

By: Hartnett

H.B. No. 1442

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to compensation paid to statutory county court judges and  
3 certain fees collected by statutory county courts.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 25.0005(a) and (b), Government Code,  
6 are amended to read as follows:

7 (a) A statutory county court judge, other than a statutory  
8 county court judge who engages in the private practice of law [~~or a~~  
9 ~~judge in whose court fees and costs under Sections 51.702(a) and (b)~~  
10 ~~are not collected~~], shall be paid a total annual salary set by the  
11 commissioners court at an amount that is not less than [~~at least~~  
12 ~~equal to the amount that is~~] \$1,000 less than the total annual  
13 salary received by a district judge in the county [~~on August 31,~~  
14 ~~1999~~]. A district judge's or statutory county court judge's total  
15 annual salary includes contributions and supplements, paid by the  
16 state or a county, other than contributions received as  
17 compensation under Section 74.051.

18 (b) Subject to any salary requirements otherwise imposed by  
19 this chapter for a particular court or county, the commissioners  
20 court sets the salary of each statutory county court judge who  
21 engages in the private practice of law [~~or in whose court fees and~~  
22 ~~costs under Sections 51.702(a) and (b) are not collected~~].

23 SECTION 2. Section 25.0015(a), Government Code, is amended  
24 to read as follows:

1 (a) Beginning on the first day of the state fiscal year, the  
2 state shall annually compensate each county [~~that collects the~~  
3 ~~additional fees and costs under Sections 51.702(a) and (b)] in an~~  
4 amount equal to 60 percent of the state salary of a district court  
5 judge in the county [~~\$35,000~~] for each statutory county court judge  
6 in the county who:

7 (1) does not engage in the private practice of law; and

8 (2) presides over a court with at least the  
9 jurisdiction provided by Section 25.0003[~~; and~~

10 [~~(3) except as provided by Section 25.0005(d), is not~~  
11 ~~excluded from the application of Section 25.0003 or Section~~  
12 ~~25.0005]~~.

13 SECTION 3. Section 25.0016(c), Government Code, is amended  
14 to read as follows:

15 (c) In determining the amount deposited in the judicial fund  
16 under Section 51.702 [~~for a county that collects fees and costs as~~  
17 ~~provided by that section]~~, the comptroller shall credit \$40 of each  
18 fee deposited in the judicial fund under Section 51.701 by that  
19 county for cases assigned to a statutory county court as fees  
20 deposited under Section 51.702.

21 SECTION 4. Section 25.0292(f), Government Code, is amended  
22 to read as follows:

23 (f) The Commissioners Court of Burnet County shall set the  
24 salary of each judge of a county court at law who engages in the  
25 private practice of law [~~or in whose court fees and costs under~~  
26 ~~Sections 51.702(a) and (b) are not collected]~~.

27 SECTION 5. The heading to Section 51.702, Government Code,

1 is amended to read as follows:

2           Sec. 51.702. ADDITIONAL FEES AND COSTS IN [CERTAIN]  
3 STATUTORY COUNTY COURTS.

4           SECTION 6. Section 51.702(a), Government Code, is amended  
5 to read as follows:

6           (a) The [~~Except as provided by Subsection (g), in addition~~  
7 ~~to all other fees authorized or required by other law, the~~] clerk of  
8 a statutory county court shall collect a \$40 filing fee in each  
9 civil case filed in the court to be used for court-related purposes  
10 for the support of the judiciary.

11           SECTION 7. Section 101.081, Government Code, is amended to  
12 read as follows:

13           Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The  
14 clerk of a statutory county court shall collect fees and costs as  
15 follows:

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

20           (2) appellate judicial system filing fees:

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

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

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

27                   (D) Fifth Court of Appeals District (Sec.

