

1-1 By: Lucio III (Senate Sponsor - Lucio) H.B. No. 1062
 1-2 (In the Senate - Received from the House May 5, 2015;
 1-3 May 11, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 18, 2015, reported favorably by
 1-5 the following vote: Yeas 5, Nays 1; May 18, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to authorizing a fee for county records technology and
 1-18 infrastructure costs in certain counties.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 118.011(f), Local Government Code, as
 1-21 effective until September 1, 2019, is amended to read as follows:

1-22 (f) The county clerk of a county shall, if the commissioners
 1-23 court of the county adopts the fee as part of the county's annual
 1-24 budget, collect the following fee from any person:

1-25 (1) Records Archive Fee (Sec. 118.025)
 1-26 not more than \$10

1-27 (2) Records Technology and Infrastructure Fee (Sec.
 1-28 118.026) \$2.00

1-29 SECTION 2. Section 118.011(f), Local Government Code, as
 1-30 effective September 1, 2019, is amended to read as follows:

1-31 (f) The county clerk of a county shall, if the commissioners
 1-32 court of the county adopts the fee as part of the county's annual
 1-33 budget, collect the following fee from any person:

1-34 (1) Records Archive Fee (Sec. 118.025)
 1-35 not more than \$5

1-36 (2) Records Technology and Infrastructure Fee (Sec.
 1-37 118.026) \$2.00

1-38 SECTION 3. Subchapter B, Chapter 118, Local Government
 1-39 Code, is amended by adding Section 118.026 to read as follows:

1-40 Sec. 118.026. FEE FOR COUNTY RECORDS TECHNOLOGY AND
 1-41 INFRASTRUCTURE IN CERTAIN COUNTIES. (a) The commissioners court
 1-42 of a county that borders the United Mexican States and the Gulf of
 1-43 Mexico may adopt a records technology and infrastructure fee as
 1-44 part of the county's annual budget. The fee must be set and
 1-45 itemized in the county's budget as part of the budget preparation
 1-46 process.

1-47 (b) The fee must be paid at the time a person pays a fee
 1-48 under Section 118.0216 or, if applicable, Section 118.025.

1-49 (c) The fee shall be deposited in a separate records
 1-50 technology and infrastructure account in the general fund of the
 1-51 county. Any interest accrued remains with the account.

1-52 (d) The funds generated from the collection of a fee under
 1-53 this section may be used only for technology and infrastructure for
 1-54 the maintenance of county records and the operation of the county
 1-55 records system.

1-56 (e) The fee is subject to approval by the commissioners
 1-57 court in a public meeting during the budget process.

1-58 SECTION 4. Section 118.052, Local Government Code, is
 1-59 amended to read as follows:

1-60 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
 1-61 shall collect the following fees for services rendered to any

2-1 person:

2-2 (1) CIVIL COURT ACTIONS

2-3 (A) Filing of Original Action (Sec. 118.053):

2-4 (i) Garnishment after judgment . . . \$15.00

2-5 (ii) All others . . . \$40.00

2-6 (B) Filing of Action Other than Original (Sec.

2-7 118.054) . . . \$30.00

2-8 (C) Services Rendered After Judgment in Original

2-9 Action (Sec. 118.0545):

2-10 (i) Abstract of judgment . . . \$ 5.00

2-11 (ii) Execution, order of sale, writ, or

2-12 other process . . . \$ 5.00

2-13 (2) PROBATE COURT ACTIONS

2-14 (A) Probate Original Action (Sec. 118.055):

2-15 (i) Probate of a will with independent

2-16 executor, administration with will attached, administration of an

2-17 estate, guardianship or receivership of an estate, or muniment of

2-18 title . . . \$40.00

2-19 (ii) Community survivors . . . \$40.00

2-20 (iii) Small estates . . . \$40.00

2-21 (iv) Declarations of heirship . . . \$40.00

2-22 (v) Mental health or chemical dependency

2-23 services . . . \$40.00

2-24 (vi) Additional, special fee (Sec. 118.064)

2-25 . . . \$ 5.00

2-26 (B) Services in Pending Probate Action (Sec.

