



## Travis County Commissioners Court Agenda Request

**Meeting Date:** July 23, 2013

**Prepared By/Phone Number:** Susan Bell 49587

**Elected/Appointed Official/Dept. Head:** Dana DeBeauvoir, County Clerk

**Commissioners Court Sponsor:** Judge Sam Biscoe

### **AGENDA LANGUAGE:**

Consider and take appropriate action to approve the increase of the County Clerk Records Archival Fee and Records Management Preservation Fee from \$5 to \$10 as allowed by HB1513.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

In the 83<sup>rd</sup> legislative session, HB 1513 changed the Local Government Code to allow an increase of the Records Archival Fee and the Records Management and Preservation Fee from \$5 to not more than \$10 (LGC 118.011(b) and 118.011(f)). The increase of this fee is temporary and will expire on September 1, 2019. At that time, the law requires that both fees be reduced back to the original amount of \$5.

### **STAFF RECOMMENDATIONS:**

Approve the increase for both fees from \$5 to \$10 to fund the County Clerk's numerous records preservation and digitization projects.

### **ISSUES AND OPPORTUNITIES:**

The fee increase will afford the County Clerk with additional funding to expedite and begin long-planned records management projects. These projects include completing the conversion of microfilmed records to an electronic format, replacement of the aging system used to manage documents in our Recording Division, and the imaging of court records to an electronic format.

### **FISCAL IMPACT AND SOURCE OF FUNDING:**

Currently, the fees are a requirement of filing an initial court case or action or filing recordable documents. The fee increase for non-court filings will begin on September 1, 2013. The additional revenues from the recordable documents are deposited into our Records Management Preservation Fund (0108) and our Records Archival Fund (0129). Estimated additional revenues from these fees are \$1.270 million and \$1.260 million, respectively.

The increase to the records management fees for Court records begins on January 1, 2014. This change is expected to increase the revenue for the 2014 fiscal year by

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to the County Judge's office [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

\$50,000. The fee from Court related filings are not controlled by the County Clerk's Office.

**REQUIRED AUTHORIZATIONS:**

John Hille, County Attorney 49415

For information purposes:

Alan Miller, Planning and Budget 49726

Steven Broberg, RMCR 49575

William Derryberry Planning and Budget 44741

Diana Ramirez 49694

Daniel Wilson 44706

| Adrienne Yust 46673

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**Records Management & Preservation & Archival Fee**

Division	Type	Rev Code	Fund	Account	Amount
Recording	RM	269	1200090108	420620	\$ 1,279,333.50
Recording	Arch	111	1200100129	421290	1,267,559.00
Civil	RM	333	1200060110	420610	32,220.00
Probate	RM	333	1200060110	420610	17,550.00

**Records Management Fee 0269-1200090108 420620**

Revenue Collected	Average/Mo	Fee	Static Thru		Total		Estimate (no fee increase)		Fee increase		
			YE	9/30/2013	Estimate	2013	10/1-9/30-2014	2014	10/1-9/30-2014	Estimate 2014	
\$	91,811.00	\$	5.00	\$	1,279,334	\$	1,279,334	\$	5.00	\$	10.00
\$	1,017,335	\$	915,100	\$	1,321,812	\$	1,279,334	\$	1,279,334	\$	2,558,667

Revenue Collected	Average/Mo	Fee	Static Thru		Total		Estimate (no fee increase)		Fee increase		
			YE	9/30/2013	Estimate	2013	10/1-9/30-2014	2014	10/1-9/30-2014	Estimate 2014	
\$	91,811.00	\$	5.00	\$	5.00	\$	5.00	\$	5.00	\$	10.00
\$	905,495	\$	1,207,328	\$	100,611	\$	1,307,939	\$	1,267,559	\$	2,535,118

**Civil**

Records Management Fee - Revenue Code 0333 1200060110 420610											
Revenue Collected	Fee amount	Number of Doc	Docs/Month	Does 3 month period	Doc Thru YE	Static Thru		Estimate		Estimate (no fee increase)	
						YE	9/30/2013	Estimate	10/1-9/30-2014	Estimate 10/1-9/30-2014	1/1-9/30-2014
\$	50,138.65		32,207.78		42,950.00		10,740.00		32,220.00		75,180.00
\$	5.00	10028	6442		5.00	\$	5.00	\$	5.00	\$	5.00
	836		716								
	2,148		2,148								
	8,590.00		8,590.00								
	2,148.00		2,148.00								
	6,444.00		6,444.00								
	7,518.00		7,518.00								

