

By: Scott

H.B. No. 2880

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the organization of the Court of Appeals for the
3 Thirteenth Court of Appeals District and to the creation of the
4 Fifteenth Court of Appeals District.

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

6 SECTION 1. Section 22.201, Government Code, is amended by
7 amending Subsections (a) and (n) and adding Subsection (p) to read
8 as follows:

9 (a) The state is divided into 15 [~~14~~] courts of appeals
10 districts with a court of appeals in each district.

11 (n) The Thirteenth Court of Appeals District is composed of
12 the counties of Aransas, Bee, Calhoun, [~~Cameron,~~] DeWitt, Goliad,
13 Gonzales, [~~Hidalgo,~~] Jackson, Kenedy, Kleberg, Lavaca, Live Oak,
14 Matagorda, Nueces, Refugio, San Patricio, Victoria, and Wharton[~~7~~
15 ~~and Willacy~~].

16 (p) The Fifteenth Court of Appeals District is composed of
17 the counties of Cameron, Hidalgo, and Willacy.

18 SECTION 2. Sections 22.214(a), (b), and (c), Government
19 Code, are amended to read as follows:

20 (a) The Court of Appeals for the Thirteenth Court of Appeals
21 District shall be held in the City of Corpus Christi [~~and the City~~
22 ~~of Edinburg~~].

23 (b) Nueces County shall furnish and equip suitable rooms in
24 the City of Corpus Christi [~~and Hidalgo County shall furnish and~~

1 ~~equip suitable rooms in the City of Edinburg]~~ for the court and the
2 justices without expense to the state.

3 (c) The court may transact its business at the county seat
4 of any county in the district as the court determines is necessary
5 and convenient [~~, except that:~~

6 [~~(1) all cases originating in Nueces County shall be~~
7 ~~heard and transacted in Nueces County, and~~

8 [~~(2) all cases originating in Cameron, Hidalgo, or~~
9 ~~Willacy County shall be heard and transacted in Cameron, Hidalgo,~~
10 ~~or Willacy County]~~.

11 SECTION 3. Subchapter C, Chapter 22, Government Code, is
12 amended by adding Section 22.2151 to read as follows:

13 Sec. 22.2151. FIFTEENTH COURT OF APPEALS. (a) The Court of
14 Appeals for the Fifteenth Court of Appeals District shall be held in
15 the City of Edinburg.

16 (b) Hidalgo County shall furnish and equip suitable rooms in
17 the City of Edinburg for the court and the justices without expense
18 to the state.

19 (c) The court may transact its business at the county seat
20 of any county in the district as the court determines is necessary
21 and convenient.

22 (d) The commissioners courts of the counties in the district
23 by adopting concurrent orders may authorize the payment of an
24 automobile allowance in an amount not to exceed \$15,000 annually to
25 each of the justices of the court for automobile expenses incurred
26 in performing official duties.

27 (e) The automobile allowance authorized by Subsection (d)

1 is not subject to:

2 (1) the limitations on additional compensation paid to
3 a justice of a court of appeals district imposed by Section 31.003;
4 or

5 (2) the salary differentials provided by Subchapter B,
6 Chapter 659.

7 (f) Hidalgo County shall each fiscal year pay the total
8 amount of the supplemental salaries, car allowances, and fringe
9 benefits to the justices of the court. Each county composing the
10 district, except Hidalgo County, shall annually reimburse Hidalgo
11 County for that county's portion of the total amount paid under this
12 subsection by Hidalgo County during the preceding fiscal year.
13 Each county in the district, including Hidalgo County, is liable
14 for a share of the total amount paid, based on the proportion that
15 county's population bears to the total population of all the
16 counties in the district.

17 (g) The Commissioners Court of Hidalgo County shall provide
18 to each county liable for the reimbursement under Subsection (f) a
19 statement of that county's share. The statement must be approved by
20 the chief justice of the Court of Appeals for the Fifteenth Court of
21 Appeals District. A county shall pay its share of the reimbursement
22 not later than the 60th day after the beginning of the county's
23 fiscal year.

24 SECTION 4. Section 22.216, Government Code, is amended by
25 amending Subsection (m) and adding Subsection (n-1) to read as
26 follows:

27 (m) The Court of Appeals for the Thirteenth Court of Appeals

1 District consists of a chief justice and of two [~~five~~] justices
2 holding places numbered consecutively beginning with Place 2.

3 (n-1) The Court of Appeals for the Fifteenth Court of
4 Appeals District consists of a chief justice and of two justices
5 holding places numbered consecutively beginning with Place 2.

6 SECTION 5. Section 31.001, Government Code, is amended to
7 read as follows:

8 Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.
9 The commissioners courts in the counties of each of the 15 [~~14~~]
10 courts of appeals districts may pay additional compensation in an
11 amount that does not exceed the limitations of Section 659.012 to
12 each of the justices of the courts of appeals residing within the
13 court of appeals district that includes those counties. The
14 compensation is for all extrajudicial services performed by the
15 justices.

