

1-1 By: Madla S.B. No. 1003
1-2 (In the Senate - Filed March 4, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 29, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 29, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1003 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an additional filing fee for civil cases filed in Bexar
1-11 County.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter H, Chapter 51, Government Code, is
1-14 amended by adding Section 51.706 to read as follows:

1-15 Sec. 51.706. ADDITIONAL FILING FEE FOR CIVIL CASES IN BEXAR
1-16 COUNTY. (a) This section applies only to district courts, probate
1-17 courts, county courts at law, and justice courts in Bexar County.
1-18 This section does not apply to small claims courts in Bexar County.

1-19 (b) In addition to all other fees authorized or required by
1-20 other law, the clerk of a court shall collect a filing fee of not
1-21 more than \$15 in each civil case filed in the court to be used for
1-22 the construction, renovation, or improvement of the facilities that
1-23 house the Bexar County civil courts.

1-24 (c) Court fees due under this section shall be collected in
1-25 the same manner as other fees, fines, or costs are collected in the
1-26 case.

1-27 (d) The clerk shall send the fees collected under this
1-28 section to the county treasurer or to any other official who
1-29 discharges the duties commonly assigned to the county treasurer at
1-30 least as frequently as monthly. The treasurer or other official
1-31 shall deposit the fees in a special account in the county treasury
1-32 dedicated to the construction, renovation, or improvement of the
1-33 facilities that house the courts collecting the fee.

1-34 (e) This section applies only to fees for a 12-month period
1-35 beginning October 1, if the commissioners court:

1-36 (1) adopts a resolution authorizing a fee of not more
1-37 than \$15;

1-38 (2) adopts a resolution requiring the county to spend
1-39 one dollar for the construction, renovation, or improvement of the
1-40 court facilities for each dollar spent from the special account
1-41 dedicated to that purpose; and

1-42 (3) files the resolutions with the county treasurer or
1-43 with any other official who discharges the duties commonly assigned
1-44 to the county treasurer not later than September 1 immediately
1-45 preceding the first 12-month period during which the fees are to be
1-46 collected.

1-47 (f) A resolution adopted under Subsection (e) continues
1-48 from year to year until October 1, 2020, allowing the county to
1-49 collect fees under the terms of this section until the resolution is
1-50 rescinded.

1-51 (g) The commissioners court may rescind a resolution
1-52 adopted under Subsection (e) by adopting a resolution rescinding
1-53 the resolution and submitting the rescission resolution to the
1-54 county treasurer or to any other official who discharges the duties
1-55 commonly assigned to the county treasurer not later than September
1-56 1 preceding the beginning of the first day of the county fiscal
1-57 year. The commissioners court may adopt an additional resolution
1-58 in the manner provided by Subsection (e) after rescinding a
1-59 previous resolution under that subsection.

1-60 (h) A fee established under a particular resolution is
1-61 abolished on the earlier of:

1-62 (1) the date a resolution adopted under Subsection (e)
1-63 is rescinded as provided by Subsection (g); or

2-1 (2) October 1, 2020.

2-2 (i) The county may make the required expenditure described
2-3 by Subsection (e)(2) at any time, regardless of when the
2-4 expenditure from the special account occurs.

2-5 SECTION 2. Section 101.061, Government Code, is amended to
2-6 read as follows:

2-7 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a
2-8 district court shall collect fees and costs as follows:

2-9 (1) filing fee in action with respect to a fraudulent
2-10 court record or fraudulent lien or claim filed against property
2-11 (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

2-12 (2) fee for service of notice of action with respect to
2-13 a fraudulent court record or fraudulent lien or claim filed against
2-14 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
2-15 to exceed \$20, if notice delivered in person, or the cost of
2-16 postage, if service is by registered or certified mail;

2-17 (3) court cost in certain civil cases to establish and
2-18 maintain an alternative dispute resolution system, if authorized by
2-19 the county commissioners court (Sec. 152.004, Civil Practice and
2-20 Remedies Code) . . . not to exceed \$10;

2-21 (4) appellate judicial system filing fees for:

