

## **BILL ANALYSIS**

Senate Research Center  
81R2231 YDB-D

H.B. 144  
By: McClendon (Wentworth)  
Jurisprudence  
5/7/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Improvements are needed for the facilities housing the Bexar County civil and criminal courts, including the historic 1897 Bexar County Courthouse and the Bexar County Justice Center. The purpose of H.B. 144 is to establish a temporary fee on civil filings in Bexar County to fund the improvements.

Led by the Hidalgo Foundation, the community already has raised almost \$7 million for the project, including \$4.9 million dedicated specifically to the interior and exterior renovation of the 1897 structure. A \$2 million grant from the SBC Foundation 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. The funds generated by the new fee would allow Bexar 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.

The capital improvements will not only preserve a landmark, but modernize Bexar County courts to meet the growing needs of the public in civil and criminal proceedings. The fee would be contingent on a commissioners court resolution, which is rescindable, and would be abolished in 2024.

H.B. 144 amends current law relating to an additional filing fee for certain civil cases filed in Bexar County to be used for court construction, renovation, or improvements.

### **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 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, statutory probate courts, and county courts at law in Bexar County.

(b) Requires the clerk of a court, except as otherwise provided by this section and in addition to all other fees authorized or required by other law, to 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. Provides that 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) Requires that court fees due under this section be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) Requires the clerk at least monthly 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. Requires the treasurer or other

official to deposit the fees in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the Bexar County civil and criminal courts.

(e) Provides that this section applies only to the collection of fees for a 12-month period beginning October 1, if the commissioners court adopts a resolution authorizing a fee of not more than \$15; adopts a resolution requiring the county to spend one dollar for the construction, renovation, or improvement of the court facilities for each dollar spent from the special account dedicated to that purpose; and files the resolutions with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 immediately preceding the first 12-month period during which the fees are to be collected.

(f) Provides that a resolution adopted under Subsection (e) continues from year to year until October 1, 2024, allowing the county to collect fees in accordance with this section until the resolution is rescinded.

(g) Authorizes the commissioners court to rescind a resolution adopted under Subsection (e) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 preceding the beginning of the first day of the county fiscal year. Authorizes the commissioners court to adopt another resolution in the manner provided by Subsection (e) after rescinding a previous resolution adopted under that subsection.

(h) Provides that a fee established under a particular resolution is abolished on the earlier of the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g) or October 1, 2024.

(i) Authorizes the county to make the expenditure required under Subsection (e)(2) (regarding an adopted resolution related to certain spending for court facilities) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Amends Subchapter D, Chapter 101, Government Code, by adding Section 101.06111, as follows:

Sec. 101.06111. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. Requires the clerk of a district court in Bexar County to collect an additional filing fee not to exceed \$15 under Section 51.706, Government Code, in certain civil cases to fund the improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.08111, as follows:

Sec. 101.08111. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory court in Bexar County to collect an additional filing fee not to exceed \$15 under Section 51.706, Government Code, in certain civil cases to fund the improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Amends Subchapter F, Chapter 101, Government Code, by adding 101.10111, as follows:

Sec. 101.10111. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory probate court in Bexar County to collect an additional filing fee not to exceed \$15 under Section 51.706, Government Code, in certain civil cases to fund the improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Effective date: upon passage or September 1, 2009.