

BILL ANALYSIS

Senate Research Center
86R2970 TSS-F

S.B. 658
By: Zaffirini
State Affairs
3/28/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2013, the legislature increased for six years, from \$5 to \$10, the maximum amount localities could set court fees relating to district court records archives, county records management and preservation, and county records archives. These temporary increases are set to expire on September 1. Should they revert to \$5 fees, however, the revenue generated would be inadequate to cover the costs related to the judiciary's transition to e-filing and the preservation of legal documents, including court filings, marriage licenses, birth certificates, death certificates, and property records.

S.B. 658 would make permanent the \$10 maximum amount that localities may set for the document preservation fees outlined above. This would not only help counties cover necessary expenditures related to digitizing older records, but also adequately fund the ongoing cost of maintaining efficient archives of materials they are required to keep on file.

As proposed, S.B. 658 amends current law relating to making permanent the former temporary increases in records archive fees and records management and preservation fees charged by 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

SECTION 1. Amends Section 51.305(b), Government Code, as effective September 1, 2019, to increase from \$5 to \$10 the maximum amount the commissioners court of a county is authorized to adopt as a district court records archive fee for the filing of a suit, including certain actions.

SECTION 2. Amends Section 51.317(b), Government Code, as effective September 1, 2019, to increase from \$5 to \$10 the maximum amount of a fee a county commissioners court is authorized to adopt for court records archiving.

SECTION 3. Amends Section 101.0611, Government Code, as effective September 1, 2019, to increase from \$5 to \$10 the maximum amount of a fee a county commissioners court is authorized to adopt for district court records archiving.

SECTION 4. Amends Section 103.027(a), Government Code, as effective September 1, 2019, to increase from \$5 to \$10 the maximum amount of a fee the county commissioners court is authorized to adopt for district court records archiving for the filing of a suit, including certain actions.

SECTION 5. Amends Sections 118.011(b) and (f), Local Government Code, as effective September 1, 2019, as follows:

(b) Increases from \$5 to \$10 the maximum amount a county clerk is authorized to set and collect for a Records Management and Preservation Fee.

(f) Increases from \$5 to \$10 the maximum amount a county clerk is required to collect, from any person, for a Records Archive Fee from any person, if the commissioners court of the county adopts the fee as part of the county's annual budget.

SECTION 6. Provides that Section 51.607 (Implementation of New or Amended Court Costs and Fees), Government Code, does not apply to a court fee assessed under a statute amended by this Act

SECTION 7. Provides that to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. Effective date: September 1, 2019.