

AN ACT

relating to the administration and operation of the appellate judicial system for the Second Court of Appeals District; changing an appellate judicial system court costs fee in certain counties.

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

SECTION 1. Section 22.2031, Government Code, is amended to read as follows:

Sec. 22.2031. APPELLATE JUDICIAL SYSTEM. (a) The commissioners court of each county in the Second Court of Appeals District by order entered in its minutes shall [~~may~~] establish an appellate judicial system to:

(1) assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county courts, statutory county courts, statutory probate courts, and district courts; and

(2) defray costs and expenses incurred in the operation of the court of appeals [~~by the county under Section 22.203~~].

(b) To fund the system, the commissioners court shall [~~may~~] set a court costs fee of [~~not more than~~] \$5 for each civil suit filed in county court, statutory county court, statutory probate court, or district court in the county.

(c) The court costs fee does not apply to a suit filed by any governmental entity [~~the county~~] or to a suit for delinquent taxes.

1 (d) The court costs fee shall be taxed, collected, and paid  
2 as other court costs in a suit. The clerk of the court shall collect  
3 the court costs fee set under this section and pay it to the county  
4 officer who performs the county treasurer's functions. That  
5 officer shall deposit the fee in a separate appellate judicial  
6 ~~[justice]~~ system fund for ~~[. The commissioners court shall~~  
7 ~~establish and maintain the fund to assist]~~ the court of appeals  
8 district. The fund may not be used for any other purpose.

9 (e) The ~~[commissioners court shall annually order the]~~  
10 funds collected under this section must ~~[to]~~ be forwarded monthly  
11 to the court of appeals for expenditure by the court of appeals ~~[for~~  
12 ~~its judicial system]~~.

13 (f) The ~~[commissioners court shall vest management of the~~  
14 ~~system in the]~~ chief justice of the court of appeals is responsible  
15 for management of the funds forwarded to the court of appeals under  
16 this section and has sole discretion as to the use of the funds,  
17 except that the funds must be used for purposes consistent with the  
18 purposes of the appellate judicial system as described by  
19 Subsection (a). ~~[The commissioners court has the authority~~  
20 ~~necessary to assist the court of appeals in the administration and~~  
21 ~~management of the system and to contract with any private~~  
22 ~~corporation, public corporation, or a combination of those~~  
23 ~~corporations.]~~

24 SECTION 2. Section 101.0611, Government Code, is amended to  
25 read as follows:

26 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT  
27 CODE. The clerk of a district court shall collect fees and costs

1 under the Government Code as follows:

2 (1) appellate judicial system filing fees for:

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

5 (B) Second Court of Appeals District (Sec.  
6 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

7 (C) Third Court of Appeals District (Sec.  
8 22.2041, Government Code) . . . \$5;

9 (D) Fourth Court of Appeals District (Sec.  
10 22.2051, Government Code) . . . not more than \$5;

11 (E) Fifth Court of Appeals District (Sec.  
12 22.2061, Government Code) . . . not more than \$5;

13 (E-1) Sixth Court of Appeals District (Sec.  
14 22.2071, Government Code) . . . \$5;

15 (E-2) Seventh Court of Appeals District (Sec.  
16 22.2081, Government Code) . . . \$5;

17 (F) Ninth Court of Appeals District (Sec.  
18 22.2101, Government Code) . . . \$5;

19 (G) Eleventh Court of Appeals District (Sec.  
20 22.2121, Government Code) . . . \$5;

21 (G-1) Twelfth Court of Appeals District (Sec.  
22 22.2131, Government Code) . . . \$5; and

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

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

1           (3) additional filing fees:

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

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

8                   (B-1) to fund the improvement of Bexar County  
9 court facilities, if authorized by the county commissioners court  
10 (Sec. 51.706, Government Code) . . . not more than \$15;

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; and

14                   (D) to fund the preservation of court records  
15 (Sec. 51.708, Government Code) . . . not more than \$10;

16           (4) for filing a suit, including an appeal from an  
17 inferior court:

18                   (A) for a suit with 10 or fewer plaintiffs (Sec.  
19 51.317, Government Code) . . . \$50;

20                   (B) for a suit with at least 11 but not more than  
21 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

22                   (C) for a suit with at least 26 but not more than  
23 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

24                   (D) for a suit with at least 101 but not more than  
25 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

26                   (E) for a suit with at least 501 but not more than  
27 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

1 (F) for a suit with more than 1,000 plaintiffs  
2 (Sec. 51.317, Government Code) . . . \$200;

3 (5) for filing a cross-action, counterclaim,  
4 intervention, contempt action, motion for new trial, or third-party  
5 petition (Sec. 51.317, Government Code) . . . \$15;

