

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2015

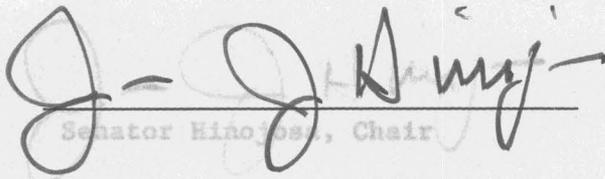
Date

Honorable Dan Patrick
President of the Senate

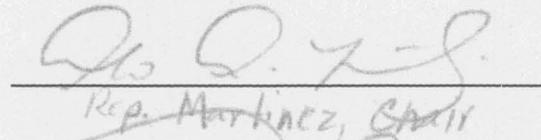
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

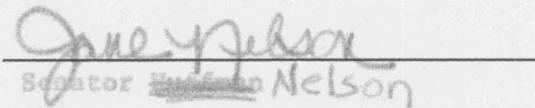
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 1964 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



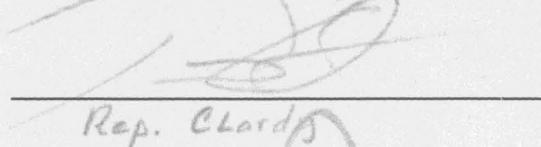
Senator Hinojosa, Chair



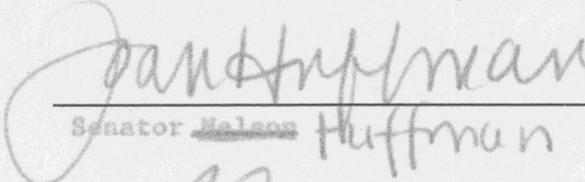
Rep. Martinez, Chair



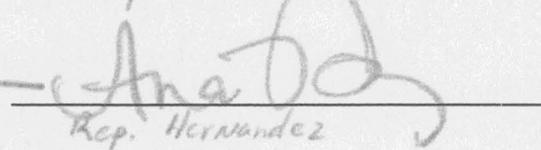
Senator Nelson



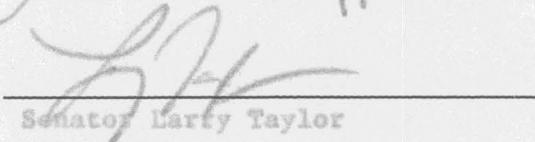
Rep. Clardy



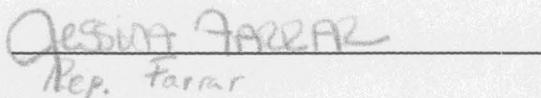
Senator Huffman



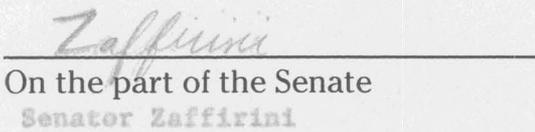
Rep. Hernandez



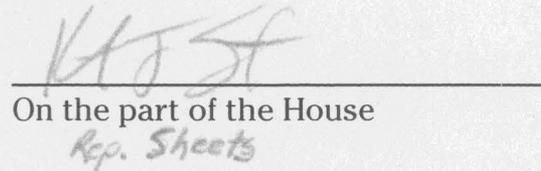
Senator Larry Taylor



Rep. Farrar



On the part of the Senate
Senator Zaffirini



On the part of the House
Rep. Sheets

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1964

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the imposition of additional fees for filing civil
3 cases and for recording certain documents in Hidalgo County and
4 Cameron County.

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

6 SECTION 1. Subchapter H, Chapter 51, Government Code, is
7 amended by adding Section 51.711 to read as follows:

8 Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN
9 HIDALGO COUNTY AND CAMERON COUNTY. (a) This section applies only
10 to district courts, statutory probate courts, and county courts at
11 law in Hidalgo County and Cameron County.

12 (b) Except as otherwise provided by this section and in
13 addition to all other fees authorized or required by other law, the
14 clerk of a court shall collect a filing fee of not more than \$20 in
15 each civil case filed in the court to be used for the construction,
16 renovation, or improvement of the facilities that house the Hidalgo
17 County or Cameron County civil courts.

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

21 (d) The clerk shall send the fees collected under this
22 section to the county treasurer of the county in which the court is
23 located or to any other official who discharges the duties commonly
24 assigned to the county treasurer at least as frequently as monthly.

