supreme Court has mandated electronic filing for civil cases with a staggered implementation by the courts beginning in January 2014. Based on continuing negotiations between the agency and the vendor, it is assumed for this analysis that the total contract costs will not exceed revenues from fees authorized by the bill.

The CPA indicates that there would be costs associated with implementation of the bill. It is assumed the costs could be absorbed within current resources.

Technology

According to the OCA, the expenditures relating to changes made by this bill will be to the vendor managing and maintaining the electronic filing software and therefore, all of the expenditures are for technology purposes.

Local Government Impact

The bill would authorize cities and counties to charge a \$2 fee for each electronic filing transaction to offset expenses reasonably incurred to accept electronic payment methods or interface with other technology information systems. The bill would also allow money from the fund to be used to provide grants to counties to implement components of the e-filing project. While there will be revenue from these two sources to counties and municipalities, it will only be available up to the amount expended by the county or municipality to implement e-filing. Therefore, no significant fiscal impact is anticipated.

Comal County reported no significant fiscal impact associated with the bill.

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

LBB Staff: UP, SD, JJO, KKR, CL, ZS, JP, AM, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 12, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2302 by Hunter (Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2302, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>	Probable Revenue Gain/(Loss) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>
2014	(\$17,719,000)	\$17,719,000
2015	(\$17,719,000)	\$17,719,000
2016	(\$17,719,000)	\$17,719,000
2017	(\$17,719,000)	\$17,719,000
2018	(\$17,719,000)	\$17,719,000

Fiscal Analysis

The bill would amend the Government Code, Chapter 21 to permit a judge to use a digital or electronic signature for an official court document.

The bill would amend the Government Code, Chapter 51 to create a \$20 filing fee for civil cases at the probate, county, district and appellate courts and the Supreme Court. The bill would create a \$10 filing fee for civil cases at the justice courts. The bill would also create a \$5 court cost for criminal convictions from the county and district courts. The bill would permit a judge to waive these fees if the individual is indigent. The bill would require the counties to remit the entire fee to the state and require the Comptroller of Public Accounts to deposit the fees to a Statewide Electronic Filing Fund as an account within the General Revenue Fund that can be appropriated to the Office of Court Administration for an electronic filing system.

This bill would amend the Government Code, Chapter 72 to permit an appellate court or local government that uses the electronic filing system to charge up to \$2 for each electronic transaction for cost recovery. The bill would also permit these entities to accept electronic payment methods, including payments made with credit and debit cards. The bill sets a September 2019 expiration date for the \$2 fee and requires OCA to file a report with certain legislative members in 2018 on the number of local governments collecting the fee and the necessity of continuing it.

Since revenue deposited into the new account consists of fees on civil cases, the Comptroller of Public Accounts may construe use of balances in the account for non-court related purposes as a potential violation of the open courts provision of the Texas Constitution (Art. I, Sec. 13).

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The criminal court cost created by the bill applies only to an offense committed on or after the effective date of the bill. The bill applies only to a fee made payable on or after September 1, 2013. The bill would take effect September 1, 2013.

Methodology

The Comptroller of Public Accounts (CPA) indicated a state revenue gain to General Revenue-Dedicated funds from the civil and criminal fees created by the bill of \$17.7 million per fiscal year. The agency uses criminal convictions and civil case statistics from the Office of Court Administration as the basis of its estimate.

For the \$5 criminal court cost, the agencies multiply the number of convictions by the fee amounts and an estimated collection rate. The OCA uses an estimated 40 percent for county and district courts. The agency reported 516,639 convictions in county and district with \$1,033,278 in state revenue anticipated for per fiscal year.

For the filing fees for civil cases, utilizing historical revenue collections in a similar civil filing fee, the OCA estimated that every \$1 of this type of civil filing fee raises \$418,209 in revenue at the justice courts, \$190,728 in the county courts, \$395,428 and in the district courts, \$4,891 in the

intermediate appellate courts, and \$990 in the Supreme Court. The agency estimates a per fiscal year civil case revenue of \$4.2 million from the justice courts for a \$10 filing fee. For the \$20 filing fee, the OCA also estimates per fiscal year revenue of \$3.8 million from the county courts and \$7.9 million from the district courts. The agency estimates a per fiscal year revenue of \$97,820 from the intermediate appellate courts and \$19,800 from the Supreme Court. In addition, the CPA included in its revenue estimates amounts for the \$2 transaction fee permitted by the bill.

The OCA signed a new contract for an electronic filing system in November 2012, with full rollout scheduled in 2013. Additionally, the Supreme Court has mandated electronic filing for civil cases with a staggered implementation by the courts beginning in January 2014. Based on continuing negotiations between the agency and the vendor, it is assumed for this analysis that the total contract costs will not exceed revenues from fees authorized by the bill.

