

16,730

Order Adopting District Court Records Archive Fee

FILED FOR RECORD
at 3:26 o'clock P M

APR 27 2021

JENNIFER LINDENZWEIG
County Clerk, Hunt County, TX
By *Jennifer Lindenzweig*

State of Texas
County of Hunt

The Hunt County Commissioners Court has determined that a District Court Records Archive Fee is needed for the preservation and restoration of District Court Records.

The Court hereby adopts the District Court Records Archive at a rate of \$10.00 as provided by Government Code 51.305(b).

Approved and adopted this the 27 day of April, 2021.

Bobby W. Stovall
Bobby W. Stovall
Hunt County Judge

Mark Hutchins
Mark Hutchins
Commissioner, Pct. 1

Randy Strait
Randy Strait
Commissioner, Pct. 2

Phillip A. Martin
Phillip Martin
Commissioner, Pct. 3

Steven Harrison
Steven Harrison
Commissioner, Pct. 4

Attest:

Jennifer Lindenzweig
Jennifer Lindenzweig
Hunt County Clerk





HUNT COUNTY

POST OFFICE BOX 1437 – GREENVILLE, TEXAS 75403-1437

DISTRICT CLERK
SUSAN SPRADLING
(903) 408-4172

April 9, 2021

To the Honorable Hunt County Judge Bobby Stovall and Hunt County Commissioner's Court

Re: District Court Records Technology Fund per Government Code 51.305

Dear Sirs,

Government Code Section 51.305(b) created by S.B. No. 1685 of the 81st Legislature, 2009 provided for a district court records technology fund that the commissioners court of a county could adopt as a court records archive fee of not more than \$5 for the filing of a new suit and certain other documents accepted for filing in the district clerk's office. The fee was to be set and itemized in the county's budget as part of the budget preparation process and had to be approved in a public meeting. The fee was designated for preservation and restoration services performed in the connection with maintaining a district court records archive. This bill took effect September 1, 2009. (Full text attached as Exhibit A).

S.B. No. 658 of the 86th Legislature, 2019 amends Government Code 51.305(b) by increasing the court records archive fee allowable for commissioner court adoption to up to \$10 effective September 1, 2019. (Full text attached as Exhibit B).


The Hunt County District Clerk has been collecting \$5 for the archive fee since 2009. At this time, I respectfully request approval of an increase of this fee to \$10 as provided by Government Code 51.305(b) to become effective June 1, 2021.

I understand money generated from the collection of district court records archive fee may only be spent for the preservation and restoration of district court records and are subject to the approval of an annual written plan. A written plan is being prepared for submission during the current budget process. (Government Code 51.305(f)).

I also understand a notice is to be posted in a conspicuous place in the district clerk's office regarding the approval and collection of the district court records archive fee. (Attached as Exhibit C).

Thank you for your consideration in this matter.

Yours truly,


Susan Spradling, District Clerk
Hunt County, Texas

S.B. No. 1685

1 AN ACT
2 relating to the creation of a district court records technology
3 fund.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter D, Chapter 51, Government Code, is
6 amended by adding Section 51.305 to read as follows:

7 Sec. 51.305. DISTRICT COURT RECORDS TECHNOLOGY FUND.

8 (a) In this section:

9 (1) "Court document" means any instrument, document,
10 paper, or other record that the district clerk is authorized to
11 accept for filing or maintenance.

12 (2) "Deterioration" means any naturally occurring
13 process or a natural disaster that results in the destruction or
14 partial destruction of a court document.

15 (3) "Preservation" means any process that:

16 (A) suspends or reduces the deterioration of a
17 court document; or

18 (B) provides public access to a court document in
19 a manner that reduces the risk of deterioration.

20 (4) "Restoration" means any process that permits the
21 visual enhancement of a court document, including making the
22 document more legible.

23 (b) The commissioners court of a county may adopt a district
24 court records archive fee of not more than \$5 for the filing of a

1 suit, including an appeal from an inferior court, or a
2 cross-action, counterclaim, intervention, contempt action, motion
3 for new trial, or third-party petition, in a district court in the
4 county as part of the county's annual budget. The fee must be set
5 and itemized in the county's budget as part of the budget
6 preparation process and must be approved in a public meeting. The
7 fee is for preservation and restoration services performed in
8 connection with maintaining a district court records archive.

