

CHAPTER 675

S.B. No. 1058

AN ACT

relating to fees imposed and collected by agencies of state and local government.

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

SECTION 1. Section 118.052, Local Government Code, is amended to read as follows:

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

- (1) CIVIL COURT ACTIONS
 - (A) Filing of Original Action (Sec. 118.053):
 - (i) Garnishment after judgment \$15.00
 - (ii) All others \$40.00
 - (B) Filing of Action Other than Original (Sec. 118.054) \$30.00
 - (C) Services Rendered After Judgment in Original Action (Sec. 118.0545):
 - (i) Abstract of judgment \$ 5.00
 - (ii) Execution, order of sale, writ, or other process \$ 5.00
- (2) PROBATE COURT ACTIONS
 - (A) Probate Original Action (Sec. 118.055):
 - (i) Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title \$35.00
 - (ii) Community survivors \$20.00
 - (iii) Small estates \$10.00
 - (iv) Affidavits of heirship \$10.00
 - (v) Mental health or chemical dependency services \$40.00
 - (vi) Additional, special fee (Sec. 118.064) \$ 3.00
 - (B) Services in Pending Probate Action (Sec. 118.056):
 - (i) Filing and recording a document: for the first page \$ 3.00
for each additional page or part of a page \$ 2.00
 - (ii) Approving and recording bond \$ 3.00
 - (iii) Administering oath \$ 2.00
 - (C) Adverse Probate Action (Sec. 118.057) \$35.00
 - (D) Claim Against Estate (Sec. 118.058) \$ 2.00
- (3) OTHER FEES
 - (A) Issuing Document Requiring a Return, No Pending Action (Sec. 118.059):
 - original document and one copy \$ 4.00
 - each additional set of an original and one copy \$ 4.00
 - (B) Certified Papers, No Return Required (Sec. 118.060):
 - for the clerk's certificate \$ 1.00
 - plus a fee per page or part of a page of \$ 1.00
 - (C) Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) \$ 2.00
 - (D) Safekeeping of Wills (Sec. 118.062) \$ 5.00
 - (E) Mail Service of Process (Sec. 118.063) same as sheriff
 - (F) *Records Management and Preservation Fee* \$ 5.00

SECTION 2. Subchapter C, Chapter 118, Local Government Code, is amended by adding Section 118.0546 to read as follows:

Sec. 118.0546. RECORDS MANAGEMENT AND PRESERVATION FEE—CIVIL CASES. (a) *The fee for "Records Management and Preservation" under Section 118.052 is for the records management and preservation services performed by the county as required by Chapter 203.*

(b) *The fee shall be assessed as cost and must be paid at the time of filing any civil case or ancillary pleading thereto.*

(c) *The fee shall be placed in a special fund to be called the records management and preservation fund.*

(d) *The fee shall be used only for records management and preservation purposes in the county. No expenditure may be made from this fund without prior approval of the commissioners court.*

SECTION 3. Subchapter C, Chapter 118, Local Government Code, is amended by adding Section 118.0645 to read as follows:

Sec. 118.0645. RECORDS MANAGEMENT AND PRESERVATION FEE—PROBATE CASES. (a) The fee for "Records Management and Preservation" under Section 118.052 is for the records management and preservation services performed by the county as required by Chapter 203.

(b) The fee shall be assessed as cost and must be paid at the time of filing any probate case or adverse probate action.

(c) The fee shall be placed in a special fund entitled records management and preservation fund.

(d) The fee shall be used only for records management and preservation purposes in the county as required by Chapter 203. No expenditure may be made from this fund without prior approval of the commissioners court.