1 22.2061, Government Code) . . . not more than \$5; and

2 (E) Thirteenth Court of Appeals District (Sec.  
3 22.2141, Government Code) . . . not more than \$5;

4 (3) an official court reporter fee, County Court at  
5 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

6 (4) a court reporter fee when testimony is taken in a  
7 county court at law in McLennan County (Sec. 25.1572, Government  
8 Code) . . . \$3;

9 (5) a stenographer fee, if a record or part of a record  
10 is made:

11 (A) in a county court at law in Hidalgo County  
12 (Sec. 25.1102, Government Code) . . . \$20; and

13 (B) in a county court at law in Nolan County (Sec.  
14 25.1792, Government Code) . . . \$25;

15 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

16 (7) an additional filing fee:

17 (A) for each civil case filed to be used for  
18 court-related purposes for the support of the judiciary[~~if~~  
19 ~~authorized by the county commissioners court~~] (Sec. 51.702,  
20 Government Code) . . . \$40;

21 (B) to fund the improvement of Dallas County  
22 civil court facilities, if authorized by the county commissioners  
23 court (Sec. 51.705, Government Code) . . . not more than \$15; and

24 (C) for filing any civil action or proceeding  
25 requiring a filing fee, including an appeal, and on the filing of  
26 any counterclaim, cross-action, intervention, interpleader, or  
27 third-party action requiring a filing fee, to fund civil legal

1 services for the indigent (Sec. 133.153, Local Government Code)  
2 . . . \$5;

3 (8) for filing an application for registration of  
4 death (Sec. 193.007, Health and Safety Code) . . . \$1;

5 (9) fee for judge's services on an application for  
6 court-ordered mental health services (Sec. 574.031, Health and  
7 Safety Code) . . . not to exceed \$ 50;

8 (10) fee for prosecutor's services on an application  
9 for court-ordered mental health services (Sec. 574.031, Health and  
10 Safety Code) . . . not to exceed \$50;

11 (11) for filing a suit in Comal County (Sec. 152.0522,  
12 Human Resources Code) . . . \$4;

13 (12) additional filing fee to fund contingency fund  
14 for liability insurance, if authorized by the county commissioners  
15 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

16 (13) civil court actions (Sec. 118.052, Local  
17 Government Code):

18 (A) filing of original action (Secs. 118.052 and  
19 118.053, Local Government Code):

20 (i) garnishment after judgment (Sec.  
21 118.052, Local Government Code) . . . \$15; and

22 (ii) all others (Sec. 118.052, Local  
23 Government Code) . . . \$40;

24 (B) filing of action other than original (Secs.  
25 118.052 and 118.054, Local Government Code) . . . \$30; and

26 (C) services rendered after judgment in original  
27 action (Secs. 118.052 and 118.0545, Local Government Code):

1 (i) abstract of judgment (Sec. 118.052,  
2 Local Government Code) . . . \$ 5; and

3 (ii) execution, order of sale, writ, or  
4 other process (Sec. 118.052, Local Government Code) . . . \$5;

5 (14) probate court actions (Sec. 118.052, Local  
6 Government Code):

7 (A) probate original action (Secs. 118.052 and  
8 118.055, Local Government Code):

9 (i) probate of a will with independent  
10 executor, administration with will attached, administration of an  
11 estate, guardianship or receivership of an estate, or muniment of  
12 title (Sec. 118.052, Local Government Code) . . . \$40;

13 (ii) community survivors (Sec. 118.052,  
14 Local Government Code) . . . \$ 40;

15 (iii) small estates (Sec. 118.052, Local  
16 Government Code) . . . \$40;

17 (iv) declarations of heirship (Sec.  
18 118.052, Local Government Code) . . . \$40;

19 (v) mental health or chemical dependency  
20 services (Sec. 118.052, Local Government Code) . . . \$40; and

21 (vi) additional, special fee (Secs. 118.052  
22 and 118.064, Local Government Code) . . . \$5;

23 (B) services in pending probate action (Secs.  
24 118.052 and 118.056, Local Government Code):

25 (i) filing an inventory and appraisalment  
26 after the 120th day after the date of the initial filing of the  
27 action (Sec. 118.052, Local Government Code) . . . \$25;

- 1                   (ii) approving and recording bond (Sec.  
2 118.052, Local Government Code) . . . \$3;
- 3                   (iii) administering oath (Sec. 118.052,  
4 Local Government Code) . . . \$2;
- 5                   (iv) filing annual or final account of  
6 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 7                   (v) filing application for sale of real or  
8 personal property (Sec. 118.052, Local Government Code). . . \$25;
- 9                   (vi) filing annual or final report of  
10 guardian of a person (Sec. 118.052, Local Government Code) . . .  
11 \$10; and
- 12                   (vii) filing a document not listed under  
13 this paragraph after the filing of an order approving the inventory  
14 and appraisement or after the 120th day after the date of the  
15 initial filing of the action, whichever occurs first (Secs. 118.052  
16 and 191.007, Local Government Code), if more than 25 pages . . .  
17 \$25;
- 18                   (C) adverse probate action (Secs. 118.052 and  
19 118.057, Local Government Code) . . . \$40; and
- 20                   (D) claim against estate (Secs. 118.052 and  
21 118.058, Local Government Code) . . . \$2;
- 22                   (15) other fees (Sec. 118.052, Local Government Code):
- 23                   (A) issuing document (Secs. 118.052 and 118.059,  
24 Local Government Code):
- 25                   (i) original document and one copy (Sec.  
26 118.052, Local Government Code) . . . \$4; and
- 27                   (ii) each additional set of an original and