**Probate**

Records Management Fee - Revenue Code 0333 1200060110 420610											
Revenue Collected	Fee amount	Number of Doc	Docs/Month	Does 3 month period	Doc Thru YE	Static Thru		Estimate		Estimate (no fee increase)	
						YE	9/30/2013	Estimate	10/1-9/30-2014	Estimate 10/1-9/30-2014	1/1-9/30-2014
\$	22,464.61		17,540.06		23,390.00		5,850.00		17,550.00		40,950.00
\$	5.00	4493	3508		5.00	\$	5.00	\$	5.00	\$	5.00
	374		390								
	1170		1170								
	4,678.00		4,678.00								
	1,170.00		1,170.00								
	3,510.00		3,510.00								
	4,095.00		4,095.00								

**Archival Fees 0111-1200100129 421290**

Revenue Collected	Average/Mo	Fee	Static Thru		Total		Estimate (no fee increase)		Fee increase		
			YE	9/30/2013	Estimate	2013	10/1-9/30-2014	2014	10/1-9/30-2014	Estimate 2014	
\$	100,611.00	\$	5.00	\$	5.00	\$	5.00	\$	5.00	\$	10.00
\$	905,495	\$	1,207,328	\$	100,611	\$	1,307,939	\$	1,267,559	\$	2,535,118

Revenue Collected	Average/Mo	Fee	Static Thru		Total		Estimate (no fee increase)		Fee increase		
			YE	9/30/2013	Estimate	2013	10/1-9/30-2014	2014	10/1-9/30-2014	Estimate 2014	
\$	905,495	\$	1,207,328	\$	100,611	\$	1,307,939	\$	1,267,559	\$	2,535,118

Revenue Collected	Average/Mo	Fee	Static Thru		Total		Estimate (no fee increase)		Fee increase		
			YE	9/30/2013	Estimate	2013	10/1-9/30-2014	2014	10/1-9/30-2014	Estimate 2014	
\$	100,611.00	\$	5.00	\$	5.00	\$	5.00	\$	5.00	\$	10.00
\$	241,466	\$	24,092	\$	120,462	\$	253,512	\$	253,512	\$	253,512

AN ACT

relating to temporary increases in the records archive fees and the records management and preservation fees charged by district and county clerks.

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

ARTICLE 1. FEES EFFECTIVE SEPTEMBER 1, 2013

SECTION 1.01. Section 51.305(b), Government Code, is amended to read as follows:

(b) The commissioners court of a county may adopt a district court records archive fee of not more than \$10 [~~\$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. The fee must be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive.

SECTION 1.02. Section 51.317(b), Government Code, is amended to read as follows:

(b) The fees are:

(1) except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court, \$50;

(2) for filing a cross-action, counterclaim,

1 intervention, contempt action, motion for new trial, or third-party  
2 petition, \$15;

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

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

7 (5) in addition to the other fees imposed under this  
8 section, for filing a suit, including an appeal from an inferior  
9 court, or a cross-action, counterclaim, intervention, contempt  
10 action, motion for new trial, or third-party petition, the amount  
11 adopted by the county commissioners court, not to exceed \$10 [~~\$5~~],  
12 for court records archiving.

13 SECTION 1.03. Section 101.0611, Government Code, is amended  
14 to read as follows:

15 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT  
16 CODE. The clerk of a district court shall collect fees and costs  
17 under the Government Code as follows:

18 (1) appellate judicial system filing fees for:

19 (A) First or Fourteenth Court of Appeals District  
20 (Sec. 22.2021, Government Code) . . . not more than \$5;

21 (B) Second Court of Appeals District (Sec.  
22 22.2031, Government Code) . . . not more than \$5;

23 (C) Third Court of Appeals District (Sec.  
24 22.2041, Government Code) . . . \$5;

25 (D) Fourth Court of Appeals District (Sec.  
26 22.2051, Government Code) . . . not more than \$5;

27 (E) Fifth Court of Appeals District (Sec.

