86R12192 SRS-D

By:  Hinojosa S.B. No. 1936

A BILL TO BE ENTITLED

AN ACT

relating to imposing additional fees for filing civil cases and recording certain documents in Nueces 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 51.712 to read as follows:

Sec. 51.712.  ADDITIONAL FILING FEE FOR CIVIL CASES IN NUECES COUNTY. (a) This section applies only to district courts and county courts at law in Nueces 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 for the construction, renovation, or improvement of the facilities that house the Nueces County civil courts.

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

(d)  The clerk shall 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. The treasurer or other official shall 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)  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)  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until October 1, 2034, allowing Nueces County to collect fees under the terms of this section until the resolution is rescinded.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)  The Commissioners Court of Nueces County may 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. The commissioners court may adopt an additional resolution in the manner provided by Subsection (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) is rescinded as provided by Subsection (g); or

(2)  October 1, 2034.

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

(j)  This section expires September 1, 2035.

SECTION 2.  Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06112 to read as follows:

Sec. 101.06112.  ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Nueces County shall 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.  Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08112 to read as follows:

Sec. 101.08112.  ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Nueces County shall 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.  Section 118.0131, Local Government Code, is amended to read as follows:

Sec. 118.0131.  OPTIONAL RECORDING FEES FOR COURT FACILITIES IN CERTAIN COUNTIES [~~FACILITIES: HIDALGO COUNTY AND CAMERON COUNTY~~]. The county clerk of Hidalgo County, [~~and~~] the county clerk of Cameron County, and the county clerk of Nueces County may 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.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.