

BILL ANALYSIS

Senate Research Center
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S.B. 1891
By: Watson
Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current Heman Marion Sweatt Travis County Courthouse was built in the 1930s and is overcrowded and inadequate to the needs of the people it serves. The need for significant improvements—up to and including the construction of a new civil and family courthouse—is well-documented, but the costs of such improvements are significant.

Within the last decade, legislation was passed allowing Bexar, Hays and Dallas Counties to assess an additional fee on civil cases as a revenue source to help improve courthouse facilities. Travis County seeks to emulate their model.

S.B. 1891 amends the Government Code to provide for the collection of a court filing fee of \$15 in certain civil cases filed in a district court, statutory probate court, or county court at law in Travis County for construction, renovation, and improvement of court facilities. The bill makes the \$15 fee contingent on a commissioners court resolution and subject to rescission by the commissioners court. The fee will expire in 2028, unless rescinded by the commissioners court before 2028.

As proposed, S.B. 1891 amends current law relating to the imposition of an additional fee for filing civil cases in certain Travis County courts.

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 51.709, as follows:

Sec. 51.709. ADDITIONAL FILING FEE FOR CIVIL CASES IN TRAVIS COUNTY.

(a) Provides that this section applies only to district courts, probate courts, and county courts at law in Travis County.

(b) Requires the clerk of a court, except as otherwise provided by this section and in addition to all other fees authorized or required by other law, 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 Travis County civil courts.

(c) Requires that court fees due under this section 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 who discharges the duties commonly assigned to the county treasurer at least as frequently as 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 October 1, if the commissioners court:

(1) adopts a resolution authorizing a fee of not more than \$15;

(2) adopts a resolution requiring the county 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) 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) Provides that a resolution adopted under Subsection (e) continues from year to year until October 1, 2028, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) Authorizes the commissioners court to 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 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 rescinding a previous resolution under that subsection.

(h) Provides that a fee established under a particular resolution is abolished on the earlier of the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g) or October 1, 2028.

(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 Subchapter D, Chapter 101, Government Code, by adding Section 101.06120, as follows:

Sec. 101.06120. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. Requires the clerk of a district court in Travis County to collect an additional filing fee of not more than \$15 under Section 51.709, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.08119, as follows:

Sec. 101.08119. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. Requires the clerk of a statutory county court in Travis County to collect an additional filing fee of not more than \$15 under Section 51.709, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Amends Subchapter F, Chapter 101, Government Code, by adding Section 101.10118, as follows:

Sec. 101.10118. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. Requires the clerk of a statutory probate court in Travis County to collect an additional filing fee of not more than \$15 under Section 51.709, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Effective date: upon passage or September 1, 2013.