1 one copy (Sec. 118.052, Local Government Code) . . . \$4;

2 (B) certified papers (Secs. 118.052 and 118.060,  
3 Local Government Code):

4 (i) for the clerk's certificate (Sec.  
5 118.052, Local Government Code) . . . \$5; and

6 (ii) a fee per page or part of a page (Sec.  
7 118.052, Local Government Code) . . . \$1;

8 (C) noncertified papers, for each page or part of  
9 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
10 \$1;

11 (D) letters testamentary, letter of  
12 guardianship, letter of administration, or abstract of judgment  
13 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

14 (E) safekeeping of wills (Secs. 118.052 and  
15 118.062, Local Government Code) . . . \$5;

16 (F) mail service of process (Secs. 118.052 and  
17 118.063, Local Government Code) . . . same as sheriff; and

18 (G) records management and preservation fee  
19 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)  
20 . . . \$5;

21 (16) additional filing fee to fund the courthouse  
22 security fund, if authorized by the county commissioners court  
23 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

24 (17) additional filing fee for filing documents not  
25 subject to certain filing fees to fund the courthouse security  
26 fund, if authorized by the county commissioners court (Sec.  
27 291.008, Local Government Code) . . . \$1;



1           (18) additional filing fee to fund the courthouse  
2 security fund in Webb County, if authorized by the county  
3 commissioners court (Sec. 291.009, Local Government Code) . . . not  
4 to exceed \$20;

5           (19) court cost in civil cases other than suits for  
6 delinquent taxes to fund the county law library fund, if authorized  
7 by the county commissioners court (Sec. 323.023, Local Government  
8 Code) . . . not to exceed \$35;

9           (20) fee for deposit of a will with the county clerk  
10 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

11           (21) court cost for each special commissioner in an  
12 eminent domain proceeding (Sec. 21.047, Property Code). . . as  
13 taxed by the court, \$10 or more;

14           (22) fee for county attorney in a suit regarding a  
15 railroad company's failure to keep roadbed and right-of-way in  
16 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .  
17 \$10;

18           (23) court fees and costs, if ordered by the court, for  
19 a suit filed by an inmate in which an affidavit or unsworn  
20 declaration of inability to pay costs is filed by the inmate (Sec.  
21 14.006, Civil Practice and Remedies Code) . . . the lesser of:

22                   (A) 20 percent of the preceding six months'  
23 deposits to the inmate's trust account administered by the Texas  
24 Department of Criminal Justice under Section 501.014, Government  
25 Code; or

26                   (B) the total amount of court fees and costs;

27           (24) monthly payment for remaining court fees and

1 costs after the initial payment for a suit in which an affidavit or  
2 unsworn declaration of inability to pay costs is filed by the inmate  
3 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser  
4 of:

5 (A) 10 percent of that month's deposit to the  
6 inmate's trust account administered by the Texas Department of  
7 Criminal Justice under Section 501.014, Government Code; or

8 (B) the total amount of court fees and costs that  
9 remain unpaid;

10 (25) the following costs not otherwise charged to the  
11 inmate under Section 14.006, Civil Practice and Remedies Code, if  
12 the inmate has previously filed an action dismissed as malicious or  
13 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

14 (A) expenses of service of process;

15 (B) postage; and

16 (C) transportation, housing, or medical care  
17 incurred in connection with the appearance of the inmate in the  
18 court for any proceeding;

19 (26) the official court reporter's fee taxed as costs  
20 in civil actions in a statutory county court:

21 (A) in Bexar County Courts at Law:

22 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12  
23 (Sec. 25.0172, Government Code) . . . taxed in the same manner as  
24 the fee is taxed in district court; and