16 SECTION 6. Section 101.0611, Government Code, is amended to
17 read as follows:

18 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
19 CODE. The clerk of a district court shall collect fees and costs
20 under the Government Code as follows:

- 21 (1) appellate judicial system filing fees for:
- 22 (A) First or Fourteenth Court of Appeals District
23 (Sec. 22.2021, Government Code) . . . not more than \$5;
- 24 (B) Second Court of Appeals District (Sec.
25 22.2031, Government Code) . . . not more than \$5;
- 26 (C) Third Court of Appeals District (Sec.
27 22.2041, Government Code) . . . \$5;

1 (D) Fourth Court of Appeals District (Sec.
2 22.2051, Government Code) . . . not more than \$5;

3 (E) Fifth Court of Appeals District (Sec.
4 22.2061, Government Code) . . . not more than \$5;

5 (F) Ninth Court of Appeals District (Sec.
6 22.2101, Government Code) . . . \$5;

7 (G) Eleventh Court of Appeals District (Sec.
8 22.2121, Government Code) . . . \$5; ~~and~~

9 (H) Thirteenth Court of Appeals District (Sec.
10 22.2141, Government Code) . . . not more than \$5; and

11 (I) Fifteenth Court of Appeals District (Sec.
12 22.2151, Government Code) . . . not more than \$5;

13 (2) when administering a case for the Rockwall County
14 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
15 court costs as if the case had been filed in district court;

16 (3) additional filing fees:

17 (A) for each suit filed for insurance contingency
18 fund, if authorized by the county commissioners court (Sec. 51.302,
19 Government Code) . . . not to exceed \$5;

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

23 (C) to fund the improvement of Hays County court
24 facilities, if authorized by the county commissioners court (Sec.
25 51.707, Government Code) . . . not more than \$15;

26 (4) for filing a suit, including an appeal from an
27 inferior court:

- 1 (A) for a suit with 10 or fewer plaintiffs (Sec.
2 51.317, Government Code) . . . \$50;
- 3 (B) for a suit with at least 11 but not more than
4 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
- 5 (C) for a suit with at least 26 but not more than
6 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- 7 (D) for a suit with at least 101 but not more than
8 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 9 (E) for a suit with at least 501 but not more than
10 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 11 (F) for a suit with more than 1,000 plaintiffs
12 (Sec. 51.317, Government Code) . . . \$200;
- 13 (5) for filing a cross-action, counterclaim,
14 intervention, contempt action, motion for new trial, or third-party
15 petition (Sec. 51.317, Government Code) . . . \$15;
- 16 (6) for issuing a citation or other writ or process not
17 otherwise provided for, including one copy, when requested at the
18 time a suit or action is filed (Sec. 51.317, Government Code) . . .
19 \$8;
- 20 (7) for records management and preservation (Sec.
21 51.317, Government Code) . . . \$10;
- 22 (8) for issuing a subpoena, including one copy (Sec.
23 51.318, Government Code) . . . \$8;
- 24 (9) for issuing a citation, commission for deposition,
25 writ of execution, order of sale, writ of execution and order of
26 sale, writ of injunction, writ of garnishment, writ of attachment,
27 or writ of sequestration not provided for in Section 51.317, or any

1 other writ or process not otherwise provided for, including one
2 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

3 (10) for searching files or records to locate a cause
4 when the docket number is not provided (Sec. 51.318, Government
5 Code) . . . \$5;

6 (11) for searching files or records to ascertain the
7 existence of an instrument or record in the district clerk's office
8 (Sec. 51.318, Government Code) . . . \$5;

9 (12) for abstracting a judgment (Sec. 51.318,
10 Government Code) . . . \$8;

11 (13) for approving a bond (Sec. 51.318, Government
12 Code) . . . \$4;

13 (14) for a certified copy of a record, judgment,
14 order, pleading, or paper on file or of record in the district
15 clerk's office, including certificate and seal, for each page or
16 part of a page (Sec. 51.318, Government Code) . . . \$1;

17 (15) for a noncertified copy, for each page or part of
18 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

19 (16) fee for performing a service:

20 (A) related to the matter of the estate of a
21 deceased person (Sec. 51.319, Government Code) . . . the same fee
22 allowed the county clerk for those services;

23 (B) related to the matter of a minor (Sec.
24 51.319, Government Code) . . . the same fee allowed the county
25 clerk for the service;

26 (C) of serving process by certified or registered
27 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or

1 constable is authorized to charge for the service under Section
2 118.131, Local Government Code; and

3 (D) prescribed or authorized by law but for which
4 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

5 (17) jury fee (Sec. 51.604, Government Code) . . .
6 \$30;

7 (18) additional filing fee for family protection on
8 filing a suit for dissolution of a marriage under Chapter 6, Family
9 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

10 (19) at a hearing held by an associate judge in Dallas
11 County, a court cost to preserve the record, in the absence of a
12 court reporter, by other means (Sec. 54.509, Government Code) . . .
13 as assessed by the referring court or associate judge; and

14 (20) at a hearing held by an associate judge in Duval
15 County, a court cost to preserve the record (Sec. 54.1151,
16 Government Code) . . . as imposed by the referring court or
17 associate judge.

