

By: Lucio III

H.B. No. 1062

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 118.011(f), Local Government Code, as effective until September 1, 2019, is amended to read as follows:

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

(1) Records Archive Fee (Sec. 118.025) not more than \$10

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

SECTION 2. Section 118.011(f), Local Government Code, as effective September 1, 2019, is amended to read as follows:

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

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

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

SECTION 3. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.026 to read as follows:

1 Sec. 118.026. FEE FOR COUNTY RECORDS TECHNOLOGY AND
2 INFRASTRUCTURE IN CERTAIN COUNTIES. (a) The commissioners court
3 of a county that borders the United Mexican States and the Gulf of
4 Mexico may adopt a records technology and infrastructure fee as
5 part of the county's annual budget. The fee must be set and
6 itemized in the county's budget as part of the budget preparation
7 process.

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

10 (c) The fee shall be deposited in a separate records
11 technology and infrastructure account in the general fund of the
12 county. Any interest accrued remains with the account.

13 (d) The funds generated from the collection of a fee under
14 this section may be used only for technology and infrastructure for
15 the maintenance of county records and the operation of the county
16 records system.

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

19 SECTION 4. Section 118.052, Local Government Code, is
20 amended to read as follows:

21 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
22 shall collect the following fees for services rendered to any
23 person:

24 (1) CIVIL COURT ACTIONS

25 (A) Filing of Original Action (Sec. 118.053):

26 (i) Garnishment after judgment . . . \$15.00

27 (ii) All others . . . \$40.00

1 (B) Filing of Action Other than Original (Sec.
2 118.054) . . . \$30.00

3 (C) Services Rendered After Judgment in Original
4 Action (Sec. 118.0545):

5 (i) Abstract of judgment . . . \$ 5.00

6 (ii) Execution, order of sale, writ, or
7 other process . . . \$ 5.00

8 (2) PROBATE COURT ACTIONS

9 (A) Probate Original Action (Sec. 118.055):

10 (i) Probate of a will with independent
11 executor, administration with will attached, administration of an
12 estate, guardianship or receivership of an estate, or muniment of
13 title . . . \$40.00

14 (ii) Community survivors . . . \$40.00

15 (iii) Small estates . . . \$40.00

16 (iv) Declarations of heirship . . . \$40.00

17 (v) Mental health or chemical dependency
18 services . . . \$40.00

19 (vi) Additional, special fee (Sec. 118.064)
20 . . . \$ 5.00

21 (B) Services in Pending Probate Action (Sec.
22 118.056):

23 (i) Filing an inventory and appraisement as
24 provided by Section 118.056(d) . . . \$25.00

25 (ii) Approving and recording bond . . .
26 \$ 3.00

27 (iii) Administering oath . . . \$ 2.00

- 1 (iv) Filing annual or final account of
2 estate . . . \$25.00
- 3 (v) Filing application for sale of real or
4 personal property . . . \$25.00
- 5 (vi) Filing annual or final report of
6 guardian of a person . . . \$10.00
- 7 (vii) Filing a document not listed under
8 this paragraph after the filing of an order approving the inventory
9 and appraisal or after the 120th day after the date of the
10 initial filing of the action, whichever occurs first, if more than
11 25 pages . . . \$25.00
- 12 (C) Adverse Probate Action (Sec. [118.057](#)) . . .
13 \$40.00
- 14 (D) Claim Against Estate (Sec. [118.058](#)) . . .
15 \$ 2.00
- 16 (E) Supplemental Court-Initiated Guardianship
17 Fee in Probate Original Actions and Adverse Probate Actions (Sec.
18 [118.067](#)) . . . \$20.00
- 19 (F) Supplemental Public Probate Administrator
20 Fee For Counties That Have Appointed a Public Probate Administrator
21 (Sec. [118.068](#)) . . . \$10.00
- 22 (3) OTHER FEES
- 23 (A) Issuing Document (Sec. [118.059](#)):
24 original document and one copy . . . \$ 4.00
25 each additional set of an original and one copy
26 . . . \$ 4.00
- 27 (B) Certified Papers (Sec. [118.060](#)):

1 for the clerk's certificate . . . \$ 5.00
2 plus a fee per page or part of a page of . . .
3 \$ 1.00

4 (C) Noncertified Papers (Sec. 118.0605):
5 for each page or part of a page . . . \$ 1.00

6 (D) Letters Testamentary, Letter of
7 Guardianship, Letter of Administration, or Abstract of Judgment
8 (Sec. 118.061) . . . \$ 2.00

