

SUBJECT: Allowing certain Hidalgo County court fees to fund court improvements

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Smithee, Farrar, Clardy, Hernandez, Raymond, Schofield, Sheets, S. Thompson

0 nays

1 present, not voting — Laubenberg

WITNESSES: For — Sergio Cruz, County of Hidalgo, Texas; Rudy Gonzalez, Bobby Villarreal, Hidalgo County Judge Ramon Garcia; (*Registered, but did not testify*: Ramiro Garza, Edinburg City Council; John Dahill, Donald Lee, Texas Conference of Urban Counties)

Against — None

BACKGROUND: The Hidalgo County Courthouse was originally built in 1954 to accommodate five courts serving a small rural community. Since then, the county has grown to become the eighth largest in the state with a population nearing 900,000 residents. The county now has 24 judicial courts, and the existing building can no longer adequately support the needs of the county.

DIGEST: CSHB 2868 would allow the Hidalgo county clerk to collect a filing fee up to \$20 in each civil case filed in the court to be used for the construction, renovation, or improvement of the Hidalgo County civil court facilities. The clerk would send the fees collected to the county treasurer or other official handling those duties at least once monthly. The treasurer or other official would deposit the fees in a special account in the county treasury dedicated to improvement of the courts.

The bill would authorize the fee for a 12-month period beginning October 1 of any year, if the commissioners court:

- adopted a resolution authorizing a fee up to \$20;
- adopted a resolution requiring the county to spend one dollar for every dollar spent from the special account; and
- filed the resolutions with the treasurer or other official before September 1 of the same year.

Any resolution adopted by the commissioners court would continue from year to year until October 1, 2030, allowing the county to collect fees until the resolution was rescinded. The commissioners court could rescind a resolution by adopting a rescinding resolution and submitting it to the county treasurer or other official by September 1 of any year. If the commissioner's court rescinded a resolution, it still could adopt an additional resolution to resume collecting fees.

The county could make a required expenditure to match the expenditures from the special account at any time.

The bill also would allow the Hidalgo County district court, statutory county court, and probate court to collect the fees, if authorized by the commissioners court, under the same procedures that the county court would follow.

Under the bill, the Hidalgo County county clerk also would be able to collect filing fees up to \$10 for filing of real property records.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply only to fees that became payable on or after that date.