2-27 118.056):

2-28 (i) Filing an inventory and appraisal as

2-29 provided by Section 118.056(d) . . . \$25.00

2-30 (ii) Approving and recording bond . . .

2-31 \$ 3.00

2-32 (iii) Administering oath . . . \$ 2.00

2-33 (iv) Filing annual or final account of

2-34 estate . . . \$25.00

2-35 (v) Filing application for sale of real or

2-36 personal property . . . \$25.00

2-37 (vi) Filing annual or final report of

2-38 guardian of a person . . . \$10.00

2-39 (vii) Filing a document not listed under

2-40 this paragraph after the filing of an order approving the inventory

2-41 and appraisal or after the 120th day after the date of the

2-42 initial filing of the action, whichever occurs first, if more than

2-43 25 pages . . . \$25.00

2-44 (C) Adverse Probate Action (Sec. 118.057) . . .

2-45 \$40.00

2-46 (D) Claim Against Estate (Sec. 118.058) . . .

2-47 \$ 2.00

2-48 (E) Supplemental Court-Initiated Guardianship

2-49 Fee in Probate Original Actions and Adverse Probate Actions (Sec.

2-50 118.067) . . . \$20.00

2-51 (F) Supplemental Public Probate Administrator

2-52 Fee For Counties That Have Appointed a Public Probate Administrator

2-53 (Sec. 118.068) . . . \$10.00

2-54 (3) OTHER FEES

2-55 (A) Issuing Document (Sec. 118.059):

2-56 original document and one copy . . . \$ 4.00

2-57 each additional set of an original and one copy

2-58 . . . \$ 4.00

2-59 (B) Certified Papers (Sec. 118.060):

2-60 for the clerk's certificate . . . \$ 5.00

2-61 plus a fee per page or part of a page of . . .

2-62 \$ 1.00

2-63 (C) Noncertified Papers (Sec. 118.0605):

2-64 for each page or part of a page . . . \$ 1.00

2-65 (D) Letters Testamentary, Letter of

2-66 Guardianship, Letter of Administration, or Abstract of Judgment

2-67 (Sec. 118.061) . . . \$ 2.00

2-68 (E) Safekeeping of Wills (Sec. 118.062) . . .

2-69 \$ 5.00

3-1 (F) Mail Service of Process (Sec. 118.063) . . .
3-2 same as sheriff
3-3 (G) Records Management and Preservation Fee
3-4 . . . \$ 5.00

3-5 (H) Records Technology and Infrastructure Fee if
3-6 authorized by the commissioners court of the county (Sec. 118.026)
3-7 . . . \$ 2.00

3-8 SECTION 5. Subchapter C, Chapter 118, Local Government
3-9 Code, is amended by adding Section 118.069 to read as follows:

3-10 Sec. 118.069. FEE FOR COUNTY RECORDS TECHNOLOGY AND
3-11 INFRASTRUCTURE. If adopted by the commissioners court under
3-12 Section 118.026, the clerk of a county court shall collect the
3-13 records technology and infrastructure fee at the time a person pays
3-14 a fee under Section 118.0546 or 118.0645 and shall deposit the fee
3-15 in the records technology and infrastructure account under Section
3-16 118.026(c).

3-17 SECTION 6. Section 118.101, Local Government Code, is
3-18 amended to read as follows:

3-19 Sec. 118.101. FEE SCHEDULE. The county judge shall collect
3-20 the following fees in probate matters:

