

CHAPTER 420

S.B. No. 371

An Act relating to funding for child abuse and neglect prevention programs, to certain fees, and to the establishment of the Council on Child Abuse and Neglect Prevention; adding Chapter 74 to Subtitle B, Title 3, Human Resources Code, as amended; amending the Revised Statutes, as amended, by amending Article 3930 and Section (2) of Article 3930a-1 and by adding Article 3930a-2.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle B, Title 3, Human Resources Code, is amended by adding Chapter 74 to read as follows:

"CHAPTER 74. COUNCIL ON CHILD ABUSE AND NEGLECT

"Section 74.001. DEFINITIONS. In this chapter:

"(1) 'Board' means the Texas Board of Human Resources.

"(2) 'Council' means the Council on Child Abuse and Neglect Prevention.

"(3) 'Department' means the Texas Department of Human Resources.

"(4) 'Operating fund' means the council on child abuse and neglect prevention operating fund established by this chapter.

"(5) 'State agency' means a board, commission, department, office, or other state agency that:

"(A) is in the executive branch of state government;

"(B) was created by the constitution or a statute of this state; and

"(C) has statewide jurisdiction.

"(6) 'Trust fund' means the children's trust fund established by this chapter.

"Section 74.002. ESTABLISHMENT OF COUNCIL. (a) The Council on Child Abuse and Neglect Prevention is established within the department.

"(b) The council is composed of nine persons appointed by the governor who have demonstrated concern for the field of child abuse and neglect.

"(c) The members serve two-year terms. A person who has served three terms is not eligible for reappointment.

"(d) The governor shall designate a member as the presiding officer.

"(e) The council shall meet twice each year and at the call of the presiding officer.

"(f) Members of the council receive no compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties.

"Section 74.003. POWERS AND DUTIES. (a) The council shall:

"(1) develop a state plan for expanding funds for child abuse and neglect prevention programs;

"(2) develop eligibility criteria for applicants for grants to fund child abuse and neglect prevention programs;

"(3) establish grant application procedures;

"(4) establish funding priorities for child abuse and neglect prevention programs;

“(5) establish guidelines relating to grant amounts;

“(6) establish guidelines to ensure fair distribution of grants between rural and urban areas of the state;

“(7) develop procedures for evaluating grant applications;

“(8) review proposals submitted to the council;

“(9) monitor the expenditure of funds for child abuse and neglect prevention programs;

“(10) submit recommended grants to fund child abuse and neglect prevention programs to the board for approval;

“(11) submit an annual report to the governor, the legislature, and the board; and

“(12) recommend to the board proposed rules to implement this chapter.

“(b) The council may:

“(1) apply for and receive funds made available by the federal or state government or by another public or private source, which funds may be deposited in either the trust fund or the operating fund; and

“(2) solicit donations for child abuse prevention programs.

“Section 74.004. DEPARTMENT RESPONSIBILITIES. (a) The department shall employ necessary staff and provide administrative assistance to the council.

“(b) The department shall adopt rules in accordance with council recommendations to implement this chapter.

“Section 74.005. ADMINISTRATIVE COSTS. Administrative costs during any fiscal year may not exceed 10 percent of the total amount of funds appropriated to the council or the department for the carrying out of this chapter.

“Section 74.006. CHILDREN’S TRUST FUND. (a) The children’s trust fund is established as a trust fund in the State Treasury.

“(b) The legislature may not appropriate the money contained in the trust fund.

“(c) On September 1 of each year, the State Treasurer shall transfer one-half of the money contained in the trust fund to the operating fund. The money transferred to the operating fund under this subsection may be used only for child abuse and neglect prevention programs. This subsection expires August 31, 1991.

“Section 74.007. OPERATING FUND. (a) The council on child abuse and neglect prevention operating fund is established as a special fund in the State Treasury.

“(b) Any interest earned on funds deposited in the trust fund shall be deposited in the operating fund.

“(c) The legislature may appropriate the money in the operating fund to carry out the provisions of this chapter.

“Section 74.008. CONTRIBUTIONS. (a) The council may solicit contributions from any appropriate source.

