

BILL ANALYSIS

Senate Research Center
84R24377 CAE-D

C.S.S.B. 1964
By: Hinojosa
State Affairs
4/21/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

For years, Hidalgo county officials have spoken of the need to replace the county's existing courthouse in the heart of downtown Edinburg.

When the existing courthouse opened in 1954, it housed two state district courts and one county court-at-law. That has grown to 11 district courts and eight county courts-at-law, along with other auxiliary courts that have spilled into temporary buildings and one nearby storefront in downtown Edinburg. In the past 24 years, Hidalgo County's population has doubled and the county is now home to over 800,000 residents. Further, the dated structure and history of asbestos requires constant maintenance and repairs raising public health and safety concerns as well as costs.

C.S.S.B. 1964 allows Hidalgo County to collect a civil courts filing fee similar to the one currently collected in Bexar, Hays, Dallas, Rockwall, and Travis Counties and other courts to assist with the costs of renovating, improving, or constructing new courthouse facilities.

The funds generated by the new fee would allow the county to move forward with replacing the current courthouse. The fee would be dedicated to the construction, renovation, or improvement of the facilities that house the courts collecting the fee to meet the growing needs of the public for proceedings in civil and criminal matters.

C.S.S.B. 1964 provides for the collection of a court filing fee in certain civil cases filed in a district court, statutory probate court, or county court at law in Hidalgo County for construction, renovation, and improvement of court facilities. C.S.S.B. 1964 also allows the county to increase the fee for official real property recordings. The bill makes the fees contingent on a commissioners court resolution and subject to rescission by the commissioners court. The fee would expire in 2030, unless rescinded by the commissioners court before then.

Committee Substitute:

The committee substitute reduces the civil filing fee from \$40 to \$20.

C.S.S.B. 1964 amends current law relating to the imposition of additional fees for filing civil cases and for recording certain documents in Hidalgo County.

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 51.711, as follows:

Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN HIDALGO COUNTY. (a) Provides that this section applies only to district courts, statutory probate courts, and county courts at law in Hidalgo 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 \$20 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Hidalgo County civil courts.

(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 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 county treasury dedicated to the construction, renovation, or improvement of the facilities that house the courts collecting the fee.

(e) Provides that this section applies only to fees for a 12-month period beginning October 1, if the commissioners court:

(1) adopts a resolution authorizing a fee of not more than \$20;

(2) 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

(3) 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, 2030, allowing the county to collect fees under the terms of 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 an additional resolution in the manner provided by Subsection (e) after rescinding a previous resolution under that subsection.

(h) Provides that a fee established under a particular resolution is abolished on the earlier of:

(1) the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g); or

(2) October 1, 2030.

(i) Authorizes the county to make the required expenditure described by Subsection (e)(2) 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 101.061192, as follows:

Sec. 101.061192. **ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a district court in Hidalgo County to collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.081191, as follows:

Sec. 101.081191. **ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a statutory county court in Hidalgo County to collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Amends Subchapter F, Chapter 101, Government Code, by adding Section 101.10119, as follows:

Sec. 101.10119. **ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a statutory probate court in Hidalgo County to collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Amends Section 118.011, Local Government Code, by adding Subsection (g), as follows:

(g) Requires the county clerk of a county, if the commissioners court of the county adopts the fee, to collect the following fee from any person:

Real Property Records Filing (Sec. 118.0131) an amount of not more than \$10.

SECTION 6. Amends Subchapter B, Chapter 118, Local Government Code, by adding Section 118.0131, as follows:

Sec. 118.0131. **OPTIONAL RECORDING FEES FOR COURT FACILITIES: HIDALGO COUNTY.** Authorizes the county clerk of Hidalgo County to assess an additional fee not to exceed \$10 for real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county.

SECTION 7. Provides that the changes in law made by this Act apply only to a fee that becomes payable on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 8. Effective date: upon passage or September 1, 2015.