

## **BILL ANALYSIS**

C.S.H.B. 2875  
By: Guillen  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that charging a fee for filing a civil court case, like some courts in certain counties do to fund court facility improvements, would provide a source of funds for the construction, renovation, or improvement of Willacy County and Starr County court facilities. C.S.H.B. 2875 seeks to achieve this goal by allowing the commissioners court of Willacy County and Starr County to provide for the imposition of an additional fee capped at \$20 per civil case filing to be used for certain improvements to court facilities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2875 amends the Government Code to require the clerk of a district court, the constitutional county court, and a justice court in Willacy County and the clerk of a district court, a county court at law, and a justice court in Starr County 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 each county's civil courts, respectively, and to pay the principal of, interest on, and costs of issuance of bonds issued for that construction, renovation, or improvement. The bill requires these court fees to be collected in the same manner as other fees, fines, or costs are collected in the case. The bill requires the clerk to send the fees 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 bill requires the treasurer or other official to deposit the fees in a special account in the county treasury dedicated to the purposes identified by the bill. These provisions apply only to fees for a 12-month period beginning October 1, if the commissioners court of the county collecting the fees adopts a resolution authorizing a fee of not more than \$20; adopts a resolution requiring the county to spend one dollar at any time for the purposes identified by the bill for each dollar spent from the special account dedicated to those purposes, regardless of when the expenditure from the special account occurs; and 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. The bill continues such a resolution from year to year until October 1, 2045, allowing the county to collect fees under the applicable terms until the resolution is rescinded.

C.S.H.B. 2875 authorizes the commissioners court of the county collecting the fees to rescind such a resolution 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 bill authorizes the commissioners court of the county collecting the fee to adopt an additional resolution in the manner provided by the bill after rescinding a previous resolution. The bill abolishes a fee established under a particular resolution on the earlier of the date a resolution is rescinded as provided by the bill or October 1, 2045.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2875 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

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.

(a) This section applies only to district courts, the constitutional county court, and justice courts in Willacy 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 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 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

#### **HOUSE COMMITTEE SUBSTITUTE**

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 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 the county in which the court is located or to any other official who discharges the duties

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:

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

(2) 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 civil courts.

(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 or to pay the principal of, interest on, and costs of issuance of bonds issued for the construction of 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, 2045, 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

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:

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

(2) 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.

(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 or to pay the principal of, interest on, and costs of issuance of bonds issued for the construction of 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, 2045, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(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) 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, 2045.  
(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 101.061194 to read as follows:  
Sec. 101.061194. ADDITIONAL  
DISTRICT COURT FEES FOR COURT  
FACILITIES: GOVERNMENT CODE.  
The clerk of a district court in Willacy  
County shall collect an additional filing fee  
of not more than \$20 under Section 51.713,  
Government Code, in civil cases to fund the:  
(1) construction, renovation, or  
improvement of court facilities, if  
authorized by the county commissioners  
court; and  
(2) payment of the principal of, interest on,  
and costs of issuance of bonds issued for the  
construction, renovation, or improvement of  
court facilities, if authorized by the county  
commissioners court.

No equivalent provision.

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, 2045.  
(i) Willacy County or Starr 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 101.061194 to read as follows:  
Sec. 101.061194. ADDITIONAL  
DISTRICT COURT FEES FOR COURT  
FACILITIES: GOVERNMENT CODE.  
The clerk of a district court in Willacy  
County and the clerk of a district court in  
Starr County shall collect an additional  
filing fee of not more than \$20 under  
Section 51.713, Government Code, in civil  
cases to fund the:  
(1) construction, renovation, or  
improvement of court facilities, if  
authorized by the county commissioners  
court; and  
(2) payment of the principal of, interest on,  
and costs of issuance of bonds issued for 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 101.081195 to read as follows:  
Sec. 101.081195. ADDITIONAL  
STATUTORY COUNTY COURT FEES  
FOR COURT FACILITIES:  
GOVERNMENT CODE.  
The clerk of a  
statutory county court in Starr County shall  
collect an additional filing fee of not more  
than \$20 under Section 51.713, Government  
Code, in civil cases to fund the:  
(1) construction, renovation, or  
improvement of court facilities, if  
authorized by the county commissioners  
court; and  
(2) payment of the principal of, interest on,  
and costs of issuance of bonds issued for the  
construction, renovation, or improvement of  
court facilities, if authorized by the county  
commissioners court.

SECTION 3. Subchapter G, Chapter 101, Government Code, is amended.

SECTION 4. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.143 to read as follows:

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

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

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

SECTION 5. This Act takes effect September 1, 2017.

SECTION 4. Same as introduced version.

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

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

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

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

SECTION 6. Same as introduced version.