

BILL ANALYSIS

Senate Research Center
83R29425 CAE-D

C.S.H.B. 1513
By: Lewis (West)
Jurisprudence
5/15/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that the revenue currently derived from district and county records archiving and management fees is insufficient to cover the archival of records in a timely manner. These interested parties assert that, by raising the caps on such fees, more old and deteriorating records can be archived, allowing courts to expand the automation of records, process old records, and load them onto their computer systems.

C.S.H.B. 1513 amends current law relating to temporary increases in the records archive fees and the records management and preservation fees charged by the district and county clerks.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. FEES EFFECTIVE SEPTEMBER 1, 2013

SECTION 1.01. Amends Section 51.305(b), Government Code, to authorize a commissioners court of a county to adopt a district court records archive fee of not more than \$10, rather than \$5, for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county as part of the county's annual budget.

SECTION 1.02. Amends Section 51.317(b), Government Code, to prohibit the fee for court records archiving, in addition to fees imposed by this section for certain other actions, from exceeding \$10, rather than \$5.

SECTION 1.03. Amends Section 101.0611, Government Code, to require the clerk of a district court, if adopted by the county commissioners court as provided by Section 51.317(b)(5) (relating to a district court being required to collect fees for certain actions in an amount not to exceed \$5), Government Code, to collect a fee for district court records archiving not to exceed \$10, rather than \$5.

SECTION 1.04. Amends Sections 118.011(b) and (f), Local Government Code, as follows:

(b) Authorizes the county clerk to set and collect, for records management and preservation, a fee as provided by Section 118.0216 (Records Management and Preservation), Local Government Code, not to exceed \$10, rather than \$5.

(f) Requires the county clerk, if the commissioners court of the county adopts the fee as part of the county's annual budget, to collect a records archive fee in an amount not to exceed \$10, rather than \$5.

SECTION 1.05. Makes application of the changes in law made by this article prospective to September 1, 2013.

SECTION 1.06. Effective date for this article: September 1, 2013.

ARTICLE 2. FEES EFFECTIVE SEPTEMBER 1, 2019

SECTION 2.01. Amends Section 51.305(b), Government Code, as follows:

(b) Authorizes the commissioners court of a county to adopt a district court records archive fee of not more than \$5 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county as part of the county's annual budget. Requires that the fee be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. Provides that the fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

SECTION 2.02. Amends Section 51.317(b), Government Code, as follows:

(b) Provides that the fees are:

(1) except as provided by Subsection (b-1) (relating to providing that the fees for filing a suit, including an appeal from an inferior court, are a certain amount), for filing a suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, \$15;

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

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

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

SECTION 2.03. Amends Section 101.0611, Government Code, to require the clerk of a district to collect certain fees and costs under the Government Code for certain courts.

SECTION 2.04. Amends Sections 118.001(b) and (f), Government Code, as follows:

(b) Authorizes the county clerk to set and collect certain fees from any person for certain reasons.

(f) Requires the county clerk of a county to, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect certain fees from any person.

SECTION 2.05. Makes application of this article prospective to September 1, 2019.

SECTION 2.06. Effective date for this article: September 1, 2019.

ARTICLE 3. CONFLICT WITH OTHER LEGISLATURE

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