

By: Martinez

H.B. No. 1234

Substitute the following for H.B. No. 1234:

By: Smithee

C.S.H.B. No. 1234

A BILL TO BE ENTITLED

AN ACT

relating to filing fees imposed in civil cases in Hidalgo County,
Cameron County, and Willacy County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.711, Government Code, is amended by
amending Subsections (b), (f), (g), (h), and (i) and adding
Subsection (e-1) to read as follows:

(b) Except as otherwise provided by this section and in
addition to all other fees authorized or required by other law, the
clerk of a court shall collect a filing fee of not more than \$20 in
each civil case filed in the court to be used:

(1) for the construction, renovation, or improvement
of the facilities that house the Hidalgo County or Cameron County
civil courts; and

(2) 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) If Hidalgo County or Cameron County has adopted a
resolution authorizing a fee as provided by Subsection (e) that is
abolished on or before October 1, 2030, the county may:

(1) adopt a resolution authorizing the fee adopted
under Subsection (e) to continue until October 1, 2045;

(2) adopt a resolution providing that the county must

1 continue to spend one dollar for the construction, renovation, or
2 improvement of the court facilities for each dollar spent from the
3 special account dedicated to that purpose; and

4 (3) file the resolution adopted under this subsection
5 with the county treasurer or with any other official who discharges
6 the duties commonly assigned to the county treasurer not later than
7 September 1 immediately preceding the first 12-month period during
8 which the county has authorized the fee to continue to be collected
9 through October 1, 2045.

10 (f) A resolution adopted under Subsection (e) continues
11 from year to year until October 1, 2030, if adopted under Subsection
12 (e) before September 1, 2017, or October 1, 2045, if adopted under
13 Subsection (e) on or after September 1, 2017, allowing the county to
14 collect fees under the terms of this section until the resolution is
15 rescinded. A resolution adopted under Subsection (e-1) continues
16 from year to year until October 1, 2045, allowing the county to
17 collect fees under the terms of this section until the resolution is
18 rescinded.

19 (g) The commissioners court of the county collecting the fee
20 may rescind a resolution adopted under Subsection (e) or (e-1) by
21 adopting a resolution rescinding the resolution and submitting the
22 rescission resolution to the county treasurer or to any other
23 official who discharges the duties commonly assigned to the county
24 treasurer not later than September 1 preceding the beginning of the
25 first day of the county fiscal year. The commissioners court may
26 adopt an additional resolution in the manner provided by Subsection
27 (e) after rescinding a previous resolution [~~under that subsection~~].

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

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

(2) October 1, 2030, if adopted under Subsection (e) before September 1, 2017;

(3) October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017; or

(4) October 1, 2045, if adopted under Subsection (e-1).

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

SECTION 2. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.713 to read as follows:

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

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$20 in each civil case filed in the court to be used:

(1) for the construction, renovation, or improvement of the facilities that house the Willacy County civil courts; and

(2) to pay the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the

1 construction, renovation, or improvement of the facilities that
2 house the Willacy County civil courts.

3 (c) Court fees due under this section shall be collected in
4 the same manner as other fees, fines, or costs are collected in the
5 case.

6 (d) The clerk shall send the fees collected under this
7 section to the county treasurer or to any other official who
8 discharges the duties commonly assigned to the county treasurer at
9 least as frequently as monthly. The treasurer or other official
10 shall deposit the fees in a special account in the county treasury
11 dedicated to:

12 (1) the construction, renovation, or improvement of
13 the facilities that house the Willacy County civil courts; and

14 (2) the payment of the principal of, interest on, and
15 costs of issuance of bonds, including refunding bonds, issued for
16 the construction, renovation, or improvement of the facilities that
17 house the Willacy County civil courts.

18 (e) This section applies only to fees for a 12-month period
19 beginning October 1, if the commissioners court:

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

22 (2) adopts a resolution requiring the county to spend
23 one dollar for the construction, renovation, or improvement of the
24 court facilities or to pay the principal of, interest on, and costs
25 of issuance of bonds, including refunding bonds, issued for the
26 construction of court facilities for each dollar spent from the
27 special account dedicated to that purpose; and

1 (3) files the resolutions with the county treasurer or
2 with any other official who discharges the duties commonly assigned
3 to the county treasurer not later than September 1 immediately
4 preceding the first 12-month period during which the fees are to be
5 collected.