6 (6) for issuing a citation or other writ or process not  
7 otherwise provided for, including one copy, when requested at the  
8 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
9 \$8;

10 (7) for records management and preservation (Sec.  
11 51.317, Government Code) . . . \$10;

12 (7-a) for district court records archiving, if adopted  
13 by the county commissioners court (Sec. 51.317(b)(5), Government  
14 Code) . . . not more than \$5;

15 (8) for issuing a subpoena, including one copy (Sec.  
16 51.318, Government Code) . . . \$8;

17 (9) for issuing a citation, commission for deposition,  
18 writ of execution, order of sale, writ of execution and order of  
19 sale, writ of injunction, writ of garnishment, writ of attachment,  
20 or writ of sequestration not provided for in Section 51.317, or any  
21 other writ or process not otherwise provided for, including one  
22 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

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

26 (11) for searching files or records to ascertain the  
27 existence of an instrument or record in the district clerk's office

1 (Sec. 51.318, Government Code) . . . \$5;  
2 (12) for abstracting a judgment (Sec. 51.318,  
3 Government Code) . . . \$8;  
4 (13) for approving a bond (Sec. 51.318, Government  
5 Code) . . . \$4;  
6 (14) for a certified copy of a record, judgment,  
7 order, pleading, or paper on file or of record in the district  
8 clerk's office, including certificate and seal, for each page or  
9 part of a page (Sec. 51.318, Government Code) . . . not to exceed  
10 \$1;  
11 (15) for a noncertified copy, for each page or part of  
12 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;  
13 (16) fee for performing a service:  
14 (A) related to the matter of the estate of a  
15 deceased person (Sec. 51.319, Government Code) . . . the same fee  
16 allowed the county clerk for those services;  
17 (B) related to the matter of a minor (Sec.  
18 51.319, Government Code) . . . the same fee allowed the county  
19 clerk for the service;  
20 (C) of serving process by certified or registered  
21 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
22 constable is authorized to charge for the service under Section  
23 118.131, Local Government Code; and  
24 (D) prescribed or authorized by law but for which  
25 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;  
26 (17) jury fee (Sec. 51.604, Government Code) . . .  
27 \$30;

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

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

8           (20) at a hearing held by an associate judge in Duval  
9 County, a court cost to preserve the record (Sec. 54.1151,  
10 Government Code) . . . as imposed by the referring court or  
11 associate judge.

12           SECTION 3. Section 101.0811, Government Code, is amended to  
13 read as follows:

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

17           (1) appellate judicial system filing fees:

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

20                   (B) Second Court of Appeals District (Sec.  
21 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

22                   (C) Third Court of Appeals District (Sec.  
23 22.2041, Government Code) . . . \$5;

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

26                   (E) Fifth Court of Appeals District (Sec.  
27 22.2061, Government Code) . . . not more than \$5;

- 1                   (E-1) Sixth Court of Appeals District (Sec.  
2 22.2071, Government Code) . . . \$5;
- 3                   (E-2) Seventh Court of Appeals District (Sec.  
4 22.2081, Government Code) . . . \$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;
- 9                   (G-1) Twelfth Court of Appeals District (Sec.  
10 22.2131, Government Code) . . . \$5; and
- 11                   (H) Thirteenth Court of Appeals District (Sec.  
12 22.2141, Government Code) . . . not more than \$5;
- 13                   (2) an official court reporter fee, County Court at  
14 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;
- 15                   (3) in Brazoria County, in matters of concurrent  
16 jurisdiction with the district court, fees (Sec. 25.0222,  
17 Government Code) . . . as prescribed by law for district judges  
18 according to the nature of the matter;
- 19                   (4) a court reporter fee when testimony is taken in a  
20 county court at law in McLennan County (Sec. 25.1572, Government  
21 Code) . . . \$3;
- 22                   (5) a stenographer fee, if a record or part of a record  
23 is made:
- 24                   (A) in a county court at law in Hidalgo County  
25 (Sec. 25.1102, Government Code) . . . \$20; and
- 26                   (B) in a county court at law in Nolan County (Sec.  
27 25.1792, Government Code) . . . \$25;

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

2           (7) an additional filing fee:

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

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

9                 (B-1) to fund the improvement of Bexar County  
10 court facilities, if authorized by the county commissioners court  
11 (Sec. 51.706, Government Code) . . . not more than \$15;

12                (C) to fund the improvement of Hays County court  
13 facilities, if authorized by the county commissioners court (Sec.  
14 51.707, Government Code) . . . not more than \$15; and

15                (D) to fund the preservation of court records  
16 (Sec. 51.708, Government Code) . . . not more than \$10;

