

## **BILL ANALYSIS**

Senate Research Center  
85R18257 CAE-D

H.B. 1234  
By: Martinez, "Mando"; Guillen (Hinojosa)  
State Affairs  
5/17/2017  
Engrossed

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

H.B. 1234 clarifies language from legislation passed last session specific to Hidalgo and Cameron counties. S.B. 1964 (84R, Hinojosa) allowed both counties 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.

H.B. 1234 simply clarifies that the civil court filing fee may be used to pay for debt service for the financing of new courthouse facilities.

H.B. 1234 also allows Willacy County to collect a civil courts filing fee just as Hidalgo and Cameron counties currently do. The funds generated by the new fee would be dedicated to the construction, renovation, or improvement of court facilities to meet the growing needs of the public for proceedings in civil and criminal matters.

H.B. 1234 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 Willacy County for construction, renovation, and improvement of court facilities. It also allows the county to increase the fee for official real property recordings.

H.B. 1234 makes the fees contingent on a commissioners court resolution and subject to rescission by the commissioners court. The fee would expire in 2045, unless rescinded by the commissioners court before then.

H.B. 1234 amends current law relating to filing fees imposed in civil cases in Hidalgo County, Cameron County, and Willacy 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 Section 51.711, Government Code, by amending Subsections (b), (f), (g), (h), and (i) and adding Subsection (e-1), as follows:

(b) Requires the clerk of a court, except as otherwise provided by this section (Additional Filing Fee for Civil Cases in Hidalgo County and Cameron County) 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 certain purposes, including to pay the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of the facilities that house the Hidalgo County or Cameron County civil courts.

(e-1) Authorizes Hidalgo County or Cameron County, if the county has adopted a resolution authorizing a fee as provided by Subsection (e) (relating to application of this section only to fees for a 12-month period if the commissioners court of the county

collecting the fee meets certain conditions) that is abolished on or before October 1, 2030, to adopt or file certain resolutions.

(f) Provides that a resolution adopted under Subsection (e) continues from year to year until October 1, 2030, if adopted under Subsection (e) before September 1, 2017, or October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017, allowing the county to collect fees until the resolution is rescinded. Provides that a resolution adopted under Subsection (e-1) continues from year to year until October 1, 2045, allowing the county to collect fees until the resolution is rescinded.

(g) Authorizes the commissioners court of the county collecting the fee to rescind a resolution adopted under Subsection (e) or (e-1), rather than Subsection (e), by adopting a resolution rescinding the resolution and submitting the rescission resolution to certain individuals by a certain date. Makes a nonsubstantive change.

(h) Provides that a fee established under a particular resolution is abolished on the earlier of the date a resolution adopted under Subsection (e) or (e-1) is rescinded; October 1, 2030, if adopted under Subsection (e) before September 1, 2017; October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017; or October 1, 2045, if adopted under Subsection (e-1).

(i) Authorizes Hidalgo County or Cameron County to make the required expenditure described by Subsection (e)(2) or (e-1)(2), rather than Subsection (e)(2), at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Amends Subchapter H, Chapter 51, Government Code, by adding Section 51.713, as follows:

Sec. 51.713. ADDITIONAL FILING FEE FOR CIVIL CASES IN WILLACY COUNTY. (a) Provides that this section applies only to district courts, the constitutional county court, and justice courts in Willacy 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 certain purposes.

(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 certain purposes.

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

(f) Provides that a resolution adopted under Subsection (e) continues from year to year until October 1, 2045, 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 certain individuals by a certain date. 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 the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g) or October 1, 2045.

(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 3. Amends Subchapter D, Chapter 101, Government Code, by adding Sections 101.061194 and 101.061195, as follows:

Sec. 101.061194. **ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a district court in Hidalgo County and the clerk of a district court in Cameron County to collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

Sec. 101.061195. **ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a district court in Willacy County to collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases for certain purposes.

SECTION 4. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.081193, as follows:

Sec. 101.081193. **ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a statutory county court in Hidalgo County and the clerk of a statutory county court in Cameron County to collect an additional filing fee of not more than \$20 under Section 51.711, Government Code, in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Amends Subchapter F, Chapter 101, Government Code, by adding Section 101.101192, as follows:

Sec. 101.101192. **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 payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 6. Amends Subchapter G, Chapter 101, Government Code, by adding Section 101.12122, as follows:

Sec. 101.12122. **ADDITIONAL COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of the county court in Willacy County to collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases for certain purposes.

SECTION 7. Amends Subchapter H, Chapter 101, Government Code, by adding Section 101.143, as follows:

Sec. 101.143. **ADDITIONAL JUSTICE COURT FEES FOR COURT FACILITIES COLLECTED BY CLERK.** Requires the clerk of a justice court in Willacy County to

collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases for certain purposes.

SECTION 8. Effective date: September 1, 2017.