1 The treasurer or other official shall deposit the fees in a special
2 account in the county treasury dedicated to the construction,
3 renovation, or improvement of the facilities that house the courts
4 in the county collecting the fee.

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

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

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

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

19 (f) A resolution adopted under Subsection (e) continues
20 from year to year until October 1, 2030, allowing the county to
21 collect fees under the terms of this section until the resolution is
22 rescinded.

23 (g) The commissioners court of the county collecting the fee
24 may rescind a resolution adopted under Subsection (e) by adopting a
25 resolution rescinding the resolution and submitting the rescission
26 resolution to the county treasurer or to any other official who
27 discharges the duties commonly assigned to the county treasurer not

1 later than September 1 preceding the beginning of the first day of
2 the county fiscal year. The commissioners court may adopt an
3 additional resolution in the manner provided by Subsection (e)
4 after rescinding a previous resolution under that subsection.

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

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

9 (2) October 1, 2030.

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

13 SECTION 2. Subchapter D, Chapter 101, Government Code, is
14 amended by adding Section 101.061192 to read as follows:

15 Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT
16 FACILITIES: GOVERNMENT CODE. The clerk of a district court in
17 Hidalgo County and the clerk of a district court in Cameron County
18 shall collect an additional filing fee of not more than \$20 under
19 Section 51.711, Government Code, in civil cases to fund the
20 construction, renovation, or improvement of court facilities, if
21 authorized by the county commissioners court.

22 SECTION 3. Subchapter E, Chapter 101, Government Code, is
23 amended by adding Section 101.081191 to read as follows:

24 Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR
25 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county
26 court in Hidalgo County and the clerk of a statutory county court in
27 Cameron County shall collect an additional filing fee of not more

1 than \$20 under Section 51.711, Government Code, in civil cases to
2 fund the construction, renovation, or improvement of court
3 facilities, if authorized by the county commissioners court.

4 SECTION 4. Subchapter F, Chapter 101, Government Code, is
5 amended by adding Section 101.10119 to read as follows:

6 Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR
7 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory
8 probate court in Hidalgo County shall collect an additional filing
9 fee of not more than \$20 under Section 51.711, Government Code, in
10 civil cases to fund the construction, renovation, or improvement of
11 court facilities, if authorized by the county commissioners court.

12 SECTION 5. Section 118.011, Local Government Code, is
13 amended by adding Subsection (g) to read as follows:

14 (g) The county clerk of a county shall, if the commissioners
15 court of the county adopts the fee, collect the following fee from
16 any person:

17 Real Property Records Filing (Sec. 118.0131)
18 not more than \$10

19 SECTION 6. Subchapter B, Chapter 118, Local Government
20 Code, is amended by adding Section 118.0131 to read as follows:

21 Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES:
22 HIDALGO COUNTY AND CAMERON COUNTY. The county clerk of Hidalgo
23 County and the county clerk of Cameron County may assess an
24 additional fee not to exceed \$10 for real property records filing to
25 fund the construction, renovation, or improvement of court
26 facilities, if authorized by the commissioners court of the county.

27 SECTION 7. The changes in law made by this Act apply only to

1 a fee that becomes payable on or after the effective date of this
2 Act. A fee that becomes payable before that date is governed by the
3 law in effect when the fee became payable, and the former law is
4 continued in effect for that purpose.

5 SECTION 8. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.

Senate Bill 1964
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.711 to read as follows:
Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN HIDALGO COUNTY.

(a) This section applies only to district courts, statutory probate courts, and county courts at law in Hidalgo 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 Hidalgo 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 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 courts collecting the fee.

HOUSE VERSION (CS)

SECTION 1. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.711 to read as follows:
Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN HIDALGO COUNTY *AND CAMERON COUNTY*.

(a) This section applies only to district courts, statutory probate courts, and county courts at law in Hidalgo County *and Cameron 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 \$40 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Hidalgo County *or Cameron County* civil courts.

(c) Same as Senate version.

(d) The clerk shall send the fees collected under this section to the county treasurer *of the county in which the court is located* 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 courts *in the county* collecting the fee.

CONFERENCE

SECTION 1. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.711 to read as follows:
Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN HIDALGO COUNTY *AND CAMERON COUNTY*.

(a) Same as House version.

(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 Hidalgo County *or Cameron County* civil courts.

