



## Travis County Commissioners Court Agenda Request

**Meeting Date:** August 27, 2013

**Prepared By/Phone Number:** Diana Ramirez, (512) 854-9694

**Elected/Appointed Official/Dept. Head:** Leslie Browder, County Executive, Planning and Budget *LB*

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

**AGENDA LANGUAGE:** Consider and take appropriate action on District Clerk Fees for Fiscal Year 2014.

### BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

As a part of the annual budget process, the District Clerk's Office has recommended changes and/or additions to the following fees related to legislation approved in the 83<sup>rd</sup> Texas Legislature.

Fee Name	Bill Number	Existing Fee	New Fee	Effective Date
District Courts Records Archive Fee	HB 1513	\$5	\$10	Jan 1, 2014
Construction Fee-Civil	SB 1891	\$0	\$15	Jan 1, 2014

The District Courts Records Archive Fee is used for the preservation and restoration services performed in connection with maintaining a district court records archive. The revenue from this fee goes to the District Court Records Technology Fund (Fund 0139). The District Clerk will be posting the annual plan for this fund on the Commissioners Court's agenda in September to approve the proposed uses of these resources.

The Construction Fee-Civil is a civil case filing fee that is to be used for the construction, renovation or improvement of the facilities that house the Travis County civil courts. The revenues raised by this fee will be placed in a special revenue fund in the County treasury. The construction fee to be charged in County Courts-at-Law and Probate Court civil case filings was approved on August 13, 2013. Fees on district cases need specific and separate approval.

### STAFF RECOMMENDATIONS:

PBO recommends approval of these two fees.

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials should 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.

## **ISSUES AND OPPORTUNITIES:**

The District Courts Records Archive Fee will reset to \$5 on September 1, 2019, as per the statute.

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

The Auditor's Office estimates that the additional \$5 District Courts Records Archive Fee will raise \$42,500 for the District Court Records Technology Fund in Fiscal Year 2014.

As reported on August 13, 2013, the Auditor's Office estimates that, for the nine-month period from January 1 to September 30, 2014, the Construction Fee-Civil, will raise approximately \$231,000. Please note that this amount is the total expected to be raised by civil cases in District, County Court-at-Law and Probate courts.

If approved, the additional revenue will be included in the Auditor's Fifth Revenue Estimate due in September 2013.

## **REQUIRED AUTHORIZATIONS:**

**Leslie Browder – Planning and Budget Office, (512) 854-9106**  
**Jessica Rio – Planning and Budget Office, (512) 854-9106**  
**Daniel Wilson – County Auditor's Office, (512) 854-9125**  
**The Honorable Amalia Rodriguez-Mendoza, District Clerk**  
**Michelle Brinkman – District Clerk's Office**  
**County Judge's Office, (512) 854-9555**

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## 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, 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 \$10 [~~\$5~~], for court records archiving.

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

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

- (1) appellate judicial system filing fees for:
  - (A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;
  - (B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . not more than \$5;
  - (C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;
  - (D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

- (E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;
- (E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;
- (E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;
- (F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;
- (G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;
- (G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and
- (H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;
- (2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;
- (3) additional filing fees:
- (A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) . . . not to exceed \$5;
- (B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;
- (B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;
- (C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than \$15; and
- (D) to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;
- (4) for filing a suit, including an appeal from an inferior court:
- (A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . \$50;
- (B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
- (C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- (D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- (E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- (F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$200;
- (5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;
- (6) 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 (Sec. 51.317, Government Code) . . . \$8;
- (7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;
- (7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b) (5), Government

Code) . . . not more than \$10 [~~\$5~~];

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

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

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

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

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

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

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

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

(16) fee for performing a service:

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

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

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

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

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

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

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

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

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

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

(1) Returned Check (Sec. 118.0215) not less

than \$15 or more than \$30

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

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

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

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

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

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

ARTICLE 2. FEES EFFECTIVE SEPTEMBER 1, 2019

SECTION 2.01. 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 \$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.

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

ARTICLE 3. CONFLICT WITH OTHER LEGISLATION

SECTION 3.01. 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.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
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.

\_\_\_\_\_  
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.

\_\_\_\_\_  
Secretary of the Senate

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

\_\_\_\_\_  
Governor