

By: Martinez

H.B. No. 2868

Substitute the following for H.B. No. 2868:

By: Farrar

C.S.H.B. No. 2868

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of additional fees for filing civil cases and for recording certain documents in Hidalgo County.

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

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

1 dedicated to the construction, renovation, or improvement of the
2 facilities that house the courts collecting the fee.

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

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

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

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

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19 rescinded.

20 (g) The commissioners court may rescind a resolution
21 adopted under Subsection (e) by adopting a resolution rescinding
22 the resolution and submitting the rescission resolution to the
23 county treasurer or to any other official who discharges the duties
24 commonly assigned to the county treasurer not later than September
25 1 preceding the beginning of the first day of the county fiscal
26 year. The commissioners court may adopt an additional resolution
27 in the manner provided by Subsection (e) after rescinding a

1 previous resolution under that subsection.

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

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5 is rescinded as provided by Subsection (g); or

6 (2) October 1, 2030.

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

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

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

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

20 Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR
21 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county
22 court in Hidalgo County shall collect an additional filing fee of
23 not more than \$20 under Section 51.711, Government Code, in civil
24 cases to fund the construction, renovation, or improvement of court
25 facilities, if authorized by the county commissioners court.

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

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

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

9 (g) The county clerk of a county shall, if the commissioners
10 court of the county adopts the fee, collect the following fee from
11 any person:

12 Real Property Records Filing (Sec. 118.0131)
13 not more than \$10

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

16 Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES:
17 HIDALGO COUNTY. The county clerk of Hidalgo County may assess an
18 additional fee not to exceed \$10 for real property records filing to
19 fund the construction, renovation, or improvement of court
20 facilities, if authorized by the commissioners court of the county.

21 SECTION 7. The changes in law made by this Act apply only to
22 a fee that becomes payable on or after the effective date of this
23 Act. A fee that becomes payable before that date is governed by the
24 law in effect when the fee became payable, and the former law is
25 continued in effect for that purpose.

26 SECTION 8. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.