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

19                 (A) in Bexar County Courts at Law Nos. 3, 4, 5, 6,  
20 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172, Government Code)  
21 . . . taxed in the same manner as the fee is taxed in district  
22 court;

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

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

1 cases in the district courts;

2 (9) a stenographer's fee as costs in each civil,  
3 criminal, and probate case in which a record is made by the official  
4 court reporter in a statutory county court in Nolan County (Sec.  
5 25.1792, Government Code) . . . \$25;

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

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

16 SECTION 4. Section 101.1011, Government Code, is amended to  
17 read as follows:

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

21 (1) appellate judicial system filing fees:

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 (E-1) Sixth Court of Appeals District (Sec.  
6 22.2071, Government Code) . . . \$5;

7 (E-2) Seventh Court of Appeals District (Sec.  
8 22.2081, Government Code) . . . \$5;

9 (F) Ninth Court of Appeals District (Sec.  
10 22.2101, Government Code) . . . \$5;

11 (G) Eleventh Court of Appeals District (Sec.  
12 22.2121, Government Code) . . . \$5;

13 (G-1) Twelfth Court of Appeals District (Sec.  
14 22.2131, Government Code) . . . \$5; and

15 (H) Thirteenth Court of Appeals District (Sec.  
16 22.2141, Government Code) . . . not more than \$5;

17 (2) additional filing fees as follows:

18 (A) for certain cases to be used for  
19 court-related purposes for support of the judiciary (Sec. 51.704,  
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;

24 (B-1) to fund the improvement of Bexar County  
25 court facilities, if authorized by the county commissioners court  
26 (Sec. 51.706, Government Code) . . . not more than \$15; and

27 (C) to fund the improvement of Hays County court

1 facilities, if authorized by the county commissioners court (Sec.  
2 51.707, Government Code) . . . not more than \$15;

3 (3) jury fee for civil case (Sec. 51.604, Government  
4 Code) . . . \$22;

5 (4) the expense of preserving the record as a court  
6 cost, if imposed on a party by the referring court or associate  
7 judge (Sec. 54.612, Government Code) . . . actual cost; and

8 (5) a fee not otherwise listed in this subchapter that  
9 is required to be collected under Section 25.0029, Government Code  
10 (Sec. 25.0029, Government Code) . . . as prescribed by law relating  
11 to county judges' fees.

12 SECTION 5. Section 101.1212, Government Code, is amended to  
13 read as follows:

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

17 (1) appellate judicial system filing fees:

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

20 (B) Second Court of Appeals District (Sec.  
21 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

22 (C) Third Court of Appeals District (Sec.  
23 22.2041, Government Code) . . . \$5;

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

26 (E) Fifth Court of Appeals District (Sec.  
27 22.2061, Government Code) . . . not more than \$5;

1 (E-1) Sixth Court of Appeals District (Sec.  
2 22.2071, Government Code) . . . \$5;

3 (E-2) Seventh Court of Appeals District (Sec.  
4 22.2081, Government Code) . . . \$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;

9 (G-1) Twelfth Court of Appeals District (Sec.  
10 22.2131, Government Code) . . . \$5; and

11 (H) Thirteenth Court of Appeals District (Sec.  
12 22.2141, Government Code) . . . not more than \$5;

13 (2) a jury fee (Sec. 51.604, Government Code) . . .  
14 \$22;

15 (3) a filing fee in each civil case filed to be used  
16 for court-related purposes for the support of the judiciary (Sec.  
17 51.703, Government Code) . . . \$40; and

18 (4) a filing fee to fund the preservation of court  
19 records (Sec. 51.708, Government Code) . . . not more than \$10.

20 SECTION 6. (a) Section 51.607, Government Code, does not  
21 apply to the imposition or change in the amount of a fee assessed  
22 under:

23 (1) Section 22.2031, Government Code, as amended by  
24 this Act;

25 (2) Section 101.0611, Government Code, as amended by  
26 this Act;

27 (3) Section 101.0811, Government Code, as amended by

1 this Act;

2                   (4) Section 101.1011, Government Code, as amended by  
3 this Act; or

4                   (5) Section 101.1212, Government Code, as amended by  
5 this Act.

6           (b) The imposition or change in the amount of a fee imposed  
7 under a provision listed in Subsection (a) of this section applies  
8 only to a civil suit filed in a county court, statutory county  
9 court, statutory probate court, or district court on or after the  
10 effective date of this Act. A civil suit filed in a county court,  
11 statutory county court, statutory probate court, or district court  
12 before that date is governed by the law in effect on the date the  
13 suit was filed, and the former law is continued in effect for that  
14 purpose.

15           SECTION 7. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 410 was passed by the House on April 3, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 410 was passed by the Senate on May 15, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor