

## **BILL ANALYSIS**

C.S.H.B. 2028  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

During the past decade, several Texas counties have been given statutory authority to charge a filing fee in civil cases to be used for the construction, renovation, or improvement of the facilities that house their courts. This additional fee may be assessed over a period as authorized annually by a county commissioners court. C.S.H.B. 2028 seeks to authorize the commissioners court of Rockwall County to assess such a filing fee for the construction, renovation, or improvement of the facilities that house the Rockwall County civil courts.

### **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**

C.S.H.B. 2028 amends the Government Code to require the clerk of a district court, statutory probate court, county court at law, and justice court in Rockwall County to collect, in addition to all other fees authorized or required by other law, 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 courts collecting the fee. The bill requires such court fees to be collected in the same manner as other fees, fines, or costs are collected in the case. The bill requires the clerk to send the fees collected to the county treasurer at least as frequently as monthly. The bill requires the treasurer 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 courts collecting the fee.

C.S.H.B. 2028 makes such provisions applicable only to fees for a 12-month period beginning July 1, if the commissioners court adopts a resolution authorizing a fee of not more than \$15 and files the resolution with the county treasurer not later than June 1 immediately preceding the first 12-month period during which the fees are to be collected. The bill establishes that a resolution continues from year to year until July 1, 2025, allowing the county to collect fees until the resolution is rescinded. The bill authorizes the commissioners court to rescind the resolution by adopting a resolution of rescission and submitting the resolution to the county treasurer not later than June 1 preceding the beginning of the first day of the county fiscal year. The bill authorizes the commissioners court to adopt an additional resolution authorizing a fee after rescinding a previous resolution. The bill abolishes a fee established under a particular resolution on the earlier of the date a resolution is rescinded or July 1, 2025.

C.S.H.B. 2028 makes conforming changes in provisions relating to the filing fees and other fees and costs in civil proceedings in a district court, statutory county court, statutory probate court, and justice court.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2028 omits a provision included in the original defining "Rockwall County civil court." The substitute contains a provision not included in the original making the bill's provisions relating to an additional filing fee for civil cases in Rockwall County applicable only to a district court, statutory probate court, county court at law, and justice court in Rockwall County. The substitute differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions, making clarifying changes, and making conforming changes in provisions relating to the filing fees and other fees and costs in civil proceedings in a district court, statutory county court, statutory probate court, and justice court.