9 (c) The county treasurer, or the official who discharges the
10 duties commonly delegated to the county treasurer, in a county that
11 adopts a fee under Subsection (b) shall establish a district court
12 records technology fund in the general fund of the county for
13 deposit of fees paid under Section 51.317(f).

14 (d) Subject to Subsection (f), money generated from the fee
15 imposed under this section may be expended only for the
16 preservation and restoration of the district court records archive.

17 (e) The district clerk shall designate the court documents
18 that are part of the records archive for purposes of this
19 section. The designation of court documents by the district clerk
20 under this subsection is subject to approval by the commissioners
21 court in a public meeting.

22 (f) The district clerk in a county that adopts a fee under
23 this section shall prepare an annual written plan for the
24 preservation and restoration of the district court records archive.
25 The plan may include a proposal for entering into a contract with
26 another person for preservation and restoration services. The
27 commissioners court shall publish notice of a public hearing on the

1 plan in a newspaper of general circulation in the county not later
2 than the 15th day before the date of the hearing. After the public
3 hearing, the plan shall be considered for approval by the
4 commissioners court. Money in the district court records
5 technology fund may be expended only as provided by the plan. All
6 expenditures from the records technology fund must comply with
7 Subchapter C, Chapter 262, Local Government Code.

8 (g) If a county imposes a fee under this section, a notice
9 shall be posted in a conspicuous place in the district clerk's
10 office. The notice must state the amount of the fee in the
11 following form: "THE COMMISSIONERS COURT OF _____
12 (Insert name of county) COUNTY HAS DETERMINED THAT A RECORDS
13 ARCHIVE FEE OF \$_____ (Insert amount adopted by commissioners
14 court) IS NEEDED TO PRESERVE AND RESTORE DISTRICT COURT RECORDS."

15 (h) Money remaining from the collection of fees imposed
16 under this section after completion of a district court records
17 archive preservation and restoration project may be expended for
18 records management and preservation purposes in the manner provided
19 by Section 51.317(d). The commissioners court of a county may not
20 impose a fee under this section after the district court records
21 archive preservation and restoration project is complete.

22 SECTION 2. Section 51.317, Government Code, is amended by
23 amending Subsection (b) and adding Subsections (b-2) and (f) to
24 read as follows:

25 (b) The fees are:

26 (1) except as provided by Subsection (b-1), for filing
27 a suit, including an appeal from an inferior court, \$50;

1 (2) for filing a cross-action, counterclaim,
2 intervention, contempt action, motion for new trial, or third-party
3 petition, \$15;

4 (3) for issuing a citation or other writ or process not
5 otherwise provided for, including one copy, when requested at the
6 time a suit or action is filed, \$8;

7 (4) for records management and preservation, \$10; and

8 (5) in addition to the other fees imposed under this
9 section, for filing a suit, including an appeal from an inferior
10 court, or a cross-action, counterclaim, intervention, contempt
11 action, motion for new trial, or third-party petition, the amount
12 adopted by the county commissioners court, not to exceed \$5, for
13 court records archiving.

14 **(b-2) The fee imposed under Subsection (b)(5) does not apply**
15 **to a filing by a state agency.**

16 **(f) The district clerk, after collecting a fee under**
17 **Subsection (b)(5), shall pay the fee to the county treasurer, or to**
18 **an official who discharges the duties commonly delegated to the**
19 **county treasurer, for deposit to the district court records**
20 **technology fund established under Section 51.305.**

21 SECTION 3. Subchapter D, Chapter 101, Government Code, is
22 amended by adding Section 101.06116 to read as follows:

23 **Sec. 101.06116. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT**
24 **CODE. The clerk of a district court shall collect a district court**
25 **records archive fee of not more than \$5 under Section 51.317(b)(5),**
26 **if adopted by the county commissioners court.**

27 SECTION 4. This Act takes effect immediately if it receives

S.B. No. 1685

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.