1 22.2061, Government Code) . . . not more than \$5;  
2 (E-1) Sixth Court of Appeals District (Sec.  
3 22.2071, Government Code) . . . \$5;  
4 (E-2) Seventh Court of Appeals District (Sec.  
5 22.2081, Government Code) . . . \$5;  
6 (F) Ninth Court of Appeals District (Sec.  
7 22.2101, Government Code) . . . \$5;  
8 (G) Eleventh Court of Appeals District (Sec.  
9 22.2121, Government Code) . . . \$5;  
10 (G-1) Twelfth Court of Appeals District (Sec.  
11 22.2131, Government Code) . . . \$5; and  
12 (H) Thirteenth Court of Appeals District (Sec.  
13 22.2141, Government Code) . . . not more than \$5;  
14 (2) when administering a case for the Rockwall County  
15 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and  
16 court costs as if the case had been filed in district court;  
17 (3) additional filing fees:  
18 (A) for each suit filed for insurance contingency  
19 fund, if authorized by the county commissioners court (Sec. 51.302,  
20 Government Code) . . . not to exceed \$5;  
21 (B) to fund the improvement of Dallas County  
22 civil court facilities, if authorized by the county commissioners  
23 court (Sec. 51.705, Government Code) . . . not more than \$15;  
24 (B-1) to fund the improvement of Bexar County  
25 court facilities, if authorized by the county commissioners court  
26 (Sec. 51.706, Government Code) . . . not more than \$15;  
27 (C) to fund the improvement of Hays County court

1 facilities, if authorized by the county commissioners court (Sec.  
2 51.707, Government Code) . . . not more than \$15; and

3 (D) to fund the preservation of court records  
4 (Sec. 51.708, Government Code) . . . not more than \$10;

5 (4) for filing a suit, including an appeal from an  
6 inferior court:

7 (A) for a suit with 10 or fewer plaintiffs (Sec.  
8 51.317, Government Code) . . . \$50;

9 (B) for a suit with at least 11 but not more than  
10 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

11 (C) for a suit with at least 26 but not more than  
12 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

13 (D) for a suit with at least 101 but not more than  
14 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

15 (E) for a suit with at least 501 but not more than  
16 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

17 (F) for a suit with more than 1,000 plaintiffs  
18 (Sec. 51.317, Government Code) . . . \$200;

19 (5) for filing a cross-action, counterclaim,  
20 intervention, contempt action, motion for new trial, or third-party  
21 petition (Sec. 51.317, Government Code) . . . \$15;

22 (6) for issuing a citation or other writ or process not  
23 otherwise provided for, including one copy, when requested at the  
24 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
25 \$8;

26 (7) for records management and preservation (Sec.  
27 51.317, Government Code) . . . \$10;

1           (7-a) for district court records archiving, if adopted  
2 by the county commissioners court (Sec. 51.317(b)(5), Government  
3 Code) . . . not more than \$10 [~~\$5~~];

4           (8) for issuing a subpoena, including one copy (Sec.  
5 51.318, Government Code) . . . \$8;

6           (9) for issuing a citation, commission for deposition,  
7 writ of execution, order of sale, writ of execution and order of  
8 sale, writ of injunction, writ of garnishment, writ of attachment,  
9 or writ of sequestration not provided for in Section 51.317, or any  
10 other writ or process not otherwise provided for, including one  
11 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

12           (10) for searching files or records to locate a cause  
13 when the docket number is not provided (Sec. 51.318, Government  
14 Code) . . . \$5;

15           (11) for searching files or records to ascertain the  
16 existence of an instrument or record in the district clerk's office  
17 (Sec. 51.318, Government Code) . . . \$5;

18           (12) for abstracting a judgment (Sec. 51.318,  
19 Government Code) . . . \$8;

20           (13) for approving a bond (Sec. 51.318, Government  
21 Code) . . . \$4;

22           (14) for a certified copy of a record, judgment,  
23 order, pleading, or paper on file or of record in the district  
24 clerk's office, including certificate and seal, for each page or  
25 part of a page (Sec. 51.318, Government Code) . . . not to exceed  
26 \$1;

27           (15) for a noncertified copy, for each page or part of



1 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

2 (16) fee for performing a service:

3 (A) related to the matter of the estate of a  
4 deceased person (Sec. 51.319, Government Code) . . . the same fee  
5 allowed the county clerk for those services;

6 (B) related to the matter of a minor (Sec.  
7 51.319, Government Code) . . . the same fee allowed the county  
8 clerk for the service;

9 (C) of serving process by certified or registered  
10 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
11 constable is authorized to charge for the service under Section  
12 118.131, Local Government Code; and

13 (D) prescribed or authorized by law but for which  
14 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

15 (17) jury fee (Sec. 51.604, Government Code) . . .  
16 \$30;

17 (18) additional filing fee for family protection on  
18 filing a suit for dissolution of a marriage under Chapter 6, Family  
19 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

20 (19) at a hearing held by an associate judge in Dallas  
21 County, a court cost to preserve the record, in the absence of a  
22 court reporter, by other means (Sec. 54.509, Government Code) . . .  
23 as assessed by the referring court or associate judge; and

24 (20) at a hearing held by an associate judge in Duval  
25 County, a court cost to preserve the record (Sec. 54.1151,  
26 Government Code) . . . as imposed by the referring court or  
27 associate judge.