The CPA indicates that there would be costs associated with implementation of the bill. It is assumed the costs could be absorbed within current resources.

Technology

According to the OCA, the expenditures relating to changes made by this bill will be to the vendor managing and maintaining the electronic filing software and therefore, all of the expenditures are for technology purposes.

Local Government Impact

The bill would authorize cities and counties to charge a \$2 fee for each electronic filing transaction to offset expenses reasonably incurred to accept electronic payment methods or interface with other technology information systems. The bill would also allow money from the fund to be used to provide grants to counties to implement components of the e-filing project. While there will be revenue from these two sources to counties and municipalities, it will only be available up to the amount expended by the county or municipality to implement e-filing. Therefore, no significant fiscal impact is anticipated.

Comal County reported no significant fiscal impact associated with the bill.

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

LBB Staff: UP, JJO, KKR, CL, ZS, JP, AM, TB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2302 by Hunter (Relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, and to certain court fees and court costs; imposing and authorizing certain fees.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2302, As Engrossed: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>	Probable Revenue Gain/(Loss) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>
2014	(\$17,719,000)	\$17,719,000
2015	(\$17,719,000)	\$17,719,000
2016	(\$17,719,000)	\$17,719,000
2017	(\$17,719,000)	\$17,719,000
2018	(\$17,719,000)	\$17,719,000

Fiscal Analysis

The bill would amend the Government Code, Chapter 21 to permit a judge to use a digital or electronic signature for an official court document.

The bill would amend the Government Code, Chapter 51 to create a \$20 filing fee for civil cases at the probate, county, district and appellate courts and the Supreme Court. The bill would create a \$10 filing fee for civil cases at the justice courts. The bill would also create a \$5 court cost for criminal convictions from the county and district courts. The bill would permit a judge to waive these fees if the individual is indigent. The bill would require the counties to remit the entire fee to the state and require the Comptroller of Public Accounts to deposit the fees to a Statewide Electronic Filing Fund as an account within the General Revenue Fund that can be appropriated to the Office of Court Administration for an electronic filing system.

This bill would amend the Government Code, Chapter 72 to permit an appellate court or local government that uses the electronic filing system to charge up to \$2 for each electronic transaction for cost recovery. The bill would also permit these entities to accept electronic payment methods, including payments made with credit and debit cards. The bill sets a September 2019 expiration date for the \$2 fee and requires OCA to file a report with certain legislative members in 2018 on the number of local governments collecting the fee and the necessity of continuing it.

Since revenue deposited into the new account consists of fees on civil cases, the Comptroller of Public Accounts may construe use of balances in the account for non-court related purposes as a potential violation of the open courts provision of the Texas Constitution (Art. I, Sec. 13).

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The criminal court cost created by the bill applies only to an offense committed on or after the effective date of the bill. The bill applies only to a fee made payable on or after September 1, 2013. The bill would take effect September 1, 2013.

Methodology

The Comptroller of Public Accounts (CPA) indicated a state revenue gain to General Revenue-Dedicated funds from the civil and criminal fees created by the bill of \$17.7 million per fiscal year. The agency uses criminal convictions and civil case statistics from the Office of Court Administration as the basis of its estimate.

For the \$5 criminal court cost, the agencies multiply the number of convictions by the fee amounts and an estimated collection rate. The OCA uses an estimated 40 percent for county and district courts. The agency reported 516,639 convictions in county and district with \$1,033,278 in state revenue anticipated for per fiscal year.

For the filing fees for civil cases, utilizing historical revenue collections in a similar civil filing fee, the OCA estimated that every \$1 of this type of civil filing fee raises \$418,209 in revenue at the justice courts, \$190,728 in the county courts, \$395,428 and in the district courts, \$4,891 in the

intermediate appellate courts, and \$990 in the Supreme Court. The agency estimates a per fiscal year civil case revenue of \$4.2 million from the justice courts for a \$10 filing fee. For the \$20 filing fee, the OCA also estimates per fiscal year revenue of \$3.8 million from the county courts and \$7.9 million from the district courts. The agency estimates a per fiscal year revenue of \$97,820 from the intermediate appellate courts and \$19,800 from the Supreme Court. In addition, the CPA included in its revenue estimates amounts for the \$2 transaction fee permitted by the bill.

The OCA signed a new contract for an electronic filing system in November 2012, with full rollout scheduled in 2013. Additionally, the Supreme Court has mandated electronic filing for civil cases with a staggered implementation by the courts beginning in January 2014. Based on continuing negotiations between the agency and the vendor, it is assumed for this analysis that the total contract costs will not exceed revenues from fees authorized by the bill.

