

By: Martinez

H.B. No. 1234

A BILL TO BE ENTITLED

AN ACT

relating to the filing fee imposed in civil cases in Hidalgo County and Cameron 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 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15 rescinded.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18 rescinded.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. Sections [101.061192](#), [101.081191](#), and [101.10119](#), Government Code, are amended to read as follows:

Sec. 101.061192. 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:

(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 issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR

1 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county
2 court in Hidalgo County and the clerk of a statutory county court in
3 Cameron County shall collect an additional filing fee of not more
4 than \$20 under Section 51.711, Government Code, in civil cases to
5 fund the:

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

8 (2) payment of the principal of, interest on, and
9 costs of issuance of bonds issued for the construction, renovation,
10 or improvement of court facilities, if authorized by the county
11 commissioners court.

12 Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR
13 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory
14 probate court in Hidalgo County shall collect an additional filing
15 fee of not more than \$20 under Section 51.711, Government Code, in
16 civil cases to fund the:

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

19 (2) payment of the principal of, interest on, and
20 costs of issuance of bonds issued for the construction, renovation,
21 or improvement of court facilities, if authorized by the county
22 commissioners court.

23 SECTION 3. This Act takes effect September 1, 2017.