1 SECTION 1.04. Sections 118.011(b) and (f), Local Government  
2 Code, are amended to read as follows:

3 (b) The county clerk may set and collect the following fee  
4 from any person:

5 (1) Returned Check (Sec. 118.0215) . . . . . not less  
6 than \$15 or more than \$30

7 (2) Records Management and Preservation Fee (Sec.  
8 118.0216) . . . . . not more than \$10 [~~\$5~~]

9 (3) Mental Health Background Check for License to  
10 Carry a Concealed Weapon (Sec. 118.0217) . . . . . not more than \$2

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

14 Records Archive Fee (Sec. 118.025) . . . . . not more  
15 than \$10 [~~\$5~~]

16 SECTION 1.05. The changes in law made by this article apply  
17 only to a fee that becomes payable on or after September 1, 2013. A  
18 fee that becomes payable before September 1, 2013, is governed by  
19 the law in effect when the fee became payable, and the former law is  
20 continued in effect for that purpose.

21 SECTION 1.06. This article takes effect September 1, 2013.

22 ARTICLE 2. FEES EFFECTIVE SEPTEMBER 1, 2019

23 SECTION 2.01. Section 51.305(b), Government Code, is  
24 amended to read as follows:

25 (b) The commissioners court of a county may adopt a district  
26 court records archive fee of not more than \$5 for the filing of a  
27 suit, including an appeal from an inferior court, or a

1 cross-action, counterclaim, intervention, contempt action, motion  
2 for new trial, or third-party petition, in a district court in the  
3 county as part of the county's annual budget. The fee must be set  
4 and itemized in the county's budget as part of the budget  
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9 amended to read as follows:

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14 intervention, contempt action, motion for new trial, or third-party  
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16 (3) for issuing a citation or other writ or process not  
17 otherwise provided for, including one copy, when requested at the  
18 time a suit or action is filed, \$8;

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

20 (5) in addition to the other fees imposed under this  
21 section, for filing a suit, including an appeal from an inferior  
22 court, or a cross-action, counterclaim, intervention, contempt  
23 action, motion for new trial, or third-party petition, the amount  
24 adopted by the county commissioners court, not to exceed \$5, for  
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26 SECTION 2.03. Section 101.0611, Government Code, is amended  
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1           Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT  
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8 22.2031, Government Code) . . . not more than \$5;

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10 22.2041, Government Code) . . . \$5;

11                   (D) Fourth Court of Appeals District (Sec.  
12 22.2051, Government Code) . . . not more than \$5;

13                   (E) Fifth Court of Appeals District (Sec.  
14 22.2061, Government Code) . . . not more than \$5;

15                   (E-1) Sixth Court of Appeals District (Sec.  
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21                   (G) Eleventh Court of Appeals District (Sec.  
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24 22.2131, Government Code) . . . \$5; and

25                   (H) Thirteenth Court of Appeals District (Sec.  
26 22.2141, Government Code) . . . not more than \$5;

27           (2) when administering a case for the Rockwall County

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8 civil court facilities, if authorized by the county commissioners  
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11 court facilities, if authorized by the county commissioners court  
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13 (C) to fund the improvement of Hays County court  
14 facilities, if authorized by the county commissioners court (Sec.  
15 51.707, Government Code) . . . not more than \$15; and

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18 (4) for filing a suit, including an appeal from an  
19 inferior court:

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21 51.317, Government Code) . . . \$50;

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23 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

24 (C) for a suit with at least 26 but not more than  
25 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

26 (D) for a suit with at least 101 but not more than  
27 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

1 (E) for a suit with at least 501 but not more than  
2 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

3 (F) for a suit with more than 1,000 plaintiffs  
4 (Sec. 51.317, Government Code) . . . \$200;