2-22 (A) First or Fourteenth Court of Appeals District
2-23 (Sec. 22.2021, Government Code) . . . not more than \$5;

2-24 (B) Second Court of Appeals District (Sec.
2-25 22.2031, Government Code) . . . not more than \$5;

2-26 (C) Fourth Court of Appeals District (Sec.
2-27 22.2051, Government Code) . . . not more than \$5;

2-28 (D) Fifth Court of Appeals District (Sec.
2-29 22.2061, Government Code) . . . not more than \$5; and

2-30 (E) Thirteenth Court of Appeals District (Sec.
2-31 22.2141, Government Code) . . . not more than \$5;

2-32 (5) additional filing fees:

2-33 (A) for each suit filed for insurance contingency
2-34 fund, if authorized by the county commissioners court (Sec. 51.302,
2-35 Government Code) . . . not to exceed \$5;

2-36 (B) for each civil suit filed, for court-related
2-37 purposes for the support of the judiciary and for civil legal
2-38 services to an indigent:

2-39 (i) for family law cases and proceedings as
2-40 defined by Section 25.0002, Government Code (Sec. 133.151, Local
2-41 Government Code) . . . \$45; or

2-42 (ii) for any case other than a case
2-43 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
2-44 . . . \$50;

2-45 (C) to fund the improvement of Dallas County
2-46 civil court facilities, if authorized by the county commissioners
2-47 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

2-48 (D) on the filing of any civil action or
2-49 proceeding requiring a filing fee, including an appeal, and on the
2-50 filing of any counterclaim, cross-action, intervention,
2-51 interpleader, or third-party action requiring a filing fee, to fund
2-52 civil legal services for the indigent:

2-53 (i) for family law cases and proceedings as
2-54 defined by Section 25.0002, Government Code (Sec. 133.152, Local
2-55 Government Code) . . . \$5; or

2-56 (ii) for any case other than a case
2-57 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
2-58 . . . \$10; and

2-59 (E) to fund the improvement of Bexar County court
2-60 facilities, if authorized by the county commissioners court (Sec.
2-61 51.706, Government Code) . . . not more than \$15;

2-62 (6) for filing a suit, including an appeal from an
2-63 inferior court:

2-64 (A) for a suit with 10 or fewer plaintiffs (Sec.
2-65 51.317, Government Code) . . . \$50;

2-66 (B) for a suit with at least 11 but not more than
2-67 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

2-68 (C) for a suit with at least 26 but not more than
2-69 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