S.B. No. 1685

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1685 passed the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1685 passed the House on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S.B. No. 658

1 AN ACT
2 relating to making permanent the former temporary increases in
3 records archive fees and records management and preservation fees
4 charged by district and county clerks.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 51.305(b), Government Code, as effective
7 September 1, 2019, is amended to read as follows:

8 (b) The commissioners court of a county may adopt a district
9 court records archive fee of not more than \$10 [~~\$5~~] for the filing
10 of a suit, including an appeal from an inferior court, or a
11 cross-action, counterclaim, intervention, contempt action, motion
12 for new trial, or third-party petition, in any court in the county
13 for which the district clerk accepts filings as part of the county's
14 annual budget. The fee must be set and itemized in the county's
15 budget as part of the budget preparation process and must be
16 approved in a public meeting. The fee is for preservation and
17 restoration services performed in connection with maintaining a
18 district court records archive.

19 SECTION 2. Section 51.317(b), Government Code, as effective
20 September 1, 2019, is amended to read as follows:

21 (b) The fees are:

22 (1) except as provided by Subsection (b-1), for filing
23 a suit, including an appeal from an inferior court, \$50;

24 (2) for filing a cross-action, counterclaim,

1 intervention, contempt action, motion for new trial, or third-party
2 petition, \$15;

3 (3) for issuing a citation or other writ or process not
4 otherwise provided for, including one copy, when requested at the
5 time a suit or action is filed, \$8;

6 (4) for records management and preservation, \$10; and

7 (5) in addition to the other fees imposed under this
8 section, for filing a suit, including an appeal from an inferior
9 court, or a cross-action, counterclaim, intervention, contempt
10 action, motion for new trial, or third-party petition, the amount
11 adopted by the county commissioners court, not to exceed \$10 [~~\$5~~],
12 for court records archiving.

13 SECTION 3. Section 101.0611, Government Code, as effective
14 September 1, 2019, is amended to read as follows:

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

18 (1) appellate judicial system filing fees for:

19 (A) First or Fourteenth Court of Appeals District
20 (Sec. 22.2021, Government Code) . . . not more than \$5;

21 (B) Second Court of Appeals District (Sec.
22 22.2031, Government Code) . . . \$5;

23 (C) Third Court of Appeals District (Sec.
24 22.2041, Government Code) . . . \$5;

25 (D) Fourth Court of Appeals District (Sec.
26 22.2051, Government Code) . . . not more than \$5;

27 (E) Fifth Court of Appeals District (Sec.

1 22.2061, Government Code) . . . not more than \$5;
2 (E-1) Sixth Court of Appeals District (Sec.
3 22.2071, Government Code) . . . \$5;
4 (E-2) Seventh Court of Appeals District (Sec.
5 22.2081, Government Code) . . . \$5;
6 (E-3) Eighth Court of Appeals District (Sec.
7 22.2091, Government Code) . . . \$5;
8 (F) Ninth Court of Appeals District (Sec.
9 22.2101, Government Code) . . . \$5;
10 (G) Eleventh Court of Appeals District (Sec.
11 22.2121, Government Code) . . . \$5;
12 (G-1) Twelfth Court of Appeals District (Sec.
13 22.2131, Government Code) . . . \$5; and
14 (H) Thirteenth Court of Appeals District (Sec.
15 22.2141, Government Code) . . . not more than \$5;
16 (2) when administering a case for the Rockwall County
17 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
18 court costs as if the case had been filed in district court;
19 (3) additional filing fees:
20 (A) for each suit filed for insurance contingency
21 fund, if authorized by the county commissioners court (Sec. 51.302,
22 Government Code) . . . not to exceed \$5;
23 (B) to fund the improvement of Dallas County
24 civil court facilities, if authorized by the county commissioners
25 court (Sec. 51.705, Government Code) . . . not more than \$15;
26 (B-1) to fund the improvement of Bexar County
27 court facilities, if authorized by the county commissioners court

1 (Sec. 51.706, Government Code) . . . not more than \$15;

2 (C) to fund the improvement of Hays County court
3 facilities, if authorized by the county commissioners court (Sec.
4 51.707, Government Code) . . . not more than \$15;

5 (D) to fund the preservation of court records
6 (Sec. 51.708, Government Code) . . . not more than \$10;

7 (E) to fund the construction, renovation, or
8 improvement of Rockwall County court facilities, if authorized by
9 the county commissioners court (Sec. 51.709, Government Code) . . .
10 not more than \$15;

11 (F) to fund the construction, renovation, or
12 improvement of Travis County court facilities, if authorized by the
13 county commissioners court (Sec. 51.710, Government Code) . . . not
14 more than \$15;

15 (G) to fund the construction, renovation, or
16 improvement of Hidalgo County court facilities, if authorized by
17 the county commissioners court (Sec. 51.711, Government Code) . . .
18 not more than \$20; and

19 (H) to fund the construction, renovation, or
20 improvement of Cameron County court facilities, if authorized by
21 the county commissioners court (Sec. 51.711, Government Code) . . .
22 not more than \$20;

23 (4) for filing a suit, including an appeal from an
24 inferior court:

25 (A) for a suit with 10 or fewer plaintiffs (Sec.
26 51.317, Government Code) . . . \$50;

27 (B) for a suit with at least 11 but not more than

1 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

2 (C) for a suit with at least 26 but not more than

3 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

4 (D) for a suit with at least 101 but not more than

5 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

6 (E) for a suit with at least 501 but not more than

7 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

8 (F) for a suit with more than 1,000 plaintiffs

9 (Sec. 51.317, Government Code) . . . \$200;

10 (5) for filing a cross-action, counterclaim,

11 intervention, contempt action, motion for new trial, or third-party

12 petition (Sec. 51.317, Government Code) . . . \$15;

13 (6) for issuing a citation or other writ or process not

14 otherwise provided for, including one copy, when requested at the

15 time a suit or action is filed (Sec. 51.317, Government Code) . . .

16 \$8;

17 (7) for records management and preservation (Sec.

18 51.317, Government Code) . . . \$10;

19 (7-a) for district court records archiving, if adopted

20 by the county commissioners court (Sec. 51.317(b)(5), Government

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

22 (8) for issuing a subpoena, including one copy (Sec.

23 51.318, Government Code) . . . \$8;

24 (9) for issuing a citation, commission for deposition,

25 writ of execution, order of sale, writ of execution and order of

26 sale, writ of injunction, writ of garnishment, writ of attachment,

27 or writ of sequestration not provided for in Section 51.317, or any

- 1 other writ or process not otherwise provided for, including one
2 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
- 3 (10) for searching files or records to locate a cause
4 when the docket number is not provided (Sec. 51.318, Government
5 Code) . . . \$5;
- 6 (11) for searching files or records to ascertain the
7 existence of an instrument or record in the district clerk's office
8 (Sec. 51.318, Government Code) . . . \$5;
- 9 (12) for abstracting a judgment (Sec. 51.318,
10 Government Code) . . . \$8;
- 11 (13) for approving a bond (Sec. 51.318, Government
12 Code) . . . \$4;
- 13 (14) for a certified copy of a record, judgment,
14 order, pleading, or paper on file or of record in the district
15 clerk's office, including certificate and seal, for each page or
16 part of a page (Sec. 51.318, Government Code) . . . not to exceed
17 \$1;
- 18 (15) for a noncertified copy, for each page or part of
19 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
- 20 (16) fee for performing a service:
- 21 (A) related to the matter of the estate of a
22 deceased person (Sec. 51.319, Government Code) . . . the same fee
23 allowed the county clerk for those services;
- 24 (B) related to the matter of a minor (Sec.
25 51.319, Government Code) . . . the same fee allowed the county
26 clerk for the service;
- 27 (C) of serving process by certified or registered

1 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
2 constable is authorized to charge for the service under Section
3 118.131, Local Government Code;

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

7 (E) related to a matter filed in a statutory
8 county court (Sec. 51.319, Government Code) . . . the same fees
9 allowed the district clerk for those services in the district
10 court;

11 (17) jury fee (Sec. 51.604, Government Code) . . .
12 \$40;

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

16 (19) at a hearing held by an associate judge appointed
17 under Subchapter B, Chapter 54A, Government Code, a court cost to
18 preserve the record, in the absence of a court reporter, by any
19 means approved by the associate judge (Sec. 54A.110, Government
20 Code) . . . as assessed by the referring court or associate judge;
21 and

22 (20) statewide electronic filing system fund fee (Sec.
23 51.851, Government Code) . . . \$30.

