

BILL ANALYSIS

S.B. 1891
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have expressed concerns regarding overcrowded and inadequate facilities at the Heman Marion Sweatt Travis County Courthouse, which have limited the courthouse's capacity to meet the needs of the people it serves. According to the parties, the need for significant improvements, including the construction of a new civil and family courthouse, is well documented, but the costs of such improvements are significant. Within the last decade, the legislature has authorized several counties to assess an additional fee on civil cases as a revenue source to help improve courthouse facilities. S.B. 1891 seeks to give Travis County similar authority with respect to financing needed capital improvements to courthouse facilities.

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

S.B. 1891 amends the Government Code to require the clerk of a district court, statutory county court, or statutory probate court in Travis County to collect an additional filing fee of not more than \$15 in each civil case filed in the court for a 12-month period beginning October 1 to be used for the construction, renovation, or improvement of the facilities that house the Travis County civil courts, if the county commissioners court adopts a resolution authorizing such a fee, 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. The bill authorizes the county to make the required matching expenditure at any time, regardless of when the expenditure from the special account occurs.

S.B. 1891 requires such court fees to be collected in the same manner as other fees, fines, or costs are collected in the case; requires a clerk to send the fees to the county treasurer or any other official who discharges the duties commonly assigned to the county treasurer at least as frequently as monthly; and 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 courts collecting the fee.

S.B. 1891 establishes that a resolution authorizing such a fee and a resolution requiring matching expenditures for expenditures made from the special account continues from year to year until October 1, 2028, allowing the county to collect fees under the terms of the bill's provisions until the resolution is rescinded. The bill authorizes the commissioners court to rescind such a resolution by adopting a resolution rescinding that original resolution and submitting the rescission resolution to the county treasurer or any other official who discharges the duties commonly assigned 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 such a fee and a resolution requiring matching expenditure after rescinding a previous resolution. The bill specifies that a fee established under a particular resolution is abolished on the earlier of the date the resolution authorizing the fee is rescinded or October 1, 2028.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.