“(b) A person may contribute funds to either the trust fund or the operating fund.

“(c) If a person designates that a contribution is intended as a donation to a specific fund, the contribution shall be deposited in the designated fund.

“Section 74.009. GRANT APPLICATIONS. (a) A state agency may not apply for a grant under this chapter.

“(b) Except as provided by Subsection (a) of this section, any group, including a program receiving state aid, may apply to the council for a grant to fund child abuse and neglect prevention programs under this chapter in accordance with department rules.

“(c) The council may not consider a grant application unless the application is endorsed by at least two community organizations from the area in which the funds will be expended.

“Section 74.010. GRANT AWARDS. (a) The board may award grants to fund child abuse and neglect prevention programs to eligible applicants recommended by the council. The board may overrule a council recommendation, but may not expend funds under this chapter unless the expenditure is recommended by the council.

“(b) The board shall award grants that continue for one year. The board may renew a grant not more than two times.

“(c) To be eligible for an initial grant, a person must provide a cash or in-kind match that is equal to at least 10 percent of the grant. To be eligible for a renewal for a second year, a person must provide a cash or in-kind match that is equal to at least 20 percent of that grant. To be eligible for a renewal for a third year, a person must provide a cash or in-kind match that is equal to at least 50 percent of that grant.

“(d) A person may not use funds received from the state to meet the match obligation prescribed by Subsection (c) of this section.

"Section 74.011. APPLICATION OF SUNSET ACT. The Council on Child Abuse and Neglect Prevention is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1999."

SECTION 2. Article 3930, Revised Statutes, as amended, is amended to read as follows:

"Article 3930. COUNTY CLERK AND COUNTY RECORDERS. County clerks and county recorders are hereby authorized and required to collect the following fees for services rendered by them to all persons, firms, corporations, legal entities, governmental agencies and/or governmental representatives:

"Fees for County Clerk and County Recorder Records and Miscellaneous Services

"(1) For filing, or filing and registering, including indexing, each instrument, document, legal paper, or record (excepting notaries public records, marriage records, vital statistics records, and those instruments, documents, legal papers and records filed in the county civil courts records, or in the county criminal courts records, or in the probate courts records, and those instruments, documents, legal papers and records filed and recorded in the real property records in the office of the county clerk, and those instruments the filing fee for which is fixed in the Business & Commerce Code), authorized, permitted, or required, to be filed, or filed and registered, in the personal property, chattels and personal records in the office of the county clerk and county recorder, a fee or fees, as follows:

"(a) For each such instrument, document, legal paper, or record, a fee, which shall be in addition to any and all specific fee or fees provided for in any and all other statute or statutes, of \$2.00

"(2) For filing and recording, including indexing not more than five (5) names, each instrument, document, legal paper, or record, (excepting map records, condominium records, notaries public records, marriage records, vital statistics records, and those instruments, documents, legal papers and records filed in the county civil courts records, or in the county criminal courts records, or in the probate courts records, or in the personal property, chattels and personal records in the office of the County Clerk) authorized, permitted, or required, to be filed and recorded in the real property records in the office of the county clerk and county recorder, a fee, or fees, as follows, which fee, or fees, shall be in addition to any specific fee, or fees, provided for in any other statute, or statutes:

"(a) For the first page, a fee of \$3.00

"(b) Plus, for each additional page, or part of a page, on which there are visible marks of any kind, a fee of \$2.00

"(c) Plus a fee for each 8-1/2" x 14", or part thereof, of attachment or rider, to be charged for each such attachment or rider, of \$2.00

"(d) Plus, for each additional name that has to be indexed in excess of a total of five (5) names indexed for all records in which an instrument, document, paper or record must be indexed, a fee of \$0.25

"(e) Provided, however, that a county clerk and county recorder who files, registers, or records by copying the instrument manually, and not by a photocopy, photostatic or microphotographic process, in his discretion may substitute, in lieu of the per page fee prescribed by this Act, for each page of such a legal instrument, document or paper having more than 500 words on it, a fee per one hundred words of \$0.20

"(3) For issuing each certified copy (except certified copy of map records and condominium records), notice, statement, license where the fee for issuing the license is not specifically provided by statute, or any other instrument, document, or paper authorized, permitted, or required, to be issued by said county clerk or county recorder, except as otherwise provided in Section 1, of this Act:

"For each page, or part of a page, a fee, to be paid in cash at the time each order is placed, of \$1.00 plus \$1.00 for the county clerk's certificate.