The CPA indicates that there would be costs associated with implementation of the bill. It is assumed the costs could be absorbed within current resources.

Technology

According to the OCA, the expenditures relating to changes made by this bill will be to the vendor managing and maintaining the electronic filing software and therefore, all of the expenditures are for technology purposes.

Local Government Impact

The bill would authorize cities and counties to charge a \$2 fee for each electronic filing transaction to offset expenses reasonably incurred to accept electronic payment methods or interface with other technology information systems. The bill would also allow money from the fund to be used to provide grants to counties to implement components of the e-filing project. While there will be revenue from these two sources to counties and municipalities, it will only be available up to the amount expended by the county or municipality to implement e-filing. Therefore, no significant fiscal impact is anticipated.

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

LBB Staff: UP, JJO, CL, ZS, JP, AM, TB, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2302 by Hunter (Relating to the electronic filing system establishment by the Texas Supreme Court, to the statewide electronic filing system fund, and to certain court fees and court costs; imposing and authorizing certain fees.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2302, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>	Probable Revenue Gain/(Loss) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>
2014	(\$17,719,000)	\$17,719,000
2015	(\$17,719,000)	\$17,719,000
2016	(\$17,719,000)	\$17,719,000
2017	(\$17,719,000)	\$17,719,000
2018	(\$17,719,000)	\$17,719,000

Fiscal Analysis

The bill would amend the Government Code, Chapter 51 to create a \$20 filing fee for civil cases at the probate, county, district and appellate courts and the Supreme Court. The bill would create a \$10 filing fee for civil cases at the justice courts. The bill would also create a \$5 court cost for criminal convictions from the county and district courts. The bill would permit a judge to waive these fees if the individual is indigent. The bill would require the counties to remit the entire fee to the state and require the Comptroller of Public Accounts to deposit the fees to a Statewide Electronic Filing Fund as an account within the General Revenue Fund that can be appropriated to the Office of Court Administration for an electronic filing system.

This bill would amend the Government Code, Chapter 72 to permit an appellate court or local government that uses the electronic filing system to charge up to \$2 for each electronic transaction for cost recovery. The bill would also permit these entities to accept electronic payment methods, including payments made with credit and debit cards. The bill sets a September 2019 expiration date for the \$2 fee and requires OCA to file a report with certain legislative members in 2018 on the number of local governments collecting the fee and the necessity of continuing it.

Since revenue deposited into the new account consists of fees on civil cases, the Comptroller of Public Accounts may construe use of balances in the account for non-court related purposes as a potential violation of the open courts provision of the Texas Constitution (Art. I, Sec. 13).

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The criminal court cost created by the bill applies only to an offense committed on or after the effective date of the bill. The bill applies only to a fee made payable on or after September 1, 2013. The bill would take effect September 1, 2013.

Methodology

The Comptroller of Public Accounts (CPA) indicated a state revenue gain to General Revenue-Dedicated funds from the civil and criminal fees created by the bill of \$17.7 million per fiscal year. The agency uses criminal convictions and civil case statistics from the Office of Court Administration as the basis of its estimate.

For the \$5 criminal court cost, the agencies multiply the number of convictions by the fee amounts and an estimated collection rate. The OCA uses an estimated 40 percent for county and district courts. The agency reported 516,639 convictions in county and district with \$1,033,278 in state revenue anticipated for per fiscal year.

For the filing fees for civil cases, utilizing historical revenue collections in a similar civil filing fee, the OCA estimated that every \$1 of this type of civil filing fee raises \$418,209 in revenue at the justice courts, \$190,728 in the county courts, \$395,428 and in the district courts, \$4,891 in the intermediate appellate courts, and \$990 in the Supreme Court. The agency estimates a per fiscal year civil case revenue of \$4.2 million from the justice courts for a \$10 filing fee. For the \$20 filing fee, the OCA also estimates per fiscal year revenue of \$3.8 million from the county courts

and \$7.9 million from the district courts. The agency estimates a per fiscal year revenue of \$97,820 from the intermediate appellate courts and \$19,800 from the Supreme Court. In addition, the CPA included in its revenue estimates amounts for the \$2 transaction fee permitted by the bill.

The OCA signed a new contract for an electronic filing system in November 2012, with full rollout scheduled in 2013. Additionally, the Supreme Court has mandated electronic filing for civil cases with a staggered implementation by the courts beginning in January 2014. Based on continuing negotiations between the agency and the vendor, it is assumed for this analysis that the total contract costs will not exceed revenues from fees authorized by the bill.

The CPA indicates that there would be costs associated with implementation of the bill. It is assumed the costs could be absorbed within current resources.

