

By: Hinojosa

S.B. No. 643

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the imposition of additional fees for filing civil cases 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:

(1) for the construction, renovation, or improvement of the facilities that house the Nueces 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 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

1 official who discharges the duties commonly assigned to the county
2 treasurer at least as frequently as monthly. The treasurer or other
3 official shall deposit the fees in a special account in the county
4 treasury dedicated to the construction, renovation, or improvement
5 of the facilities that house the Nueces County civil courts.

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

8 (1) adopts an order authorizing a fee of not more than
9 \$20;

10 (2) adopts an order requiring the county to spend one
11 dollar for the construction, renovation, or improvement of the
12 facilities that house the Nueces County civil courts for each
13 dollar spent from the special account dedicated to that purpose;
14 and

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

20 (f) An order adopted under Subsection (e) continues from
21 year to year until October 1, 2036, allowing Nueces County to
22 collect fees under the terms of this section until the order is
23 rescinded.

24 (g) The Commissioners Court of Nueces County may rescind an
25 order adopted under Subsection (e) by adopting an order rescinding
26 the order and submitting the rescission order to the county
27 treasurer or to any other official who discharges the duties

1 commonly assigned to the county treasurer not later than September
2 1 preceding the beginning of the first day of the county fiscal
3 year. The commissioners court may adopt an additional
4 authorization order in the manner provided by Subsection (e) after
5 rescinding a previous order under that subsection.

6 (h) A fee established under a particular order is abolished
7 on the earlier of:

8 (1) the date an order adopted under Subsection (e) is
9 rescinded as provided by Subsection (g); or

10 (2) October 1, 2036.

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

14 (j) This section expires September 1, 2037.

15 SECTION 2. (a) Notwithstanding Section 51.607(c),
16 Government Code, the clerk of a court may begin collecting the fee
17 authorized by Section 51.712(b), Government Code, as added by this
18 Act, October 1, 2021, if:

19 (1) the requirements of Section 51.712, Government
20 Code, as added by this Act, are satisfied; and

21 (2) this Act is passed by a record vote of two-thirds
22 of all the members elected to each house of the legislature on final
23 consideration in each house, as required by Section 46(d), Article
24 III, Texas Constitution.

25 (b) If this Act does not receive the vote specified by
26 Subsection (a)(2) of this section, the clerk of a court may not
27 begin collecting the fee authorized by Section 51.712(b),

1 Government Code, as added by this Act, until October 1 of the first
2 year after 2021 in which the requirements of Section 51.712,
3 Government Code, as added by this Act, are satisfied.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2021.