

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 2875

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.

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

SECTION 1. 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 AND STARR COUNTY. (a) This section applies only to:

(1) district courts, the constitutional county court, and justice courts in Willacy County; and

(2) district courts, the county court at law, and justice courts in Starr 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 or Starr 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 Willacy County or Starr County civil courts.

(c) Court fees due under this section shall be collected in

1 the same manner as other fees, fines, or costs are collected in the
2 case.

3 (d) The clerk shall send the fees collected under this
4 section to the county treasurer of the county in which the court is
5 located or to any other official who discharges the duties commonly
6 assigned to the county treasurer at least as frequently as monthly.
7 The treasurer or other official shall deposit the fees in a special
8 account in the county treasury dedicated to:

9 (1) the construction, renovation, or improvement of
10 the facilities that house the Willacy County or Starr County civil
11 courts; and

12 (2) pay the principal of, interest on, and costs of
13 issuance of bonds issued for the construction, renovation, or
14 improvement of the facilities that house the Willacy County or
15 Starr County civil courts.

16 (e) This section applies only to fees for a 12-month period
17 beginning October 1, if the commissioners court of the county
18 collecting the fee:

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

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

27 (3) files the resolutions with the county treasurer or

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

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

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

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

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

22 (2) October 1, 2045.

23 (i) Willacy County or Starr County may make the required
24 expenditure described by Subsection (e)(2) at any time, regardless
25 of when the expenditure from the special account occurs.

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

1 Sec. 101.061194. ADDITIONAL DISTRICT COURT FEES FOR COURT
2 FACILITIES: GOVERNMENT CODE. The clerk of a district court in
3 Willacy County and the clerk of a district court in Starr County
4 shall collect an additional filing fee of not more than \$20 under
5 Section 51.713, Government Code, in civil cases to 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 SECTION 3. Subchapter E, Chapter 101, Government Code, is
13 amended by adding Section 101.081195 to read as follows:

14 Sec. 101.081195. ADDITIONAL STATUTORY COUNTY COURT FEES FOR
15 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county
16 court in Starr County shall collect an additional filing fee of not
17 more than \$20 under Section 51.713, Government Code, in civil cases
18 to fund the:

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

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

25 SECTION 4. Subchapter G, Chapter 101, Government Code, is
26 amended by adding Section 101.12122 to read as follows:

27 Sec. 101.12122. ADDITIONAL COUNTY COURT FEES FOR COURT

1 FACILITIES: GOVERNMENT CODE. The clerk of the county court in
2 Willacy County shall collect an additional filing fee of not more
3 than \$20 under Section 51.713, Government Code, in civil cases to
4 fund the:

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

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

11 SECTION 5. Subchapter H, Chapter 101, Government Code, is
12 amended by adding Section 101.143 to read as follows:

13 Sec. 101.143. ADDITIONAL JUSTICE COURT FEES FOR COURT
14 FACILITIES COLLECTED BY CLERK. The clerk of a justice court in
15 Willacy County and the clerk of a justice court in Starr County
16 shall collect an additional filing fee of not more than \$20 under
17 Section 51.713, Government Code, in civil cases to fund the:

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

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

24 SECTION 6. This Act takes effect September 1, 2017.

ADOPTED

MAY 24 2017

Atty. Gen. Saw
Secretary of the Senate

By: Guillen/Lucio

H.B. No. 2875

Substitute the following for H.B. No. 2875:

By: Lucio

C.S. H.B. No. 2875

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

SECTION 1. 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 AND STARR COUNTY. (a) This section applies only to:

(1) district courts, the constitutional county court, and justice courts in Willacy County; and

(2) district courts, the county court at law, and justice courts in Starr 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, if the fee is authorized by the commissioners court of the county collecting the fee. A fee collected under this section is to be used:

(1) for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr 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 Willacy County or

1 Starr County civil courts.

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

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

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

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

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

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

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

1 to that purpose; and

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

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

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

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

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

24 (2) October 1, 2045.

25 (i) Willacy County or Starr County may make the required
26 expenditure described by Subsection (e)(2) at any time, regardless
27 of when the expenditure from the special account occurs.

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

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

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

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

14 SECTION 3. Subchapter E, Chapter 101, Government Code, is
15 amended by adding Section 101.081195 to read as follows:

16 Sec. 101.081195. ADDITIONAL STATUTORY COUNTY COURT FEES FOR
17 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county
18 court in Starr County shall collect an additional filing fee of not
19 more than \$20 under Section 51.713, Government Code, in civil cases
20 to fund the:

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

23 (2) payment of the principal of, interest on, and
24 costs of issuance of bonds issued for the construction, renovation,
25 or improvement of court facilities, if authorized by the county
26 commissioners court.

