

BILL ANALYSIS

Senate Research Center
83R9522 CAE-F

H.B. 1513
By: Lewis (West)
Jurisprudence
4/24/2013
Engrossed

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. H.B. 1513 seeks to provide for this preservation by increasing the permissible range of the district and county courts records archive fees and the records management and preservation fees.

H.B. 1513 amends current law relating to increases in the records archive fees and the 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, 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 2. Amends Section 51.317(b), Government Code, to prohibit the fee for court records archiving, in addition fees imposed by this section for certain other actions, from exceeding \$10, rather than \$5.

SECTION 3. 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 4. 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 5. Makes application of the changes in law made by this Act prospective.

SECTION 6. 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.

SECTION 7. Effective date: September 1, 2013.