Technology

According to the OCA, the expenditures relating to changes made by this bill will be to the vendor managing and maintaining the electronic filing software and therefore, all of the expenditures are for technology purposes.

Local Government Impact

The bill would authorize cities and counties to charge a \$2 fee for each electronic filing transaction to offset expenses reasonably incurred to accept electronic payment methods or interface with other technology information systems. The bill would also allow money from the fund to be used to provide grants to counties to implement components of the e-filing project. While there will be revenue from these two sources to counties and municipalities, it will only be available up to the amount expended by the county or municipality to implement e-filing. Therefore, no significant fiscal impact is anticipated.

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

LBB Staff: UP, JJO, CL, ZS, JP, AM, TB, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 29, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2302 by Hunter (Relating to the establishment of the statewide electronic filing system fund and to certain court fees and court costs to fund the account; imposing fees.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2302, As Introduced: a negative impact of (\$4,968,000) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$2,484,000)
2015	(\$2,484,000)
2016	(\$2,484,000)
2017	(\$2,484,000)
2018	(\$2,484,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>	Probable Revenue Gain/(Loss) from <i>New General Revenue Dedicated Statewide Electronic Filing System Account</i>
2014	(\$2,484,000)	(\$15,641,000)	\$15,641,000
2015	(\$2,484,000)	(\$15,641,000)	\$15,641,000
2016	(\$2,484,000)	(\$15,641,000)	\$15,641,000
2017	(\$2,484,000)	(\$15,641,000)	\$15,641,000
2018	(\$2,484,000)	(\$15,641,000)	\$15,641,000

Fiscal Analysis

The bill would amend the Government Code, Chapter 51 to add a \$15 filing fee for civil cases at the probate, county, and district courts and Supreme Court. The bill would also add a \$5 court cost for criminal convictions from the justice, county and district courts. The bill would permit a judge to waive these fees if the individual is indigent. The bill would require the counties to remit the entire fee to the state and require the Comptroller of Public Accounts to deposit the fees to a Statewide Electronic Filing Fund as an account within the General Revenue Fund that can be appropriated to the Office of Court Administration and the Supreme Court for an electronic filing system.

Since revenue deposited into the new account consists of fees on civil cases, the Comptroller of Public Accounts may construe use of balances in the account for non-court related purposes as a potential violation of the open courts provision of the Texas Constitution (Art. I, Sec. 13).

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The bill would take effect September 1, 2013.

Methodology

The Office of Court Administration (OCA) and the Comptroller of Public Accounts (CPA) indicated a state revenue to General Revenue-Dedicated funds from the civil and criminal fees created by the bill of \$15.6 million per fiscal year.

For the \$5 criminal court cost, the agencies multiply the number of convictions by the fee amounts and an estimated collection rate. The OCA uses an estimated 65 percent for justice courts and 40 percent for county and district courts. The agency reported 1,007,145 convictions in the justice courts, with \$3,273,221 in state revenue anticipated for per fiscal year. The agency reported 199,873 convictions in county and district with \$1,033,278 in state revenue anticipated for per fiscal year.

For the filing fees for civil cases, utilizing historical revenue collections in a similar civil filing fee, the OCA estimated that every \$1 of this type of civil filing fee raises \$454,358 in revenue at the justice courts, \$196,929 in the county courts, \$401,129 and in the district courts, \$5,107 in the intermediate appellate courts, and \$990 in the Supreme Court. The agency estimates a per fiscal year civil case revenue of \$2,271,790 from the justice courts for a \$5 filing fee. For the \$15 filing fee, the OCA also estimates per fiscal year revenue of \$2,953,935 from the county courts and \$6,016,935 from the district courts. The agency estimates a per fiscal year revenue of \$76,605 from the intermediate appellate courts and \$14,850 from the Supreme Court.

The OCA signed a new contract for an electronic filing system in November 2012, with full rollout scheduled in 2013. Additionally, the Supreme Court has mandated electronic filing for civil cases with a staggered implementation by the courts beginning in January 2014. The OCA estimates per fiscal year costs for the new system of \$18.1 million. It is assumed for this analysis that the \$15.6 million in revenue from the fees proposed by the bill would be appropriated for these costs and any difference would be funded by General Revenue Funds.

The CPA indicates that there would be costs associated with implementation of the bill. It is assumed the costs could be absorbed within current resources.

Local Government Impact

Local governments do not retain any portion of the proposed fees. However, the bill allows money from the fund to be used to provide grants to counties to implement components of the e-filing project. There would be an indeterminate positive fiscal impact to counties that receive grant funding, but this would vary depending on how and where grant funding is distributed.

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

LBB Staff: UP, JJO, CL, ZS, JP, AM, TB, KKR