27 SECTION 4. Subchapter G, Chapter 101, Government Code, is

1 amended by adding Section 101.12122 to read as follows:

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

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

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

13 SECTION 5. Subchapter H, Chapter 101, Government Code, is
14 amended by adding Section 101.143 to read as follows:

15 Sec. 101.143. ADDITIONAL JUSTICE COURT FEES FOR COURT
16 FACILITIES COLLECTED BY CLERK. The clerk of a justice court in
17 Willacy County and the clerk of a justice court in Starr County
18 shall collect an additional filing fee of not more than \$20 under
19 Section 51.713, Government Code, in civil cases to fund the:

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

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

26 SECTION 6. 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: HB2875 by Guillen (Relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code allowing courts in Willacy County and Starr County to collect a filing fee of not more than \$20 in civil cases. The fee would apply to district courts, the constitutional county court, and justice courts in Willacy County. The fee would apply to district court, the county court at law, and justice courts in Starr County. The bill provides an expiration date of the filing fee.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Comptroller of Public Accounts, for each year Willacy County expects 385 filed cases anticipating \$7,700 (385 cases X \$20 filing fee) in revenue and \$194 in expenses to process the filed civil cases.

According to the Comptroller of Public Accounts, for each year Starr County expects 536 filed cases anticipating \$10,720 (536 cases x \$20 filing fee) in revenue and \$268 in expenses to process the filed civil cases.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, SD, AG, LBO, GG, BM, GDz

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: HB2875 by Guillen (Relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code allowing courts in Willacy County and Starr County to collect a filing fee of not more than \$20 in civil cases. The fee would apply to district courts, the constitutional county court, and justice courts in Willacy County. The fee would apply to district court, the county court at law, and justice courts in Starr County. The bill provides an expiration date of the filing fee.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Comptroller of Public Accounts, for each year Willacy County expects 385 filed cases anticipating \$7,700 (385 cases X \$20 filing fee) in revenue and \$194 in expenses to process the filed civil cases.

According to the Comptroller of Public Accounts, for each year Starr County expects 536 filed cases anticipating \$10,720 (536 cases x \$20 filing fee) in revenue and \$268 in expenses to process the filed civil cases.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, AG, LBO, GG, BM, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2875 by Guillen (Relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code allowing courts in Willacy County and Starr County to collect a filing fee of not more than \$20 in civil cases. The fee would apply to district courts, the constitutional county court, and justice courts in Willacy County. The fee would apply to district court, the county court at law, and justice courts in Starr County. The bill provides an expiration date of the filing fee.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Comptroller of Public Accounts, for each year Willacy County expects 385 filed cases anticipating \$7,700 (385 cases X \$20 filing fee) in revenue and \$194 in expenses to process the filed civil cases.

According to the Comptroller of Public Accounts, for each year Starr County expects 536 filed cases anticipating \$10,720 (536 cases x \$20 filing fee) in revenue and \$268 in expenses to process the filed civil cases.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: UP, AG, LBO, GG, BM, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 28, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2875 by Guillen (Relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code allowing courts in Willacy County and Starr County to collect a filing fee of not more than \$20 in civil cases. The fee would apply to district courts, the constitutional county court, and justice courts in Willacy County. The fee would apply to district court, the county court at law, and justice courts in Starr County. The bill provides an expiration date of the filing fee.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Comptroller of Public Accounts, for each year Willacy County expects 385 filed cases anticipating \$7,700 (385 cases X \$20 filing fee) in revenue and \$194 in expenses to process the filed civil cases.

According to the Comptroller of Public Accounts, for each year Starr County expects 536 filed cases anticipating \$10,720 (536 cases x \$20 filing fee) in revenue and \$268 in expenses to process the filed civil cases.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, LBO, GG, BM, GDz

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: HB2875 by Guillen (Relating to the imposition of additional fees for filing civil cases in certain Willacy County courts.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code allowing courts in Willacy County to collect a filing fee of not more than \$20 in civil cases. The fee would apply only to district courts, the constitutional county court, and justice courts in Willacy County, and the bill provides an expiration date of the filing fee.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Comptroller of Public Accounts, for each year Willacy County expects 385 filed cases anticipating \$7,700 (385 cases X \$20 filing fee) in revenue and \$194 in expenses to process the filed civil cases.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, LBO, GG, BM, GDz