

## **BILL ANALYSIS**

H.B. 144  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The facilities housing the Bexar County civil and criminal courts need improvement.

H.B. 144 allows Bexar County to collect a civil courts filing fee similar to the one currently collected in Dallas County to assist with the costs of renovating the historic Bexar County Courthouse and the Justice Center. Led by the Hidalgo Foundation, the community already 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. 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, such as the Bexar County Justice Center. The fee would be used to fund capital improvements to the courthouse facilities, which are historic structures undergoing renovation and expansion to meet the growing needs of the public for proceedings in civil and criminal matters.

H.B. 144 amends the Government Code to provide for the collection of a court filing fee of \$15 in certain civil cases filed in a district court, statutory probate court, or county court at law in Bexar County for construction, renovation, and improvement of court facilities. The bill makes the \$15 fee contingent on a commissioners court resolution and subject to rescission by the commissioners court. The fee would expire in 2024, unless rescinded by the commissioners court before then.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 144 amends the Government Code to require the clerk of a district court, statutory probate court, or county court at law in Bexar County to collect a filing fee of not more than \$15 in each civil case filed in the court, except in the filing of a suit affecting the parent-child relationship for the adoption of a child or the termination of parental rights, if the fee is authorized by the commissioners court. The bill provides that the fee is to be used for the construction, renovation, or improvement of the facilities that house the Bexar County civil and criminal courts. The bill requires the filing fee to be collected in the same manner as other fees, fines, or costs collected in the case. The bill requires the clerk on at least a monthly basis to send the collected fees to the county treasurer or to any other official who discharges the duties commonly assigned the treasurer and requires the treasurer or other official to deposit the collected fees in a special account in the county treasury dedicated to the construction, renovation, or improvement of the Bexar County civil and criminal court facilities.

H.B. 144 makes the additional filing fee provision applicable only to the collection of a fee for a 12-month period beginning October 1, and makes it contingent on the commissioners court:

- adopts a resolution authorizing the fee of not more than \$15;
- adopts a resolution requiring the county to spend one dollar on construction, renovation, or improvement of the court facilities for each dollar spent from the special account; and
- files the resolution with the county treasurer or 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.

The bill provides that such a resolution continues from year to year until October 1, 2024, to allow the county to collect fees until the resolution is rescinded and authorizes the county to make the matching expenditure related to construction, renovation, or improvement of the court facilities at any time regardless of when the expenditure from the special account occurs.

H.B. 144 sets forth provisions relating to the rescission of the resolution authorizing the fee. The bill abolishes a fee established under a particular resolution on the earlier of the resolution's rescission or October 1, 2024.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.