

## **BILL ANALYSIS**

Senate Research Center

H.B. 2922  
By: Thompson (Ellis)  
Jurisprudence  
5-13-97  
Engrossed

### **DIGEST**

Current law provides that a person may file any document or paper with a court clerk regardless of whether the filing fee is paid or not and that payment of the fee is not due until the clerk issues a bill. This bill will authorize the county clerk and district clerk to refuse to file documents that are not accompanied by the appropriate fee.

### **PURPOSE**

As proposed, H.B. 2922 authorizes the county clerk and district clerk to refuse to file documents that are not accompanied by the appropriate fee.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.303(a), Government Code, to require a district clerk to promptly file all papers or documents tendered for filing with the records relating to or lawfully deposited with the clerk's office when accompanied with the appropriate fee or bond authorized under this subchapter. Provides that the district clerk is not authorized or required to file or record any paper or document until the payment or tender of payment of the applicable fees or bond prescribed by this subchapter has been paid unless the party who tenders the paper or document is exempt from payment by law or is unable to pay and provides the appropriate affidavit required under the supreme court's rules of civil procedure.

SECTION 2. Amends Section 51.320, Government Code, to require the district clerk to promptly produce a bill for services that contains the particulars of the fee charged upon request of any party who becomes responsible for a fee under this subchapter. Deletes existing text regarding payment of the fee.

SECTION 3. Amends Section 118.002, Local Government Code, to provide that the county clerk is not authorized or required to file or record any paper or document among the records of a county court proceeding until the payment or tender of payment of the applicable fees or bond prescribed by this chapter has been paid unless the party who tenders the paper or document is exempt from payment by a law or is unable to pay and provides the appropriate affidavit required under the supreme court's rules of civil procedure. Makes conforming changes.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.