

## **BILL ANALYSIS**

Senate Research Center  
80R9075 KLA-F

S.B. 2030  
By: Wentworth  
Jurisprudence  
4/20/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Hays County is planning to construct a new courts complex that will cost nearly \$47 million. Alternate ways of raising money may be necessary in order to ensure that the county can adequately fund this project.

As proposed, S.B. 2030 provides for an additional filing fee not to exceed \$15 for civil cases in certain courts in Hays County to be used exclusively for the construction, renovation, or improvement of Hays County civil court facilities. This bill requires the commissioners court to adopt a resolution before collecting said fee, and provides that such a resolution continues from year to year until July 1, 2022, or until the resolution is rescinded.

### **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 51.707, as follows:

Sec. 51.707. ADDITIONAL FILING FEE FOR CIVIL CASES IN HAYS COUNTY.

- (a) Provides that this section applies only to certain courts in Hays County.
- (b) Requires the clerk of a court to collect a filing fee of not more than \$15 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Hays County civil courts, except as otherwise provided by this section and in addition to all other fees authorized or required by law.
- (c) Requires court fees under this section to 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 or to any other official serving in the capacity of county treasurer (other official) at least 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 courts collecting the fee.
- (e) Provides that this section applies only to fees for a 12-month period beginning July 1 if the commissioners court adopts and files certain resolutions (fee resolution) related to such a fee.
- (f) Provides that a fee resolution continues from year to year until July 1, 2022, allowing courts to collect fees under the terms of this section until the resolution is rescinded.
- (g) Authorizes the commissioners court to rescind a fee resolution by adopting a rescission resolution and submitting such a resolution to the county treasurer or

other official not later than June 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 adopting a rescission resolution.

(h) Provides that a fee established under a particular resolution is abolished on the date a resolution is rescinded as provided by Subsection (g) or July 1, 2022, whichever is earlier.

(i) Authorizes the county to make the required expenditure described by Subsection (e)(2) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Amends Section 101.061, Government Code, to include the fee authorized under Section 51.707, Government Code, as a fee or cost that the clerk of a district court is required to collect.

SECTION 3. Amends Section 101.081, Government Code, to include the fee authorized under Section 51.707, Government Code, as a fee or cost that the clerk of a statutory county court is required to collect.

SECTION 4. Amends Section 101.101, Government Code, to include the fee authorized under Section 51.707, Government Code, as a fee or cost that the clerk of a statutory probate court is required to collect.

SECTION 5. Amends Section 101.141, Government Code, to include the fee authorized under Section 51.707, Government Code, as a fee or cost that the clerk of a justice county court is required to collect.

SECTION 6. Effective date: upon passage or September 1, 2007.