

By: Hinojosa
(Martinez)

S.B. No. 1964

Substitute the following for S.B. No. 1964:

By: Thompson of Harris

C.S.S.B. No. 1964

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the imposition of additional fees for filing civil
3 cases and for recording certain documents in Hidalgo County and
4 Cameron County.

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

6 SECTION 1. Subchapter H, Chapter 51, Government Code, is
7 amended by adding Section 51.711 to read as follows:

8 Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN
9 HIDALGO COUNTY AND CAMERON COUNTY. (a) This section applies only
10 to district courts, statutory probate courts, and county courts at
11 law in Hidalgo County and Cameron County.

12 (b) Except as otherwise provided by this section and in
13 addition to all other fees authorized or required by other law, the
14 clerk of a court shall collect a filing fee of not more than \$40 in
15 each civil case filed in the court to be used for the construction,
16 renovation, or improvement of the facilities that house the Hidalgo
17 County or Cameron County civil courts.

18 (c) Court fees due under this section shall be collected in
19 the same manner as other fees, fines, or costs are collected in the
20 case.

21 (d) The clerk shall send the fees collected under this
22 section to the county treasurer of the county in which the court is
23 located or to any other official who discharges the duties commonly
24 assigned to the county treasurer at least as frequently as monthly.

1 The treasurer or other official shall deposit the fees in a special
2 account in the county treasury dedicated to the construction,
3 renovation, or improvement of the facilities that house the courts
4 in the county collecting the fee.

5 (e) This section applies only to fees for a 12-month period
6 beginning October 1, if the commissioners court of the county
7 collecting the fee:

8 (1) adopts a resolution authorizing a fee of not more
9 than \$40;

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

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

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

23 (g) The commissioners court of the county collecting the fee
24 may rescind a resolution adopted under Subsection (e) by adopting a
25 resolution rescinding the resolution and submitting the rescission
26 resolution to the county treasurer or to any other official who
27 discharges the duties commonly assigned to the county treasurer not

1 later than September 1 preceding the beginning of the first day of
2 the county fiscal year. The commissioners court may adopt an
3 additional resolution in the manner provided by Subsection (e)
4 after rescinding a previous resolution under that subsection.

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

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

9 (2) October 1, 2030.

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

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

15 Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT
16 FACILITIES: GOVERNMENT CODE. The clerk of a district court in
17 Hidalgo County and the clerk of a district court in Cameron County
18 shall collect an additional filing fee of not more than \$40 under
19 Section 51.711, Government Code, in civil cases to fund the
20 construction, renovation, or improvement of court facilities, if
21 authorized by the county commissioners court.

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

24 Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR
25 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county
26 court in Hidalgo County and the clerk of a statutory county court in
27 Cameron County shall collect an additional filing fee of not more

1 than \$40 under Section 51.711, Government Code, in civil cases to
2 fund the construction, renovation, or improvement of court
3 facilities, if authorized by the county commissioners court.

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

6 Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR
7 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory
8 probate court in Hidalgo County shall collect an additional filing
9 fee of not more than \$40 under Section 51.711, Government Code, in
10 civil cases to fund the construction, renovation, or improvement of
11 court facilities, if authorized by the county commissioners court.

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

14 (g) The county clerk of a county shall, if the commissioners
15 court of the county adopts the fee, collect the following fee from
16 any person:

17 Real Property Records Filing (Sec. 118.0131)
18 not more than \$10

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

21 Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES:
22 HIDALGO COUNTY AND CAMERON COUNTY. The county clerk of Hidalgo
23 County and the county clerk of Cameron County may assess an
24 additional fee not to exceed \$10 for real property records filing to
25 fund the construction, renovation, or improvement of court
26 facilities, if authorized by the commissioners court of the county.

27 SECTION 7. The changes in law made by this Act apply only to

1 a fee that becomes payable on or after the effective date of this
2 Act. A fee that becomes payable before that date is governed by the
3 law in effect when the fee became payable, and the former law is
4 continued in effect for that purpose.

5 SECTION 8. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.