9 (E) Safekeeping of Wills (Sec. 118.062) . . .
10 \$ 5.00

11 (F) Mail Service of Process (Sec. 118.063) . . .
12 same as sheriff

13 (G) Records Management and Preservation Fee
14 . . . \$ 5.00

15 (H) Records Technology and Infrastructure Fee if
16 authorized by the commissioners court of the county (Sec. 118.026)
17 . . . \$ 2.00

18 SECTION 5. Subchapter C, Chapter 118, Local Government
19 Code, is amended by adding Section 118.069 to read as follows:

20 Sec. 118.069. FEE FOR COUNTY RECORDS TECHNOLOGY AND
21 INFRASTRUCTURE. If adopted by the commissioners court under
22 Section 118.026, the clerk of a county court shall collect the
23 records technology and infrastructure fee at the time a person pays
24 a fee under Section 118.0546 or 118.0645 and shall deposit the fee
25 in the records technology and infrastructure account under Section
26 118.026(c).

27 SECTION 6. Section 118.101, Local Government Code, is

1 amended to read as follows:

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

- 4 (1) Probate of a will \$2.00
- 5 (2) Granting letters testamentary, letter of
6 guardianship, or letter of administration \$2.00
- 7 (3) Order of sale \$2.00
- 8 (4) Approval and confirmation of sale \$2.00
- 9 (5) Decree refusing order of sale or confirmation of
10 sale \$2.00
- 11 (6) Decree of partition and distribution \$2.00
- 12 (7) Decree approving or setting aside the report of a
13 commissioner of partition and distribution \$2.00
- 14 (8) Decree removing an executor, administrator or
15 guardian (with the fee to be paid by that executor, administrator,
16 or guardian) \$1.00
- 17 (9) Fiat or certificate \$2.00
- 18 (10) Continuance \$0.10
- 19 (11) Orders for which another fee is not
20 prescribed \$2.00
- 21 (12) Administering oath or affirmation with
22 certificate and seal \$2.00
- 23 (13) Administering oath or affirmation without
24 certificate and seal \$0.25
- 25 (14) Records technology and infrastructure, if
26 authorized by the commissioners court of the county \$2.00

27 SECTION 7. Subchapter D, Chapter 118, Local Government

1 Code, is amended by adding Section 118.102 to read as follows:

2 Sec. 118.102. FEE FOR COUNTY RECORDS TECHNOLOGY AND
3 INFRASTRUCTURE. If adopted by the commissioners court under
4 Section 118.026, the county judge shall collect the records
5 technology and infrastructure fee at the time a person pays a fee
6 for probate matters under Section 118.101 and shall deposit the fee
7 in the records technology and infrastructure account under Section
8 118.026(c).

9 SECTION 8. Section 103.030, Government Code, is amended to
10 read as follows:

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

14 (1) services by the offices of the sheriff and
15 constables (Sec. 118.131, Local Government Code) . . . amount set
16 by county commissioners court;

17 (2) a filing fee or recording fee for each page of a
18 legal paper presented for filing or recording that fails to meet
19 certain requirements regarding paper size, weight, substance,
20 headings, legibility, the presence of typed or printed names under
21 each signature, and number and size of riders or attachments (Sec.
22 191.007, Local Government Code) . . . twice the regular filing fee
23 or recording fee provided by statute for that page, rider, or
24 attachment;

25 (3) a processing fee as authorized by the
26 commissioners court for the payment by credit card of a fee, court
27 cost, or other charge processed by a county or precinct officer

1 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
2 reasonably related to the expense incurred by the county or
3 precinct officer but not to exceed five percent of the amount of the
4 fee, court cost, or other charge being paid;

5 (4) a processing fee as authorized by the governing
6 body of the municipality for the payment by credit card of a fee,
7 court cost, or other charge processed by a municipal official
8 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
9 reasonably related to the expense incurred by the municipal
10 official but not to exceed five percent of the amount of the fee,
11 court cost, or other charge being paid;

12 (5) a handling fee, if authorized by the commissioners
13 court under Section 132.002, Local Government Code, for
14 electronically processing the payment of a fee, fine, court cost,
15 or other charge (Secs. 132.002 and 132.003, Local Government Code):

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

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

22 (6) a fee, if authorized by the commissioners court,
23 collected by a county or precinct officer on behalf of the county
24 from a person making payment by credit card of a fee, court cost, or
25 other charge (Sec. 132.003, Local Government Code) . . . an amount
26 equal to the amount of any transaction fee charged to the county by
27 a vendor providing services in connection with payments made by

1 credit card; and

2 (7) a records technology and infrastructure fee, if
3 authorized by the commissioners court of the county (Secs. 118.026,
4 118.069, and 118.102, Local Government Code) . . . \$2.00.

5 SECTION 9. This Act takes effect September 1, 2015.