

BILL ANALYSIS

Senate Research Center
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S.B. 1936
By: Hinojosa
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Nueces County Commissioners Court is in the process of creating a “Capital Improvement Program” for the long term needs of the County with regard to county facilities, including the Nueces County Courthouse. Adequate sources of funding have not historically been generated from ad valorem taxes, which have been maintained at a consistently low rate over past budget years.

S.B. 1936 is modeled after similar legislation passed for other Texas counties such as Hidalgo County and Cameron County. The bill amends the Government Code to provide for the collection of a court filing fee not to exceed \$20 for each civil case filed in a district court or county court at law in Nueces County. The fees would be dedicated to the construction, renovation, or improvement of the facilities that house the courts collecting the fee to meet the growing needs of the public for proceedings in civil matters.

S.B. 1936 makes the fees contingent on a commissioners court order and subject to rescission by the commissioners court. The fee would expire in 2034, unless rescinded by the commissioners court before then.

As proposed, S.B. 1936 amends current law relating to imposing additional fees for filing civil cases and recording certain documents in Nueces 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 Subchapter H, Chapter 51, Government Code, by adding Section 51.712 to read as follows:

Sec. 51.712. ADDITIONAL FILING FEE FOR CIVIL CASES IN NUECES COUNTY.

(a) Provides that this section applies only to district courts and county courts at law in Nueces 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 the construction, renovation, or improvement of the facilities that house the Nueces County civil courts.

(c) Requires court fees due under this section to 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 of Nueces County 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 the construction, renovation, or improvement of the facilities that house the Nueces County civil courts.

(e) Provides that this section applies only to fees for a 12-month period beginning October 1, if the Commissioners Court of Nueces County:

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

(2) adopts a resolution requiring the county to spend one dollar for the construction, renovation, or improvement of the court facilities for each dollar spent from the special account dedicated to that purpose; and

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

(f) Provides that a resolution adopted under Subsection (e) continues from year to year until October 1, 2034, allowing Nueces County to collect fees under the terms of this section until the resolution is rescinded.

(g) Authorizes the Commissioners Court of Nueces County to rescind a resolution adopted under Subsection (e) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 preceding the beginning of the first day of the county fiscal year. 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:

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

(2) October 1, 2034.

(i) Authorizes Nueces County to make the required expenditure described by Subsection (e)(2) at any time, regardless of when the expenditure from the special account occurs.

(j) Provides that this section expires September 1, 2035.

SECTION 2. Amends Subchapter D, Chapter 101, Government Code, by adding Section 101.06112, as follows:

Sec. 101.06112. **ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a district court in Nueces County to collect an additional filing fee of not more than \$20 under Section 51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.08112, as follows:

Sec. 101.08112. **ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a statutory county court in Nueces County to collect an additional filing fee of not more than \$20 under Section

51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Amends Section 118.0131, Local Government Code, as follows:

Sec. 118.0131. New heading: **OPTIONAL RECORDING FEES FOR COURT FACILITIES IN CERTAIN COUNTIES**. Authorizes the county clerk of Hidalgo County, the county clerk of Cameron County, and the county clerk of Nueces County, rather than the county clerk of Hidalgo County and the county clerk of Cameron County, to assess an additional fee not to exceed \$10 for a real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county. Makes a nonsubstantive change.

SECTION 5. Effective date: upon passage or September 1, 2019.