18 SECTION 7. Section 101.0811, Government Code, is amended to
19 read as follows:

20 Sec. 101.0811. STATUTORY COUNTY COURT FEES AND
21 COSTS: GOVERNMENT CODE. The clerk of a statutory county court
22 shall collect fees and costs under the Government Code as follows:

23 (1) appellate judicial system filing fees:

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

26 (B) Second Court of Appeals District (Sec.
27 22.2031, Government Code) . . . not more than \$5;

- 1 (C) Third Court of Appeals District (Sec.
2 22.2041, Government Code) . . . \$5;
- 3 (D) Fourth Court of Appeals District (Sec.
4 22.2051, Government Code) . . . not more than \$5;
- 5 (E) Fifth Court of Appeals District (Sec.
6 22.2061, Government Code) . . . not more than \$5;
- 7 (F) Ninth Court of Appeals District (Sec.
8 22.2101, Government Code) . . . \$5;
- 9 (G) Eleventh Court of Appeals District (Sec.
10 22.2121, Government Code) . . . \$5; ~~and~~
- 11 (H) Thirteenth Court of Appeals District (Sec.
12 22.2141, Government Code) . . . not more than \$5; and
- 13 (I) Fifteenth Court of Appeals District (Sec.
14 22.2151, Government Code) . . . not more than \$5;
- 15 (2) an official court reporter fee, County Court at
16 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;
- 17 (3) in Brazoria County, in matters of concurrent
18 jurisdiction with the district court, fees (Sec. 25.0222,
19 Government Code) . . . as prescribed by law for district judges
20 according to the nature of the matter;
- 21 (4) a court reporter fee when testimony is taken in a
22 county court at law in McLennan County (Sec. 25.1572, Government
23 Code) . . . \$3;
- 24 (5) a stenographer fee, if a record or part of a record
25 is made:
- 26 (A) in a county court at law in Hidalgo County
27 (Sec. 25.1102, Government Code) . . . \$20; and

1 (B) in a county court at law in Nolan County (Sec.
2 25.1792, Government Code) . . . \$25;

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

4 (7) an additional filing fee:

5 (A) for each civil case filed to be used for
6 court-related purposes for the support of the judiciary (Sec.
7 51.702, Government Code) . . . \$40;

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

11 (C) to fund the improvement of Hays County court
12 facilities, if authorized by the county commissioners court (Sec.
13 51.707, Government Code) . . . not more than \$15;

14 (8) the official court reporter's fee taxed as costs in
15 civil actions in a statutory county court:

16 (A) in Bexar County Courts at Law:

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

20 (ii) No. 2 (Sec. 25.0172, Government Code)
21 . . . \$3;

22 (B) in Galveston County (Sec. 25.0862,
23 Government Code) . . . taxed in the same manner as the fee is taxed
24 in civil cases in the district courts; and

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

1 (9) a stenographer's fee as costs in each civil,
2 criminal, and probate case in which a record is made by the official
3 court reporter in a statutory county court in Nolan County (Sec.
4 25.1792, Government Code) . . . \$25;

5 (10) in Nueces County, in matters of concurrent
6 jurisdiction with the district court, with certain exceptions, fees
7 (Sec. 25.1802, Government Code) . . . equal to those in district
8 court cases; and

9 (11) a fee not otherwise listed in this subchapter
10 that is required to be collected under Section 25.0008, Government
11 Code, in a county other than Brazos, Cameron, Ellis, Guadalupe,
12 Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr,
13 Victoria, and Williamson . . . as prescribed by law relating to
14 county judges' fees.

