

BILL ANALYSIS

C.S.S.B. 1003
By: Madla
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Led by the Hidalgo Foundation, the San Antonio community has raised almost \$7 million for the historic Bexar County Courthouse, including \$4.9 million dedicated to the interior and exterior renovation of the 1897 structure. A \$2 million grant from SBC has funded the installation of technology, including the creation of a high-tech children's court, the first of its kind in the state of Texas. However, the costs for renovating the historic structure have been estimated at almost \$30 million.

C.S.S.B. 1003 authorizes Bexar County to collect a civil court filing fee similar to the one currently collected in Dallas County. A \$15 fee would generate an estimated \$1.2 million per year for Bexar County. The funds generated by the new fee would allow the county to partner with the private sector to complete the renovation of the historic courthouse and to improve a variety of other court facilities located in newer buildings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 51, Government Code, by adding Section 51.706, as follows:

Sec. 51.706. ADDITIONAL FILING FEE FOR CIVIL CASES IN BEXAR COUNTY.

(a) Provides that this section applies only to district courts, probate courts, county courts at law, and justice courts in Bexar County.

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$15 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Bexar County civil and criminal courts. The fee does not apply to a suit affecting the parent-child relationship for the adoption of a child or the termination of parental rights.

(c) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) Requires the clerk to send the fees collected under this section to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer at least as frequently as monthly. Requires the treasurer or other official to deposit the fees in a special account in the treasury.

(e) Provides that this section applies only to fees for a 12-month period beginning October 1, if the commissioners court adopts certain resolutions regarding the collection and expenditure of funds and files the resolutions with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer within a certain time frame.

(f) Provides that a resolution adopted under Subsection (e) continues from year to year until October 1, 2020, allowing the county to collect fees under this section until the resolution is rescinded.

(g) Authorizes the commissioners court to rescind a resolution adopted under Subsection (e) by following a certain procedure. Authorizes the commissioners court to adopt an additional resolution in the manner provided by Subsection (e)

after rescinding a previous resolution under that subsection.

(h) Sets forth the date on which a fee established under a particular resolution is abolished.

(i) Authorizes the county to make the required expenditure of funds on facilities for civil courts at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Amends Section 101.061, Government Code, to require the clerk of a district court to collect an additional \$15 filing fee to fund the improvement of Bexar County court facilities if authorized by the commissioners court. Makes a nonsubstantive change.

SECTION 3. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

Amends Section 1, Subchapter H, Chapter 51, Government Code, Section 51.706 (a) by deleting line 10: "This section does not apply to small claims courts in Bexar County."

(b) Includes the improvement, renovation, and construction of criminal courts.

Excludes fees on a suit affecting the parent-child relationship for the adoption of a child or the termination of parental rights.