(c) Same as Senate version.

(d) Same as House version.

Senate Bill 1964
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(e) This section applies only to fees for a 12-month period beginning October 1, if the commissioners court:

- (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, 2030, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court 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:

HOUSE VERSION (CS)

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

- (1) adopts a resolution authorizing a fee of not more than \$40;
- (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) Same as Senate version.

(g) The commissioners court *of the county collecting the fee* 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) Same as Senate version.

CONFERENCE

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

- (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) Same as Senate version.

(g) Same as House version.

(h) Same as Senate version.

Senate Bill 1964
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(1) the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g); or
(2) October 1, 2030.

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

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061192 to read as follows: Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Hidalgo County shall collect an additional filing fee of not more than \$20 under Section 51.711 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 101.081191 to read as follows: Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Hidalgo County shall collect an additional filing fee of not more than \$20 under Section 51.711 in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

HOUSE VERSION (CS)

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

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061192 to read as follows: Sec. 101.061192. 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 \$40 under Section 51.711, 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 101.081191 to read as follows: Sec. 101.081191. 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 Cameron County* shall collect an additional filing fee of not more than \$40 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

CONFERENCE

(i) Same as House version.

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061192 to read as follows: Sec. 101.061192. 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 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 101.081191 to read as follows: Sec. 101.081191. 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 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 construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

Senate Bill 1964
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 4. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10119 to read as follows:
Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Hidalgo County shall collect an additional filing fee of not more than **\$20** under Section 51.711 in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Section 118.011, Local Government Code, is amended.

SECTION 6. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.0131 to read as follows:
Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES: HIDALGO COUNTY. The county clerk of Hidalgo County may assess an additional fee not to exceed \$10 for real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county.

SECTION 7. Saving provision.

SECTION 8. Effective date.

HOUSE VERSION (CS)

SECTION 4. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10119 to read as follows:
Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Hidalgo County shall collect an additional filing fee of not more than **\$40** under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Same as Senate version.

SECTION 6. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.0131 to read as follows:
Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES: HIDALGO COUNTY *AND CAMERON COUNTY.* The county clerk of Hidalgo County *and the county clerk of Cameron County* may assess an additional fee not to exceed \$10 for real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county.

SECTION 7. Same as Senate version.

SECTION 8. Same as Senate version.

CONFERENCE

SECTION 4. Substantially the same as Senate version.

SECTION 5. Same as Senate version.

SECTION 6. Same as House version.

SECTION 7. Same as Senate version.

SECTION 8. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1964 by Hinojosa (Relating to the imposition of additional fees for filing civil cases and for recording certain documents in Hidalgo County and Cameron County.),
Conference Committee Report

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require a clerk of certain courts to collect a filing fee of up to \$20 in certain cases to be used towards the construction and renovation of court facilities. The bill would require a clerk to send the fees to the county treasurer. The bill would require a county clerk to collect a fee of \$10 for the filing for real property records to be used to fund the construction and renovation of court facilities. All fees established by the bill would be required to be approved or passed by resolution by the commissioners court of the county. The bill establishes a process of the expiration of the fees. The bill applies to Hidalgo and Cameron County.

The Office of Court Administration reported no significant fiscal impact to the state court system is anticipated.

Local Government Impact

According to the Comptroller of Public Accounts, the Hidalgo County Court Administrator Office indicated that in 2014 there were 99,878 official recordings, 40,833 e-recordings, 15,602 official records processed, 16,242 civil cases filed and 544 probate cases filed.

According to the Comptroller of Public Accounts, the Cameron County Auditor Office indicated that the district clerk office anticipates 4,799 cases being filed and the county clerk office anticipates 2,035 cases being filed for fiscal years 2016-2020.

The amount of revenue to each county would depend on the number of applicable cases filed in each county upon implementation of the additional fees.

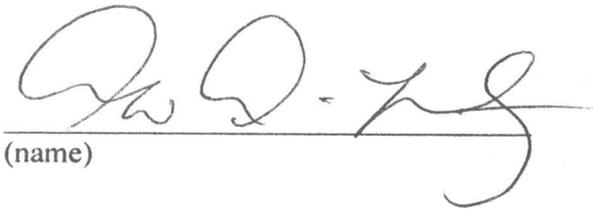
Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, FR, AG, SD, EK

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on SB 1964 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(name)

5/30/15

(date)