6 (f) A resolution adopted under Subsection (e) continues
7 from year to year until October 1, 2045, allowing the county to
8 collect fees under the terms of this section until the resolution is
9 rescinded.

10 (g) The commissioners court may rescind a resolution
11 adopted under Subsection (e) by adopting a resolution rescinding
12 the resolution and submitting the rescission resolution to the
13 county treasurer or to any other official who discharges the duties
14 commonly assigned to the county treasurer not later than September
15 1 preceding the beginning of the first day of the county fiscal
16 year. The commissioners court may adopt an additional resolution
17 in the manner provided by Subsection (e) after rescinding a
18 previous resolution under that subsection.

19 (h) A fee established under a particular resolution is
20 abolished on the earlier of:

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

23 (2) October 1, 2045.

24 (i) The county may make the required expenditure described
25 by Subsection (e)(2) at any time, regardless of when the
26 expenditure from the special account occurs.

27 SECTION 3. Subchapter D, Chapter 101, Government Code, is

amended by adding Sections 101.061194 and 101.061195 to read as follows:

Sec. 101.061194. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Hidalgo County and the clerk of a district court in Cameron County shall 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. The clerk of a district court in Willacy County shall collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the:

(1) construction, renovation, or improvement of court facilities, if authorized by the county commissioners court; and

(2) 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 4. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081193 to read as follows:

Sec. 101.081193. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Hidalgo County and the clerk of a statutory county court in

1 Cameron County shall collect an additional filing fee of not more
2 than \$20 under Section 51.711, Government Code, in civil cases to
3 fund the payment of the principal of, interest on, and costs of
4 issuance of bonds, including refunding bonds, issued for the
5 construction, renovation, or improvement of court facilities, if
6 authorized by the county commissioners court.

7 SECTION 5. Subchapter F, Chapter 101, Government Code, is
8 amended by adding Section 101.101192 to read as follows:

9 Sec. 101.101192. ADDITIONAL STATUTORY PROBATE COURT FEES
10 FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory
11 probate court in Hidalgo County shall collect an additional filing
12 fee of not more than \$20 under Section 51.711, Government Code, in
13 civil cases to fund the payment of the principal of, interest on,
14 and costs of issuance of bonds, including refunding bonds, issued
15 for the construction, renovation, or improvement of court
16 facilities, if authorized by the county commissioners court.

17 SECTION 6. Subchapter G, Chapter 101, Government Code, is
18 amended by adding Section 101.12122 to read as follows:

19 Sec. 101.12122. ADDITIONAL COUNTY COURT FEES FOR COURT
20 FACILITIES: GOVERNMENT CODE. The clerk of the county court in
21 Willacy County shall collect an additional filing fee of not more
22 than \$20 under Section 51.713, Government Code, in civil cases to
23 fund the:

24 (1) construction, renovation, or improvement of court
25 facilities, if authorized by the county commissioners court; and

26 (2) payment of the principal of, interest on, and
27 costs of issuance of bonds, including refunding bonds, issued for

1 the construction, renovation, or improvement of court facilities,
2 if authorized by the county commissioners court.

3 SECTION 7. Subchapter H, Chapter 101, Government Code, is
4 amended by adding Section 101.143 to read as follows:

5 Sec. 101.143. ADDITIONAL JUSTICE COURT FEES FOR COURT
6 FACILITIES COLLECTED BY CLERK. The clerk of a justice court in
7 Willacy County shall collect an additional filing fee of not more
8 than \$20 under Section 51.713, Government Code, in civil cases to
9 fund the:

10 (1) construction, renovation, or improvement of court
11 facilities, if authorized by the county commissioners court; and

12 (2) payment of the principal of, interest on, and
13 costs of issuance of bonds, including refunding bonds, issued for
14 the construction, renovation, or improvement of court facilities,
15 if authorized by the county commissioners court.

16 SECTION 8. This Act takes effect September 1, 2017.