

BILL ANALYSIS

Senate Research Center

H.B. 2875
By: Guillen (Lucio)
State Affairs
7/28/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is legislative precedent for the authorization of a fee for filing a civil court case to fund court facility improvements for the construction, renovation, or improvement of court facilities. H.B. 2875 seeks to achieve this goal by authorizing the commissioners court of Willacy County and Starr County to impose a court filing fee not to exceed \$20 per for certain improvements to court facilities. (Original Author's / Sponsor's Statement of Intent)

H.B. 2875 amends current law relating to the imposition of additional fees for filing civil cases in Willacy County and Starr County.

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 51.713, as follows:

Sec. 51.713. ADDITIONAL FILING FEE FOR CIVIL CASES IN WILLACY COUNTY AND STARR COUNTY. (a) Provides that this section applies only to district courts, the constitutional county court, and justice courts in Willacy County and district courts, the county court at law, and justice courts in Starr County.

(b) Requires the clerk of a court, except as otherwise provided by this section and in addition to all other fees authorized or required by other law, to collect a filing fee of not more than \$20 in each civil case filed in the court, if the fee is authorized by the commissioners court of the county collecting the fee. Provides that a fee collected under this section is to be used for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts and 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) 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 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. 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 Willacy County or Starr County civil courts and 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) Provides that this section applies only to fees for a 12-month period beginning October 1, if the commissioners court of the county collecting the fee adopts a resolution authorizing a fee of not more than \$20, 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 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, 2045, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) Authorizes the commissioners court of the county collecting the fee 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, 2045.

(i) Authorizes Willacy County or Starr County to make the required expenditure described by Subsection (e)(2) (relating to a resolution requiring the county to spend one dollar for certain purposes) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Amends Subchapter D, Chapter 101, Government Code, by adding Section 101.061194, as follows:

Sec. 101.061194. **ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a district court in Willacy County and the clerk of a district court in Starr County to collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court and 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. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.081195, as follows:

Sec. 101.081195. **ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE.** Requires the clerk of a statutory county court in Starr County to collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court and 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 4. Amends Subchapter G, Chapter 101, Government Code, by adding Section 101.12122, as follows:

Sec. 101.12122. ADDITIONAL COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. Requires the clerk of the county court in Willacy County to collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court and 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. Amends Subchapter H, Chapter 101, Government Code, by adding Section 101.143, as follows:

Sec. 101.143. ADDITIONAL JUSTICE COURT FEES FOR COURT FACILITIES COLLECTED BY CLERK. Requires the clerk of a justice court in Willacy County and the clerk of a justice court in Starr County to collect an additional filing fee of not more than \$20 under Section 51.713, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court and 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. Effective date: September 1, 2017.