

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Martinez, Guillen

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15 rescinded.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.



ADOPTED

MAY 24 2017

*Leta Spaw*  
Secretary of the Senate

By: Martinez, Mando/ Hinojosa

H.B. No. 1234

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

By: *[Signature]*

C.S. H.B. No. 1234

A BILL TO BE ENTITLED

AN ACT

relating to filing fees 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, 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~~].

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

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4 or (e-1) is rescinded as provided by Subsection (g); [~~or~~]

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

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

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

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

14 SECTION 2. Subchapter D, Chapter 101, Government Code, is  
15 amended by adding Section 101.061194 to read as follows:

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

25 SECTION 3. Subchapter E, Chapter 101, Government Code, is  
26 amended by adding Section 101.081193 to read as follows:

27 Sec. 101.081193. 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 payment of the principal of, interest on, and costs of  
6 issuance of bonds, including refunding bonds, issued for the  
7 construction, renovation, or improvement of court facilities, if  
8 authorized by the county commissioners court.

9 SECTION 4. Subchapter F, Chapter 101, Government Code, is  
10 amended by adding Section 101.101192 to read as follows:

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

19 SECTION 5. This Act takes effect September 1, 2017.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 25, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1234** by Martinez, "Mando" (Relating to filing fees imposed in civil cases in Hidalgo County and Cameron County. ), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to authorize use of an existing court filing fee funding the construction, revocation, or improvement of county civil courts to include payment of principal, interest, and costs of bonds for these improvements for Hidalgo and Cameron counties. The bill also extends existing timelines for the continuation of this fee.

According to the Office of Court Administration, the bill would not have a significant fiscal impact to the state court system because no part of the proposed fee would be directed to the State.

The bill would take effect September 1, 2017.

**Local Government Impact**

According to the Office of Court Administration, no immediate fiscal impact to the local courts of Hidalgo County and Cameron County is anticipated, as both counties have already exercised the statutory authority to impose the \$20 filing fee and the amount of the fee would not be changed by the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, SD, AG, LBO, GG, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 19, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1234** by Martinez, "Mando" (Relating to filing fees imposed in civil cases in Hidalgo County and Cameron County.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Government Code to authorize use of an existing court filing fee funding the construction, revocation, or improvement of county civil courts to include payment of principal, interest, and costs of bonds for these improvements for Hidalgo and Cameron counties. The bill also extends existing timelines for the continuation of this fee.

According to the Office of Court Administration, the bill would not have a significant fiscal impact to the state court system because no part of the proposed fee would be directed to the State.

The bill would take effect September 1, 2017.

**Local Government Impact**

According to the Office of Court Administration, no immediate fiscal impact to the local courts of Hidalgo County and Cameron County is anticipated, as both counties have already exercised the statutory authority to impose the \$20 filing fee and the amount of the fee would not be changed by the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, AG, LBO, GG, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 11, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1234** by Martinez, "Mando" (Relating to filing fees imposed in civil cases in Hidalgo County, Cameron County, and Willacy County.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to authorize use of an existing court filing fee funding the construction, revocation, or improvement of county civil courts to include payment of principal, interest, and costs of bonds for these improvements for Hidalgo, Cameron, and Willacy counties. The bill also extends existing timelines for the continuation of this fee.

According to the Office of Court Administration, the bill would not have a significant fiscal impact to the state court system because no part of the proposed fee would be directed to the State.

The bill would take effect September 1, 2017.

**Local Government Impact**

According to the Office of Court Administration, no immediate fiscal impact to the local courts of Hidalgo County and Cameron County is anticipated, as both counties have already exercised the statutory authority to impose the \$20 filing fee and the amount of the fee would not be changed by the bill. The agency anticipates a positive fiscal impact of \$14,820 per year on Willacy County were the county to adopt a resolution authorized by this bill and to set the filing fee at the maximum allowed by statute.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, AG, LBO, GG, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 27, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1234** by Martinez, "Mando" (Relating to filing fees imposed in civil cases in Hidalgo County, Cameron County, and Willacy County.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Government Code to authorize use of an existing court filing fee funding the construction, revocation, or improvement of county civil courts to include payment of principal, interest, and costs of bonds for these improvements for Hidalgo, Cameron, and Willacy counties. The bill also extends existing timelines for the continuation of this fee.

According to the Office of Court Administration, the bill would not have a significant fiscal impact to the state court system because no part of the proposed fee would be directed to the State.

The bill would take effect September 1, 2017.

**Local Government Impact**

According to the Office of Court Administration, no immediate fiscal impact to the local courts of Hidalgo County and Cameron County is anticipated, as both counties have already exercised the statutory authority to impose the \$20 filing fee and the amount of the fee would not be changed by the bill. The agency anticipates a positive fiscal impact of \$14,820 per year on Willacy County were the county to adopt a resolution authorized by this bill and to set the filing fee at the maximum allowed by statute.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, LBO, GG, GP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 17, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1234** by Martinez, "Mando" (Relating to the filing fee imposed in civil cases in Hidalgo County and Cameron County.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Government Code to authorize use of an existing court filing fee funding the construction, revocation, or improvement of county civil courts to include payment of principal, interest, and costs of bonds for these improvements for Hidalgo and Cameron counties. The bill also extends existing timelines for the continuation of this fee.

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**Local Government Impact**

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**LBB Staff:** UP, LBO, GG, GP