SECTION 4. Section 203.003, Local Government Code, is amended to read as follows:

Sec. 203.003. DUTIES OF COMMISSIONERS COURT. The commissioners court of each county shall:

(1) promote and support the efficient and economical management of records of all elective offices in the county to enable elected county officers to conform to this subtitle and rules adopted under it;

(2) facilitate the creation and maintenance of records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of each elective office and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and the persons affected by the activities of the local government;

(3) facilitate the identification and preservation of the records of elective offices that are of permanent value; [and]

(4) facilitate the identification and protection of the essential records of elective offices;

(5) establish a county clerk records management and preservation fund for fees subject to Section 118.0216 and approve in advance any expenditures from the fund; and

(6) establish a records management and preservation fund for the records management and preservation fees authorized under Sections 118.052, 118.0546, and 118.0645, Section 51.317, Government Code, and Article 102.005(d), Code of Criminal Procedure, and approve in advance any expenditures from the fund, which may be spent only for records management preservation or automation purposes in the county.

SECTION 5. Section 51.317, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The fees are:

- (1) for filing a suit, including an appeal from an inferior court \$45
- (2) for filing a cross-action, intervention, contempt action, or motion for new trial \$15
- (3) for issuing a subpoena, including one copy, when requested at the time a suit or action is filed \$ 4
- (4) 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
- (5) for issuing an additional copy of a process not otherwise provided for, when requested at the time a suit or action is filed \$ 4
- (6) for the records management and preservation fund \$ 5.

(c) The district clerk, after collecting a fee under Subsection (b)(6), shall pay the fee to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit in the records management and preservation fund.

SECTION 6. Article 102.005, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A defendant convicted of an offense in a county court, a county court at law, or a district court shall pay a fee of \$10 for records management and preservation services

performed by the county as required by Chapter 203, Local Government Code. The fee shall be collected and distributed by the clerk of the court in the same manner as fees are collected and distributed under Section 51.317(c), Government Code. The fee received by a county shall be placed in a special fund to be called the records management and preservation fund. The fee shall be used only for records management and preservation purposes in the county as required by Chapter 203, Local Government Code. No expenditures may be made from this fund without prior approval of the commissioners court.

SECTION 7. Section 431.241, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) *The department may assess a fee for the issuance of a certificate of free sale and another certification issued under this chapter. The board by rule shall set each fee in an amount sufficient to recover the cost to the department of issuing the particular certificate.*

SECTION 8. Section 3, Article 21.60, Insurance Code, is amended to read as follows:

Sec. 3. ADMINISTRATION AND ENFORCEMENT. (a) The board shall administer and enforce this article. The board shall establish reasonable and necessary fees in an amount not to exceed \$20 per year for each amusement ride covered by this Act.

(b) *For purposes of establishing fees under this section, an amusement ride that consists of two or more self-propelled, four-wheeled vehicles designed to be operated independently and to carry fewer than three persons, including vehicles known as go-carts, is a single amusement ride.*

(c) Funds raised through said fees shall be deposited in the State Treasury and shall be credited to the account of the board for administration of this Act.

SECTION 9. Subsection (a), Section 11A, The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Each of the following fees imposed by or under another section of this Act is increased by \$200:

(1) fee for filing an original application for *an individual* [a] real estate broker license; and

(2) fee for annual renewal of *an individual* [a] real estate broker license.

SECTION 10. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect immediately.

(b) Sections 1 through 7 of this Act take effect September 1, 1993.

(c) Section 8 of this Act takes effect January 1, 1994.

SECTION 11. The changes in law made by this Act in the amount or application of a fee apply only to a fee that becomes due on or after the effective date of the change and, as applicable, the effective date of a rule adopted under the change. A fee that became due before the effective date of the change in law made by this Act in the fee is governed by the law as it existed when the fee became due, and the former law is continued in effect for that purpose.

SECTION 12. 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, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on April 29, 1993: Yeas 28, Nays 0; May 28, 1993, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 1993, House granted request of the Senate; May 30, 1993, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 25, 1993: Yeas 69, Nays 62, two present not voting; May 28, 1993, House granted request of the Senate for appointment of Conference Committee; May 30, 1993, House adopted Conference Committee Report by the following vote: Yeas 76, Nays 61, one present not voting.

Approved June 15, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment, except §§ 1 to 7 effective Sept. 1, 1993, and § 8 effective Jan. 1, 1994.