15 SECTION 8. Section 101.1011, Government Code, is amended to
16 read as follows:

17 Sec. 101.1011. STATUTORY PROBATE COURT FEES AND
18 COSTS: GOVERNMENT CODE. The clerk of a statutory probate court
19 shall collect fees and costs under the Government Code as follows:

20 (1) 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) Third Court of Appeals District (Sec.
26 22.2041, Government Code) . . . \$5;

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

- 1 22.2051, Government Code) . . . not more than \$5;
- 2 (E) Fifth Court of Appeals District (Sec.
- 3 22.2061, Government Code) . . . not more than \$5;
- 4 (F) Ninth Court of Appeals District (Sec.
- 5 22.2101, Government Code) . . . \$5;
- 6 (G) Eleventh Court of Appeals District (Sec.
- 7 22.2121, Government Code) . . . \$5; ~~and~~
- 8 (H) Thirteenth Court of Appeals District (Sec.
- 9 22.2141, Government Code) . . . not more than \$5; and
- 10 (I) Fifteenth Court of Appeals District (Sec.
- 11 22.2151, Government Code) . . . not more than \$5;
- 12 (2) additional filing fees as follows:
- 13 (A) for certain cases to be used for
- 14 court-related purposes for support of the judiciary (Sec. 51.704,
- 15 Government Code) . . . \$40;
- 16 (B) to fund the improvement of Dallas County
- 17 civil court facilities, if authorized by the county commissioners
- 18 court (Sec. 51.705, Government Code) . . . not more than \$15; and
- 19 (C) to fund the improvement of Hays County court
- 20 facilities, if authorized by the county commissioners court (Sec.
- 21 51.707, Government Code) . . . not more than \$15;
- 22 (3) jury fee for civil case (Sec. 51.604, Government
- 23 Code) . . . \$22;
- 24 (4) the expense of preserving the record as a court
- 25 cost, if imposed on a party by the referring court or associate
- 26 judge (Sec. 54.612, Government Code) . . . actual cost; and
- 27 (5) a fee not otherwise listed in this subchapter that

1 is required to be collected under Section 25.0029, Government Code
2 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
3 to county judges' fees.

4 SECTION 9. Section 101.1212, Government Code, is amended to
5 read as follows:

6 Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT
7 CODE. The clerk of a county court shall collect the following fees
8 and costs under the Government Code:

9 (1) appellate judicial system filing fees:

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

12 (B) Second Court of Appeals District (Sec.
13 22.2031, Government Code) . . . not more than \$5;

14 (C) Third Court of Appeals District (Sec.
15 22.2041, Government Code) . . . \$5;

16 (D) Fourth Court of Appeals District (Sec.
17 22.2051, Government Code) . . . not more than \$5;

18 (E) Fifth Court of Appeals District (Sec.
19 22.2061, Government Code) . . . not more than \$5;

20 (F) Ninth Court of Appeals District (Sec.
21 22.2101, Government Code) . . . \$5;

22 (G) Eleventh Court of Appeals District (Sec.
23 22.2121, Government Code) . . . \$5; ~~and~~

24 (H) Thirteenth Court of Appeals District (Sec.
25 22.2141, Government Code) . . . not more than \$5; and

26 (I) Fifteenth Court of Appeals District (Sec.
27 22.2151, Government Code) . . . not more than \$5;

1 (2) a jury fee (Sec. 51.604, Government Code) . . .
2 \$22; and

3 (3) a filing fee in each civil case filed to be used
4 for court-related purposes for the support of the judiciary (Sec.
5 51.703, Government Code) . . . \$40.

6 SECTION 10. (a) A justice of the Thirteenth Court of
7 Appeals who is serving on September 1, 2011, and who resides in a
8 county that is transferred by this Act from the Thirteenth Court of
9 Appeals District to the Fifteenth Court of Appeals District becomes
10 a member of the Fifteenth Court of Appeals for the period for which
11 elected or appointed to the Thirteenth Court of Appeals.

12 (b) If more than two justices of the Thirteenth Court of
13 Appeals reside in a county transferred to the Fifteenth Court of
14 Appeals District, those justices shall draw lots to determine which
15 justices shall become members of the Fifteenth Court of Appeals. A
16 justice who resides in a county transferred to the Fifteenth Court
17 of Appeals District who does not become a justice of the Fifteenth
18 Court of Appeals must establish residency in a county in the
19 Thirteenth Court of Appeals District not later than January 1,
20 2012. A justice who does not comply with this subsection vacates
21 the justice's position as of January 1, 2012.

22 (c) The person serving as chief justice of the Thirteenth
23 Court of Appeals on September 1, 2011, becomes the chief justice of
24 the Fifteenth Court of Appeals for the period for which elected or
25 appointed to the Thirteenth Court of Appeals. From among the
26 justices of the Thirteenth Court of Appeals who remain on that
27 court, the governor shall designate the chief justice for that

1 court, who serves, unless otherwise removed from office, the term
2 to which the justice was elected or appointed.

3 (d) A justice of the Thirteenth Court of Appeals who remains
4 a justice of that court continues to serve for the period for which
5 elected or appointed.

6 SECTION 11. This Act does not affect the jurisdiction on
7 appeal of any case from a county that is transferred by this Act to a
8 different court of appeals district if the transcripts for the case
9 were filed before the effective date of this Act in the appropriate
10 court of appeals district.

11 SECTION 12. This Act takes effect September 1, 2011.