5 (5) for filing a cross-action, counterclaim,  
6 intervention, contempt action, motion for new trial, or third-party  
7 petition (Sec. 51.317, Government Code) . . . \$15;

8 (6) for issuing a citation or other writ or process not  
9 otherwise provided for, including one copy, when requested at the  
10 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
11 \$8;

12 (7) for records management and preservation (Sec.  
13 51.317, Government Code) . . . \$10;

14 (7-a) for district court records archiving, if adopted  
15 by the county commissioners court (Sec. 51.317(b)(5), Government  
16 Code) . . . not more than \$5;

17 (8) for issuing a subpoena, including one copy (Sec.  
18 51.318, Government Code) . . . \$8;

19 (9) for issuing a citation, commission for deposition,  
20 writ of execution, order of sale, writ of execution and order of  
21 sale, writ of injunction, writ of garnishment, writ of attachment,  
22 or writ of sequestration not provided for in Section 51.317, or any  
23 other writ or process not otherwise provided for, including one  
24 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

25 (10) for searching files or records to locate a cause  
26 when the docket number is not provided (Sec. 51.318, Government  
27 Code) . . . \$5;

1           (11) for searching files or records to ascertain the  
2 existence of an instrument or record in the district clerk's office  
3 (Sec. 51.318, Government Code) . . . \$5;

4           (12) for abstracting a judgment (Sec. 51.318,  
5 Government Code) . . . \$8;

6           (13) for approving a bond (Sec. 51.318, Government  
7 Code) . . . \$4;

8           (14) for a certified copy of a record, judgment,  
9 order, pleading, or paper on file or of record in the district  
10 clerk's office, including certificate and seal, for each page or  
11 part of a page (Sec. 51.318, Government Code) . . . not to exceed  
12 \$1;

13           (15) for a noncertified copy, for each page or part of  
14 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

15           (16) fee for performing a service:

16                   (A) related to the matter of the estate of a  
17 deceased person (Sec. 51.319, Government Code) . . . the same fee  
18 allowed the county clerk for those services;

19                   (B) related to the matter of a minor (Sec.  
20 51.319, Government Code) . . . the same fee allowed the county  
21 clerk for the service;

22                   (C) of serving process by certified or registered  
23 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
24 constable is authorized to charge for the service under Section  
25 118.131, Local Government Code; and

26                   (D) prescribed or authorized by law but for which  
27 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

1 (17) jury fee (Sec. 51.604, Government Code) . . .  
2 \$30;

3 (18) additional filing fee for family protection on  
4 filing a suit for dissolution of a marriage under Chapter 6, Family  
5 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

6 (19) at a hearing held by an associate judge in Dallas  
7 County, a court cost to preserve the record, in the absence of a  
8 court reporter, by other means (Sec. 54.509, Government Code) . . .  
9 as assessed by the referring court or associate judge; and

10 (20) at a hearing held by an associate judge in Duval  
11 County, a court cost to preserve the record (Sec. 54.1151,  
12 Government Code) . . . as imposed by the referring court or  
13 associate judge.

14 SECTION 2.04. Sections 118.011(b) and (f), Local Government  
15 Code, are amended to read as follows:

16 (b) The county clerk may set and collect the following fee  
17 from any person:

18 (1) Returned Check (Sec. 118.0215) . . . . . not less  
19 than \$15 or more than \$30

20 (2) Records Management and Preservation Fee (Sec.  
21 118.0216) . . . . . not more than \$5

22 (3) Mental Health Background Check for License to  
23 Carry a Concealed Weapon (Sec. 118.0217) . . . . . not more than \$2

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

27 Records Archive Fee (Sec. 118.025) . . . . . not more



1 than \$5

2 SECTION 2.05. The changes in law made by this article apply  
3 only to a fee that becomes payable on or after September 1, 2019. A  
4 fee that becomes payable before September 1, 2019, is governed by  
5 the law in effect when the fee became payable, and the former law is  
6 continued in effect for that purpose.

7 SECTION 2.06. This article takes effect September 1, 2019.

8 ARTICLE 3. CONFLICT WITH OTHER LEGISLATION

9 SECTION 3.01. To the extent of any conflict, this Act  
10 prevails over another Act of the 83rd Legislature, Regular Session,  
11 2013, relating to nonsubstantive additions to and corrections in  
12 enacted codes.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1513 was passed by the House on April 12, 2013, by the following vote: Yeas 131, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1513 on May 23, 2013, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1513 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 27, Nays 3.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor