

SUBJECT: Fee collected by a district clerk for certain certified copies

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 10 ayes — Jackson, Lewis, Bohac, S. Davis, Hartnett, Madden, Raymond, Scott, Thompson, Woolley

0 nays

1 absent — Castro

WITNESSES: (*On original bill:*)
For — Chris Daniel, Farrah Martinez, Harris County District Clerk;
(*Registered, but did not testify:* Cindy Bloodsworth, Texas Conference of Urban Counties; Pat Haggerty, Center Point Energy)

Against — Keith Elkins, Freedom of Information Foundation of Texas; Randy Kildow, Texas Association of Licensed Investigators; Larry Molinare, Texas Land Title Association; (*Registered, but did not testify:* Michael Schneider, Texas Association of Broadcasters; Ken Whalen, Texas Daily Newspaper Association, Texas Press Association)

BACKGROUND: Title 2 of the Government Code governs the judicial branch of government in Texas. In two separate subtitles that apply to judicial personnel and to court fees and costs, respectively, specific fees are listed for services district clerks provide to the public. Secs. 51.318(b)(7) and 101.0611(14) require district clerks to collect \$1 for each page of a certified copy of a court record, judgment, or other document filed or recorded with the office.

DIGEST: CSHB 627 would limit the cost for certified copies of documents filed or recorded in the district clerk's office to no more than \$1 per page.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011. It would apply to requests for certified copies made on or after the effective date.

**SUPPORTERS
SAY:**

CSHB 627 would reduce costs for taxpayers and make it more convenient to obtain certified court records. By limiting the fee to no more than \$1 per page of each certified copy, district clerks would have the discretion to make changes to staff, printing, and other associated costs to lower the fee to below \$1 per page. They could then set fees that were more appropriate for the cost of producing certified copies, such as for electronic copies, and would have the flexibility to make decisions that suited the needs of their offices. These savings would be passed on to taxpayers by allowing clerks to make more efficient use of the tax money that funds the offices.

District clerks' offices could choose to redirect consumers to their websites to obtain copies of court records. As a result, consumers no longer would have to spend additional resources, such as for gas and parking, to travel to physical offices. The bill ultimately would increase convenience for the consumer and reduce costs for clerks' offices.

District clerks also could set rates more appropriate for organizations with established financial need, such as certain non-profits.

The committee substitute addressed several of the initial concerns about the original version of the bill and still would accomplish its original intent by focusing on limiting the fee charged for certified copies to the fee established in current law. The bill would not affect the cost of noncertified copies.

**OPPONENTS
SAY:**

Although the bill ultimately could reduce costs for producing certified copies of court records, it could increase costs to district clerks' offices initially if they were to spend money and time for staff and other personnel to create the infrastructure to access documents electronically. The bill also would not ensure that district clerks across the state could or would implement changes that reduced costs and fees associated with certified copies.

NOTES:

The committee substitute differs from the original version of the bill by changing the language in the current law on the cost of certified copies from \$1 to a cost not to exceed \$1. The original bill addressed electronic certified copies specifically.

The companion bill, SB 680 by Gallegos, passed the Senate by 30-1 on the Local and Uncontested Calendar on April 7 and was referred to the House Judiciary & Civil Jurisprudence Committee on April 11.