

BILL ANALYSIS

C.S.H.B. 1234
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that clarity is needed regarding certain civil filing fees collected in Hidalgo County, Cameron County, and Willacy County that are to be used for the construction, renovation, or improvement of facilities that house the civil courts in each county. C.S.H.B. 1234 seeks to provide such clarity.

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. 1234 amends the Government Code to include, if authorized by the applicable county commissioners court, paying 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 Hidalgo County or Cameron County civil courts among the uses for the additional civil filing fee capped at \$20 the clerk of a district court, statutory county court, or statutory probate court in Hidalgo County or Cameron County, as applicable, are required to collect. The bill provides for the abolishment of such fees and for the continuation of certain resolutions authorizing such a fee adopted by such counties that are abolished on or before October 1, 2030, until October 1, 2045, under certain conditions. The bill establishes that certain resolutions adopted to authorize such a fee continue until rescinded from year to year until October 1, 2030, if adopted before September 1, 2017, and that such resolutions continue from year to year until October 1, 2045, if adopted on or after September 1, 2017.

C.S.H.B. 1234 requires the clerk of a district court, certain county courts, or a justice court in Willacy County, 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 to be used for the construction, renovation, or improvement of the facilities that house the Willacy County civil courts and 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 those courts. The bill requires such filing 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 such fees 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 and requires the treasurer or other official to deposit the fees in a special account in the county treasury dedicated to those same purposes for which the filing fee is collected. The bill sets out the resolutions that the commissioners court is required to adopt

and file for these requirements to be applicable to fees for a 12-month period beginning October 1 and provides for the continuation and rescission of such a resolution and the abolishment of a fee established under such a resolution.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1234 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. Section 51.711, Government Code, is amended by amending Subsections (b), (f), (g), (h), and (i) and adding Subsection (e-1) to read as follows:

(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 Hidalgo County or Cameron 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 Hidalgo County or Cameron County civil courts.

(e-1) If Hidalgo County or Cameron County has adopted a resolution authorizing a fee as provided by Subsection (e) that is abolished on or before October 1, 2030, the county may:

(1) adopt a resolution authorizing the fee adopted under Subsection (e) to continue until October 1, 2045;

(2) adopt a resolution providing that the county must continue 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) file the resolution adopted under this subsection 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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 51.711, Government Code, is amended by amending Subsections (b), (f), (g), (h), and (i) and adding Subsection (e-1) to read as follows:

(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 Hidalgo County or Cameron 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 Hidalgo County or Cameron County civil courts.

(e-1) If Hidalgo County or Cameron County has adopted a resolution authorizing a fee as provided by Subsection (e) that is abolished on or before October 1, 2030, the county may:

(1) adopt a resolution authorizing the fee adopted under Subsection (e) to continue until October 1, 2045;

(2) adopt a resolution providing that the county must continue 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) file the resolution adopted under this subsection 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 county has authorized the fee to continue to be collected through October 1, 2045.

(f) A resolution adopted under Subsection (e) continues from year to year until October 1, 2030, if adopted under Subsection (e) before September 1, 2017, or October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017, allowing the county to collect fees under the terms of this section until the resolution is rescinded. A resolution adopted under Subsection (e-1) 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) or (e-1) 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) or (e-1) is rescinded as provided by Subsection (g); ~~[or]~~

(2) October 1, 2030, if adopted under Subsection (e) before September 1, 2017;

(3) October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017; or

(4) October 1, 2045, if adopted under Subsection (e-1).

(i) Hidalgo County or Cameron County may make the required expenditure described by Subsection (e)(2) or (e-1)(2) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Sections 101.061192, 101.081191, and 101.10119, Government Code, are amended to read as follows:

Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT

preceding the first 12-month period during which the county has authorized the fee to continue to be collected through October 1, 2045.

(f) A resolution adopted under Subsection (e) continues from year to year until October 1, 2030, if adopted under Subsection (e) before September 1, 2017, or October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017, allowing the county to collect fees under the terms of this section until the resolution is rescinded. A resolution adopted under Subsection (e-1) 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) or (e-1) 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) or (e-1) is rescinded as provided by Subsection (g); ~~[or]~~

(2) October 1, 2030, if adopted under Subsection (e) before September 1, 2017;

(3) October 1, 2045, if adopted under Subsection (e) on or after September 1, 2017; or

(4) October 1, 2045, if adopted under Subsection (e-1).

(i) Hidalgo County or Cameron County may make the required expenditure described by Subsection (e)(2) or (e-1)(2) at any time, regardless of when the expenditure from the special account occurs.

No equivalent provision.

(But see Sec. 101.061194 in SECTION 3 below.)

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:

(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.

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:

(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.

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, 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.

(But see SECTION 4 below.)

(But see SECTION 5 below.)

SECTION 2. 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, including refunding 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 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) the payment of 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 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, including refunding 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 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.

No equivalent provision.

(But see Sec. 101.061192 in SECTION 2 above.)

SECTION 3. Subchapter D, Chapter 101, Government Code, is amended by adding Sections 101.061194 and 101.061195 to read as follows:

Sec. 101.061194. 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 payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

Sec. 101.061195. ADDITIONAL DISTRICT COURT FEES FOR COURT

No equivalent provision.

No equivalent provision. (But see Sec. 101.081191 in SECTION 2 above.)

No equivalent provision. (But see Sec. 101.10119 in SECTION 2 above.)

No equivalent provision.

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, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081193 to read as follows:
Sec. 101.081193. 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 payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.101192 to read as follows:
Sec. 101.101192. 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, Government Code, in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 6. Subchapter G, Chapter 101,

Government Code, is amended by adding Section 101.12122 to read as follows:

Sec. 101.12122. ADDITIONAL COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of the county 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, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

No equivalent provision.

SECTION 7. 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, including refunding bonds, issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 8. Same as introduced version.