"However, nothing in this Act shall be construed to limit or deny to any person, firm, or corporation, full and free access to any papers, documents, proceedings and records referred to in this Act, the right of such parties to read and examine the same, and to copy information from any microfilm or other photographic image, or other copy thereof under reasonable rules and regulations of the county clerk at all reasonable times during the hours the county clerk's office is open to the public, and without making payment of any charge, being hereby established and confirmed.

"(4) For issuing each certified copy of birth certificate or death certificate a fee in the same amount as the fee charged under Rule 54a, Article 4477, Revised Statutes, as amended, by the state registrar of vital statistics and the local registrar of births and deaths.

“(5) For approving bond, except notarial bonds and bonds required to be approved in County Civil Courts, County Criminal Courts and Probate Courts, a fee, to be paid at the time of said approval, of \$3.00

“(6) For all clerical work in having appointment of notary public made, administering oaths and qualifying the notary public, and approving, filing and recording notarial bond, a fee (does not include the fee for the Secretary of State), to be paid at the time the executed oath and bond is filed, of \$4.00

“(7) For issuing each marriage license, including all and every service relating thereto and including, but not limited to, preparing the application, filing health certificates, administering oaths, filing waivers and orders of county judge, issuing license and recording all papers including the return of the license, a total fee, to be paid at the time the license is issued, of \$25.00 [~~\$7.50~~]

“(8) For registering a brand, including indexing, search, and issuing the certificate, a fee of .. \$5.00

“(9) For administering each oath, with or without a seal of clerk, except oaths required to be administered in duties as Clerk of County Civil Courts, County Criminal Courts and Probate Courts, a fee of \$1.00

“(10) For such other duties prescribed, authorized, and/or permitted by the Legislature for which no fee is set by this Act, reasonable fees shall be charged.”

SECTION 3. Section (2), Article 3930a-1, Revised Statutes, as amended, is amended to read as follows:

“(2) A total fee of \$25.00 [~~\$7.50~~] shall be collected for services rendered in connection with the execution of each declaration of informal marriage under Section 1.92 of the Family Code.”

SECTION 4. Title 61, Revised Statutes, is amended by adding Article 3930a-2 to read as follows:

“Article 3930a-2. DISPOSITION AND USE OF PORTION OF MARRIAGE LICENSE AND DECLARATION FEES. (a) The county clerk or county recorder shall no later than the 10th day of each month send to the comptroller of public accounts \$12.50 of each fee collected during the preceding month from the issuance of marriage licenses under Article 3930 of this title and from the issuance of declarations of informal marriage under Article 3930a-1 of this title.

“(b) The comptroller shall deposit the money received under this article to the credit of the children’s trust fund established under Section 74.006, Human Resources Code.”

SECTION 5. If the 69th Legislature appropriates money from the General Revenue Fund to implement this Act, on September 1, 1987, the State Treasurer shall, before transferring funds to the council on child abuse and neglect prevention operating fund as required by Subsection (c), Section 74.006, Human Resources Code, as added by this Act, and if sufficient funds exist, transfer an amount equal to the amount of the legislative appropriation from the children’s trust fund established by this Act to the General Revenue Fund. The State Treasurer shall then transfer one-half of the funds remaining in the trust fund to the council on child abuse and neglect prevention operating fund established by this Act.

SECTION 6. This Act takes effect September 1, 1985.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 10, 1985, by a viva-voce vote; May 1, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 15, 1985, House granted request of the Senate; May 21, 1985, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on April 25, 1985, by a non-record vote; May 15, 1985, House granted request of the Senate for appointment of Conference Committee; May 23, 1985, House adopted Conference Committee Report by a non-record vote.

Approved: June 11, 1985

Effective: September 1, 1985