

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2272
By: McClendon (Van de Putte)
Jurisprudence
5/10/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Bexar County does not collect a filing fee for cases filed in Bexar County courts for the purposes of renovation or construction of facilities. Often, courthouses operate on small budgets and do not have enough money for building upkeep. Authorizing an additional fee for courthouses in Bexar County in a similar method to that which is allowed in Dallas County may provide the funding necessary for upkeep.

C.S.H.B. 2272 authorizes Bexar County to collect a filing fee not to exceed \$15 for civil cases filed in the county and requires the fee collected to be used for the construction, renovation, or improvement of the facilities that house the Bexar County civil and criminal courts.

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 51.706, as follows:

Sec. 51.706. ADDITIONAL FILING FEE FOR CIVIL CASES IN BEXAR COUNTY.

(a) Provides that this section applies only to district courts, probate courts, and county courts at law in Bexar County.

(b) Requires the clerk of a court to collect a filing fee of not more than \$15 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Bexar County civil and criminal courts, except as otherwise provided by this section and in addition to all other fees authorized or required by other law. Provides that the fee does not apply to a suit affecting the parent-child relationship for the adoption of a child or the termination of parental rights.

(c) Requires that court fees due under this section 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 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 courts collecting the fee.

(e) Provides that this applies only to fees for a 12-month period beginning October 1, if the county commissioner's court:

(1) adopts a resolution authorizing a fee of not more than \$15;

(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, 2022, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) Authorizes the commissioners court 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 the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g), or October 1, 2022.

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

SECTION 2. Amends Section 101.061, Government Code, to include a fee not to exceed \$15 to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Section 51.706, Government Code) in the list of additional filing fees the clerk of a district court is required to collect.

SECTION 3. Amends Section 101.081, Government Code, to make conforming changes applicable to the clerk of a statutory county court.

SECTION 4. Amends Section 101.101, Government Code, to make conforming changes applicable to the clerk of a statutory probate court.

SECTION 5. Effective date: upon passage or September 1, 2007.