- 3-21 (1) Probate of a will \$2.00
- 3-22 (2) Granting letters testamentary, letter of
3-23 guardianship, or letter of administration \$2.00
- 3-24 (3) Order of sale \$2.00
- 3-25 (4) Approval and confirmation of sale \$2.00
- 3-26 (5) Decree refusing order of sale or confirmation of
3-27 sale \$2.00
- 3-28 (6) Decree of partition and distribution \$2.00
- 3-29 (7) Decree approving or setting aside the report of a
3-30 commissioner of partition and distribution \$2.00
- 3-31 (8) Decree removing an executor, administrator or
3-32 guardian (with the fee to be paid by that executor, administrator,
3-33 or guardian) \$1.00
- 3-34 (9) Fiat or certificate \$2.00
- 3-35 (10) Continuance \$0.10
- 3-36 (11) Orders for which another fee is not
3-37 prescribed \$2.00
- 3-38 (12) Administering oath or affirmation with
3-39 certificate and seal \$2.00
- 3-40 (13) Administering oath or affirmation without
3-41 certificate and seal \$0.25
- 3-42 (14) Records technology and infrastructure, if
3-43 authorized by the commissioners court of the county \$2.00

3-44 SECTION 7. Subchapter D, Chapter 118, Local Government
3-45 Code, is amended by adding Section 118.102 to read as follows:

3-46 Sec. 118.102. FEE FOR COUNTY RECORDS TECHNOLOGY AND
3-47 INFRASTRUCTURE. If adopted by the commissioners court under
3-48 Section 118.026, the county judge shall collect the records
3-49 technology and infrastructure fee at the time a person pays a fee
3-50 for probate matters under Section 118.101 and shall deposit the fee
3-51 in the records technology and infrastructure account under Section
3-52 118.026(c).

3-53 SECTION 8. Section 103.030, Government Code, is amended to
3-54 read as follows:

3-55 Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL
3-56 GOVERNMENT CODE. Fees and costs shall be paid or collected under
3-57 the Local Government Code as follows:

- 3-58 (1) services by the offices of the sheriff and
3-59 constables (Sec. 118.131, Local Government Code) . . . amount set
3-60 by county commissioners court;
- 3-61 (2) a filing fee or recording fee for each page of a
3-62 legal paper presented for filing or recording that fails to meet
3-63 certain requirements regarding paper size, weight, substance,
3-64 headings, legibility, the presence of typed or printed names under
3-65 each signature, and number and size of riders or attachments (Sec.
3-66 191.007, Local Government Code) . . . twice the regular filing fee
3-67 or recording fee provided by statute for that page, rider, or
3-68 attachment;
- 3-69 (3) a processing fee as authorized by the

4-1 commissioners court for the payment by credit card of a fee, court
4-2 cost, or other charge processed by a county or precinct officer
4-3 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
4-4 reasonably related to the expense incurred by the county or
4-5 precinct officer but not to exceed five percent of the amount of the
4-6 fee, court cost, or other charge being paid;

4-7 (4) a processing fee as authorized by the governing
4-8 body of the municipality for the payment by credit card of a fee,
4-9 court cost, or other charge processed by a municipal official
4-10 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
4-11 reasonably related to the expense incurred by the municipal
4-12 official but not to exceed five percent of the amount of the fee,
4-13 court cost, or other charge being paid;

4-14 (5) a handling fee, if authorized by the commissioners
4-15 court under Section 132.002, Local Government Code, for
4-16 electronically processing the payment of a fee, fine, court cost,
4-17 or other charge (Secs. 132.002 and 132.003, Local Government Code):

4-18 (A) charged at a flat rate that does not exceed \$5
4-19 for each payment transaction; or

4-20 (B) charged at a rate reasonably related to the
4-21 expense incurred in processing a payment and that does not exceed
4-22 five percent of the amount of the fee, court cost, or other charge
4-23 being paid; ~~and~~

4-24 (6) a fee, if authorized by the commissioners court,
4-25 collected by a county or precinct officer on behalf of the county
4-26 from a person making payment by credit card of a fee, court cost, or
4-27 other charge (Sec. 132.003, Local Government Code) . . . an amount
4-28 equal to the amount of any transaction fee charged to the county by
4-29 a vendor providing services in connection with payments made by
4-30 credit card; and

4-31 (7) a records technology and infrastructure fee, if
4-32 authorized by the commissioners court of the county (Secs. 118.026,
4-33 118.069, and 118.102, Local Government Code) . . . \$2.00.

4-34 SECTION 9. This Act takes effect September 1, 2015.

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