- 3-1 (D) for a suit with at least 101 but not more than
3-2 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
3-3 (E) for a suit with at least 501 but not more than
3-4 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
3-5 (F) for a suit with more than 1,000 plaintiffs
3-6 (Sec. 51.317, Government Code) . . . \$200;
3-7 (7) for filing a cross-action, counterclaim,
3-8 intervention, contempt action, motion for new trial, or third-party
3-9 petition (Sec. 51.317, Government Code) . . . \$15;
3-10 (8) for issuing a citation or other writ or process not
3-11 otherwise provided for, including one copy, when requested at the
3-12 time a suit or action is filed (Sec. 51.317, Government Code) . . .
3-13 \$8;
3-14 (9) for records management and preservation (Sec.
3-15 51.317, Government Code) . . . \$10;
3-16 (10) for issuing a subpoena, including one copy (Sec.
3-17 51.318, Government Code) . . . \$8;
3-18 (11) for issuing a citation, commission for
3-19 deposition, writ of execution, order of sale, writ of execution and
3-20 order of sale, writ of injunction, writ of garnishment, writ of
3-21 attachment, or writ of sequestration not provided for in Section
3-22 51.317, or any other writ or process not otherwise provided for,
3-23 including one copy if required by law (Sec. 51.318, Government
3-24 Code) . . . \$8;
3-25 (12) for searching files or records to locate a cause
3-26 when the docket number is not provided (Sec. 51.318, Government
3-27 Code) . . . \$5;
3-28 (13) for searching files or records to ascertain the
3-29 existence of an instrument or record in the district clerk's office
3-30 (Sec. 51.318, Government Code) . . . \$5;
3-31 (14) for abstracting a judgment (Sec. 51.318,
3-32 Government Code) . . . \$8;
3-33 (15) for approving a bond (Sec. 51.318, Government
3-34 Code) . . . \$4;
3-35 (16) for a certified copy of a record, judgment,
3-36 order, pleading, or paper on file or of record in the district
3-37 clerk's office, including certificate and seal, for each page or
3-38 part of a page (Sec. 51.318, Government Code) . . . \$1;
3-39 (17) for a noncertified copy, for each page or part of
3-40 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
3-41 (18) jury fee (Sec. 51.604, Government Code) . . .
3-42 \$30;
3-43 (19) for filing a report of divorce or annulment (Sec.
3-44 194.002, Health and Safety Code) . . . \$1;
3-45 (20) for filing a suit in Comal County (Sec. 152.0522,
3-46 Human Resources Code) . . . \$4;
3-47 (21) additional filing fee for family protection on
3-48 filing a suit for dissolution of a marriage under Chapter 6, Family
3-49 Code, if authorized by the county commissioners court (Sec. 51.961,
3-50 Government Code) . . . not to exceed \$15;
3-51 (22) fee on filing a suit for dissolution of a marriage
3-52 for services of child support department in Harris County, if
3-53 authorized by the county commissioners court (Sec. 152.1074, Human
3-54 Resources Code) . . . not to exceed \$12;
3-55 (23) fee on filing a suit requesting an adoption in
3-56 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;
3-57 (24) court cost on citation for contempt of court for
3-58 failure to comply with child support order in Nueces County, if
3-59 authorized by the commissioners court (Sec. 152.1844, Human
3-60 Resources Code) . . . not to exceed \$10;
3-61 (25) fee on filing a suit for divorce in Orange County
3-62 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;
3-63 (26) court costs on citation for contempt of court in
3-64 Orange County for failure to comply with a child support order or
3-65 order providing for possession of or access to a child (Sec.
3-66 152.1873, Human Resources Code) . . . amount determined by district
3-67 clerk;
3-68 (27) fee on filing a suit requesting an adoption in
3-69 Orange County (Sec. 152.1874, Human Resources Code) . . . not less

4-1 than \$25;

4-2 (28) fee on filing a suit requesting an adoption in

4-3 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;

4-4 (29) additional filing fee to fund the courthouse

4-5 security fund, if authorized by the county commissioners court

4-6 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

4-7 (30) additional filing fee for filing documents not

4-8 subject to certain filing fees to fund the courthouse security

4-9 fund, if authorized by the county commissioners court (Sec.

4-10 291.008, Local Government Code) . . . \$1;

4-11 (31) additional filing fee to fund the courthouse

4-12 security fund in Webb County, if authorized by the county

4-13 commissioners court (Sec. 291.009, Local Government Code) . . . not

4-14 to exceed \$20;

4-15 (32) court cost in civil cases other than suits for

4-16 delinquent taxes to fund the county law library fund, if authorized

4-17 by the county commissioners court (Sec. 323.023, Local Government

4-18 Code) . . . not to exceed \$35;

4-19 (33) when administering a case for the Rockwall County

4-20 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and

4-21 court costs as if the case had been filed in district court;

4-22 (34) at a hearing held by an associate judge in Dallas

4-23 County, a court cost to preserve the record, in the absence of a

4-24 court reporter, by other means (Sec. 54.509, Government Code) . . .

4-25 as assessed by the referring court or associate judge; and

4-26 (35) at a hearing held by an associate judge in Duval

4-27 County, a court cost to preserve the record (Sec. 54.1151,

4-28 Government Code, as added by Chapter 1150, Acts of the 78th

4-29 Legislature, Regular Session, 2003) . . . as imposed by the

4-30 referring court or associate judge.

4-31 SECTION 3. This Act takes effect immediately if it receives

4-32 a vote of two-thirds of all the members elected to each house, as

4-33 provided by Section 39, Article III, Texas Constitution. If this

4-34 Act does not receive the vote necessary for immediate effect, this

4-35 Act takes effect September 1, 2005.

4-36 * * * * *