25 (ii) No. 2 (Sec. 25.0172, Government Code)  
26 . . . \$3;

27 (B) in Galveston County (Sec. 25.0862,

1 Government Code) . . . taxed in the same manner as the fee is taxed  
2 in civil cases in the district courts; and

3 (C) in Parker County (Sec. 25.1862, Government  
4 Code) . . . taxed in the same manner as the fee is taxed in civil  
5 cases in the district courts;

6 (27) a stenographer's fee as costs in each civil,  
7 criminal, and probate case in which a record is made by the official  
8 court reporter in a statutory county court in Nolan County (Sec.  
9 25.1792, Government Code) . . . \$25;

10 (28) in Brazoria County, in matters of concurrent  
11 jurisdiction with the district court, fees (Sec. 25.0222,  
12 Government Code) . . . as prescribed by law for district judges  
13 according to the nature of the matter;

14 (29) in Nueces County, in matters of concurrent  
15 jurisdiction with the district court, with certain exceptions, fees  
16 (Sec. 25.1802, Government Code) . . . equal to those in district  
17 court cases;

18 (30) security deposit on filing, by any person other  
19 than the personal representative of an estate, an application,  
20 complaint, or opposition in relation to the estate, if required by  
21 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
22 proceeding;

23 (31) security deposit on filing, by any person other  
24 than the guardian, attorney ad litem, or guardian ad litem, an  
25 application, complaint, or opposition in relation to a guardianship  
26 matter, if required by the clerk (Sec. 622, Texas Probate Code)  
27 . . . probable cost of the guardianship proceeding;

1           (32) for a hearing or proceeding under the Texas  
2 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
3 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .  
4 reasonable compensation to the following persons appointed under  
5 the Texas Mental Health Code:

- 6                   (A) attorneys;
- 7                   (B) physicians;
- 8                   (C) language interpreters;
- 9                   (D) sign interpreters; and
- 10                  (E) masters;

11           (33) for a hearing or proceeding under the Texas  
12 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
13 costs (Sec. 571.018, Health and Safety Code):

- 14                   (A) attorney's fees;
- 15                   (B) physician examination fees;
- 16                   (C) expense of transportation to a mental health  
17 facility or to a federal agency not to exceed \$50 if transporting  
18 within the same county and not to exceed the reasonable cost of  
19 transportation if transporting between counties;
- 20                   (D) costs and salary supplements authorized  
21 under Section 574.031, Health and Safety Code; and
- 22                   (E) prosecutors' fees authorized under Section  
23 574.031, Health and Safety Code;

24           (34) expenses of transporting certain patients from  
25 the county of treatment to a hearing in the county in which the  
26 proceedings originated (Sec. 574.008, Health and Safety Code) . . .  
27 actual expenses unless certain arrangements are made to hold the

1 hearing in the county in which the patient is receiving services;

2 (35) expenses for expert witness testimony for an  
3 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
4 authorized by the court as reimbursement to the attorney ad litem,  
5 court-approved expenses;

6 (36) fee for judge's services for holding a hearing on  
7 an application for court-ordered mental health services (Sec.  
8 574.031, Health and Safety Code) . . . as assessed by the judge, not  
9 to exceed \$50;

10 (37) expenses to reimburse judge for holding a hearing  
11 in a hospital or location other than the county courthouse (Sec.  
12 574.031, Health and Safety Code) . . . reasonable and necessary  
13 expenses as certified;

14 (38) fee for services of a prosecuting attorney,  
15 including costs incurred for preparation of documents related to a  
16 hearing on an application for court-ordered mental health services  
17 (Sec. 574.031, Health and Safety Code) . . . as assessed by the  
18 judge, not to exceed \$50; and

19 (39) a fee not otherwise listed in this section that is  
20 required to be collected under Section 25.0008, Government Code  
21 (Sec. 25.0008, Government Code), in a county other than Brazos,  
22 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,  
23 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as  
24 prescribed by law relating to county judges' fees.

25 SECTION 8. The following sections of the Government Code  
26 are repealed:

27 (1) Sections 25.0005(e), (f), and (g);

- 1           (2) Sections 25.0015(b) and (c);  
2           (3) Section 25.0016;  
3           (4) Section 25.0362(e); and  
4           (5) Sections 51.702(f), (g), (h), (i), (j), (k), (l),  
5 and (m).

6           SECTION 9. This Act takes effect October 1, 2007.