24 SECTION 4. Section 103.027(a), Government Code, as
25 effective September 1, 2019, is amended to read as follows:

26 (a) Fees and costs shall be paid or collected under the
27 Government Code as follows:

1 (1) filing a certified copy of a judicial finding of
2 fact and conclusion of law if charged by the secretary of state
3 (Sec. 51.905, Government Code) . . . \$15;

4 (2) cost paid by each surety posting the bail bond for
5 an offense other than a misdemeanor punishable by fine only under
6 Chapter 17, Code of Criminal Procedure, for the assistant
7 prosecutor supplement fund and the fair defense account (Sec.
8 41.258, Government Code) . . . \$15, provided the cost does not
9 exceed \$30 for all bail bonds posted at that time for an individual
10 and the cost is not required on the posting of a personal or cash
11 bond;

12 (3) to participate in a court proceeding in this
13 state, a nonresident attorney fee (Sec. 82.0361, Government Code)
14 . . . \$250 except as waived or reduced under supreme court rules for
15 representing an indigent person;

16 (4) on a party's appeal of a final decision in a
17 contested case, the cost of preparing the original or a certified
18 copy of the record of the agency proceeding, if required by the
19 agency's rule, as a court cost (Sec. 2001.177, Government Code)
20 . . . as assessed by the court, all or part of the cost of
21 preparation;

22 (5) a program fee for a drug court program (Sec.
23 123.004, Government Code) . . . not to exceed \$1,000;

24 (6) an alcohol or controlled substance testing,
25 counseling, and treatment fee (Sec. 123.004, Government Code) . . .
26 the amount necessary to cover the costs of testing, counseling, and
27 treatment;

1 (7) a reasonable program fee for a veterans treatment
2 court program (Sec. 124.005, Government Code) . . . not to exceed
3 \$1,000;

4 (8) a testing, counseling, and treatment fee for
5 testing, counseling, or treatment performed or provided under a
6 veterans treatment court program (Sec. 124.005, Government Code)
7 . . . the amount necessary to cover the costs of testing,
8 counseling, or treatment;

9 (9) a nonrefundable program fee for a commercially
10 sexually exploited persons court program (Sec. 126.006, Government
11 Code) . . . a reasonable amount not to exceed \$1,000, which must
12 include a counseling and services fee in an amount necessary to
13 cover the costs of counseling and services provided by the program,
14 a victim services fee in an amount equal to 10 percent of the total
15 fee, and a law enforcement training fee in an amount equal to five
16 percent of the total fee; and

17 (10) a district court records archive fee for the
18 filing of a suit, including an appeal from an inferior court, or a
19 cross-action, counterclaim, intervention, contempt action, motion
20 for new trial, or third-party petition, in any court in the county
21 for which the district clerk accepts filings, if authorized by the
22 county commissioners court (Sec. 51.305, Government Code) . . . not
23 more than \$10 [~~\$5~~].

24 SECTION 5. Sections 118.011(b) and (f), Local Government
25 Code, as effective September 1, 2019, are amended to read as
26 follows:

27 (b) The county clerk may set and collect the following fee

1 from any person:

2 (1) Returned Check (Sec. 118.0215) not
3 less than \$15 or more than \$30

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

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

9 (4) Marriage License for Out-of-State Applicants
10 (Sec. 118.018) \$100

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

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

16 (2) Records Technology and Infrastructure Fee (Sec.
17 118.026) \$2.00

18 SECTION 6. Section 51.607, Government Code, does not apply
19 to a court fee assessed under a statute amended by this Act.

20 SECTION 7. To the extent of any conflict, this Act prevails
21 over another Act of the 86th Legislature, Regular Session, 2019,
22 relating to nonsubstantive additions to and corrections in enacted
23 codes.

24 SECTION 8. **This Act takes effect September 1, 2019.**

S.B. No. 658

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 658 passed the Senate on April 11, 2019, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 21, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 658 passed the House, with amendments, on April 26, 2019, by the following vote: Yeas 120, Nays 17, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor



HUNT COUNTY

POST OFFICE BOX 1437 – GREENVILLE, TEXAS 75403-1437

DISTRICT CLERK
SUSAN SPRADLING
(903) 408-4172

Notice

DISTRICT CLERK'S RECORDS ARCHIVE FEE

Government Code 51.305(g)

(g) If a county imposes a fee under this section, a notice shall be posted in a conspicuous place in the district clerk's office. The notice must state the amount of the fee in the following form:

"THE COMMISSIONERS COURT OF HUNT COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF \$10.00 IS NEEDED TO PRESERVE AND RESTORE DISTRICT COURT RECORDS."