



Travis County Commissioners Court Agenda Request

Meeting Date: Tuesday, August 13, 2013
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Elected/Appointed Official/Dept. Head: Deece Eckstein, 854-9754
Commissioners Court Sponsor: Judge Biscoe

AGENDA LANGUAGE:

CONSIDER AND TAKE APPROPRIATE ACTION ON SETTING AN ADDITIONAL FILING FEE IN CIVIL CASES FOR THE CONSTRUCTION, RENOVATION OR IMPROVEMENT OF THE FACILITIES THAT HOUSE THE TRAVIS COUNTY CIVIL COURTS, AS AUTHORIZED BY SENATE BILL 1891, 83RD TEXAS LEGISLATURE, REGULAR SESSION.

SUMMARY AND IGR COORDINATOR RECOMMENDATION:

Senate Bill 1891, passed during the Regular Session of the 83rd Texas Legislature, permits the Court to set an additional filing fee of up to \$15 in all civil cases, with the proceeds matched by the county and dedicated to the construction, renovation, or improvement of the facilities that house the Travis County civil courts.

The Intergovernmental Relations Office recommends that the Court adopt the attached resolution.

BACKGROUND:

Litigants in the civil courts in Texas pay fees of at least \$252 to file a case. The filing fees go into a variety of funds to operate the State's civil court system. A list of the elements of the fee and their allocation is attached.

The current Heman Marion Sweatt Travis County Courthouse was built in the 1930s and is overcrowded and inadequate for 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 great and well-documented, but the costs of such improvements are significant.

In recent years, legislation has been passed allowing Dallas¹, Bexar², and Hays³ counties to assess an additional fee on civil cases as a revenue source to help improve courthouse facilities.⁴ These bills have been very successful in helping those counties to upgrade their civil court facilities.

[Senate Bill 1891](#), authored by Senator Kirk Watson and sponsored in the House by Representative Donna Howard, permits Travis County to do the same. Passage of this legislation was a priority issue for the Commissioners Court during the session.

ISSUES AND OPPORTUNITIES:

The goal of the legislation is to create a new revenue source to partially offset the financial cost of improvements to courthouse facilities, including construction for a new civil and family justice center. Such a user fee would supplement more extensive funding from other scarce County resources.

Key features of SB 1891:

- Commissioners Court has the authority to collect an additional filing fee on all civil cases of up to \$15;
- The amount of the fee would be set by the Commissioners Court;
- The Court may review the fee every year and decide to modify or even stop collecting it;
- The fee revenues would go into a special account in the county treasury, and the same amount must be matched by the county;
- That money would be administered by the Court and be available for “the construction, renovation, or improvement of the facilities that house the Travis County civil courts.”
- The entire legislation sunsets in 15 years (2028).

The statute requires that the Court adopt a resolution imposing the fee by September 1 before any year in which the Court seeks to collect that fee. A draft resolution for the Court’s consideration, setting the fee amount at the \$15 maximum, is attached.

¹ TEX. GOVT. CODE §51.705.

² TEX. GOVT. CODE §51.706.

³ TEX. GOVT. CODE §51.707.

⁴ Also, during the Regular Session the Legislature passed [SB 1827](#), which creates a similar filing fee in Rockwall County.

A separate bill, [SB 390](#), moves the effective date of any new or modified fee to January 1 following the adoption of the fee, so this fee will take effect on January 1, 2014.

FISCAL IMPACT AND SOURCE OF FUNDING: The Auditor's Office estimates that, for the nine-month period from January 1 to September 30, 2014, the fee will raise approximately \$231,000. The Planning and Budget Office confirms that the FY 2014 Preliminary Budget includes a reserve that could be used for the county match.

REQUIRED AUTHORIZATIONS: None.

NAMES, PHONE NUMBERS AND EMAIL ADDRESSES OF PERSONS WHO MIGHT BE AFFECTED BY OR BE INVOLVED WITH THIS REQUEST:

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ATTACHMENTS:

1. Travis County District Clerk, Schedule of Court Costs and Fees, http://www.co.travis.tx.us/district_clerk/fees.asp, downloaded February 14, 2013.
2. Travis County Attorney, Draft Resolution to Implement the Provisions of SB 1891, August 5, 2013.

CIVIL FEES

The District Clerk of Travis County provides this Schedule of Court Costs and Fees for your convenience. The filing fees for civil cases is authorized by several statutes and is comprised of the following fees.

District Courts Fee Schedule

Costs and Fees

TOTAL FEE FOR ORIGINAL PETITION – CIVIL, NON-FAMILY	\$ 252.00
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Appellate Judicial System (22.2041, Gov Code)	\$ 5.00
Clerk's fee (51.317 Gov.)	\$ 50.00
Records Preservation fee (51.708 Gov.)	\$ 10.00
State fee (Sect 133.151 Loc. Gov.)	\$ 50.00
Court Reporter fee (51.601 Gov.)	\$ 15.00
Courthouse Security fee (291.007 Loc. Gov.)	\$ 5.00
Law Library fee (323.023 Loc. Gov.)	\$ 35.00
ADRS (152.004 Civ. Prac. & Rem.)	\$ 15.00
Indigent Legal fee (51.901 Gov.)	\$ 10.00
Judicial Pay Fund (133.154 Loc. Gov)	\$ 42.00
District Court Records Archive Fee (51.305 Gov)	\$ 5.00
Records Management Fee	\$ 10.00

Fees for other pleadings or services can be found within the Government Code, Local Government Code, Code of Criminal Procedure, and Family Code.

How to use the Schedule of Court Costs

Instructions for Calculating Fees

How often do fees change?

Statutory fees are generally changed every odd-numbered year when the Texas Legislature meets. Fees set by Commissioners' Court can be changed annually as part of the Travis County budget process.

Original Petitions

Charged when a new cause of action is filed

Original Petitions (Non-Family)

Registration of Foreign Judgment

Severed Cause of Action - Occupational License - Expunction - Non-Disclosure

1 - 10 Plaintiffs	\$ 252.00
11 - 25 Plaintiffs	\$ 277.00
26 - 100 Plaintiffs	\$ 302.00
101 - 500 Plaintiffs	\$ 327.00

Source: http://www.co.travis.tx.us/district_clerk/fees.asp, downloaded February 14, 2013

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION OF THE COMMISSIONERS COURT

Pursuant to Section 51.709 of the TEXAS GOVERNMENT CODE, this COURT ORDERS and RESOLVES that:

1. It authorizes a fee of \$15 in each civil case filed in the district courts, probate courts and county courts of law in Travis County, beginning January 1, 2014.
2. For every dollar spent from the special account in the Travis County Treasury, as described in Section 51.709, and dedicated for the construction, renovation or improvement of the facilities that house the courts collecting the fee, Travis County shall spend one additional dollar of funds for the construction, renovation or improvement of such facilities from another account.
3. This fee shall continue to be collected until October 1, 2028, or until this Court rescinds the fee, or the State Legislature rescinds the authority to collect the fee.

ORDERED THIS _____ DAY OF _____ 2013.

TRAVIS COUNTY COMMISSIONERS COURT

Samuel T. Biscoe, County Judge

Ron Davis
Commissioner, Precinct One

Bruce Todd
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four