

1-1 By: King of Parker, et al. (Senate Sponsor - Estes) H.B. No. 410
 1-2 (In the Senate - Received from the House April 4, 2013;
 1-3 April 8, 2013, read first time and referred to Committee on
 1-4 Jurisprudence; May 9, 2013, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 West	X			
1-8 Rodriguez	X			
1-9 Campbell	X			
1-10 Carona			X	
1-11 Garcia	X			
1-12 Hancock	X			
1-13 Paxton	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the administration and operation of the appellate
 1-18 judicial system for the Second Court of Appeals District; changing
 1-19 an appellate judicial system court costs fee in certain counties.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 22.2031, Government Code, is amended to
 1-22 read as follows:

1-23 Sec. 22.2031. APPELLATE JUDICIAL SYSTEM. (a) The
 1-24 commissioners court of each county in the Second Court of Appeals
 1-25 District by order entered in its minutes shall ~~may~~ establish an
 1-26 appellate judicial system to:

1-27 (1) assist the court of appeals for the county in the
 1-28 processing of appeals filed with the court of appeals from the
 1-29 county courts, statutory county courts, statutory probate courts,
 1-30 and district courts; and

1-31 (2) defray costs and expenses incurred in the
 1-32 operation of the court of appeals ~~[by the county under Section~~
 1-33 ~~22.2031]~~.

1-34 (b) To fund the system, the commissioners court shall ~~may~~
 1-35 set a court costs fee of ~~[not more than]~~ \$5 for each civil suit filed
 1-36 in county court, statutory county court, statutory probate court,
 1-37 or district court in the county.

1-38 (c) The court costs fee does not apply to a suit filed by any
 1-39 governmental entity ~~[the county]~~ or to a suit for delinquent taxes.

1-40 (d) The court costs fee shall be taxed, collected, and paid
 1-41 as other court costs in a suit. The clerk of the court shall collect
 1-42 the court costs fee set under this section and pay it to the county
 1-43 officer who performs the county treasurer's functions. That
 1-44 officer shall deposit the fee in a separate appellate judicial
 1-45 [justice] system fund for ~~[. The commissioners court shall~~
 1-46 ~~establish and maintain the fund to assist]~~ the court of appeals
 1-47 district. The fund may not be used for any other purpose.

1-48 (e) The ~~[commissioners court shall annually order the]~~
 1-49 funds collected under this section must ~~[to]~~ be forwarded monthly
 1-50 to the court of appeals for expenditure by the court of appeals ~~[for~~
 1-51 ~~its judicial system]~~.

1-52 (f) The ~~[commissioners court shall vest management of the~~
 1-53 ~~system in the]~~ chief justice of the court of appeals is responsible
 1-54 for management of the funds forwarded to the court of appeals under
 1-55 this section and has sole discretion as to the use of the funds,
 1-56 except that the funds must be used for purposes consistent with the
 1-57 purposes of the appellate judicial system as described by
 1-58 Subsection (a). ~~[The commissioners court has the authority~~
 1-59 ~~necessary to assist the court of appeals in the administration and~~
 1-60 ~~management of the system and to contract with any private~~
 1-61 ~~corporation, public corporation, or a combination of those~~

2-1 ~~corporations.]~~
 2-2 SECTION 2. Section 101.0611, Government Code, is amended to
 2-3 read as follows:
 2-4 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
 2-5 CODE. The clerk of a district court shall collect fees and costs
 2-6 under the Government Code as follows:
 2-7 (1) appellate judicial system filing fees for:
 2-8 (A) First or Fourteenth Court of Appeals District
 2-9 (Sec. 22.2021, Government Code) . . . not more than \$5;
 2-10 (B) Second Court of Appeals District (Sec.
 2-11 22.2031, Government Code) . . . ~~[not more than]~~ \$5;
 2-12 (C) Third Court of Appeals District (Sec.
 2-13 22.2041, Government Code) . . . \$5;
 2-14 (D) Fourth Court of Appeals District (Sec.
 2-15 22.2051, Government Code) . . . not more than \$5;
 2-16 (E) Fifth Court of Appeals District (Sec.
 2-17 22.2061, Government Code) . . . not more than \$5;
 2-18 (E-1) Sixth Court of Appeals District (Sec.
 2-19 22.2071, Government Code) . . . \$5;
 2-20 (E-2) Seventh Court of Appeals District (Sec.
 2-21 22.2081, Government Code) . . . \$5;
 2-22 (F) Ninth Court of Appeals District (Sec.
 2-23 22.2101, Government Code) . . . \$5;
 2-24 (G) Eleventh Court of Appeals District (Sec.
 2-25 22.2121, Government Code) . . . \$5;
 2-26 (G-1) Twelfth Court of Appeals District (Sec.
 2-27 22.2131, Government Code) . . . \$5; and
 2-28 (H) Thirteenth Court of Appeals District (Sec.
 2-29 22.2141, Government Code) . . . not more than \$5;
 2-30 (2) when administering a case for the Rockwall County
 2-31 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
 2-32 court costs as if the case had been filed in district court;
 2-33 (3) additional filing fees:
 2-34 (A) for each suit filed for insurance contingency
 2-35 fund, if authorized by the county commissioners court (Sec. 51.302,
 2-36 Government Code) . . . not to exceed \$5;
 2-37 (B) to fund the improvement of Dallas County
 2-38 civil court facilities, if authorized by the county commissioners
 2-39 court (Sec. 51.705, Government Code) . . . not more than \$15;
 2-40 (B-1) to fund the improvement of Bexar County
 2-41 court facilities, if authorized by the county commissioners court
 2-42 (Sec. 51.706, Government Code) . . . not more than \$15;
 2-43 (C) to fund the improvement of Hays County court
 2-44 facilities, if authorized by the county commissioners court (Sec.
 2-45 51.707, Government Code) . . . not more than \$15; and
 2-46 (D) to fund the preservation of court records
 2-47 (Sec. 51.708, Government Code) . . . not more than \$10;
 2-48 (4) for filing a suit, including an appeal from an
 2-49 inferior court:
 2-50 (A) for a suit with 10 or fewer plaintiffs (Sec.
 2-51 51.317, Government Code) . . . \$50;
 2-52 (B) for a suit with at least 11 but not more than
 2-53 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
 2-54 (C) for a suit with at least 26 but not more than
 2-55 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
 2-56 (D) for a suit with at least 101 but not more than
 2-57 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
 2-58 (E) for a suit with at least 501 but not more than
 2-59 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
 2-60 (F) for a suit with more than 1,000 plaintiffs
 2-61 (Sec. 51.317, Government Code) . . . \$200;
 2-62 (5) for filing a cross-action, counterclaim,
 2-63 intervention, contempt action, motion for new trial, or third-party
 2-64 petition (Sec. 51.317, Government Code) . . . \$15;
 2-65 (6) for issuing a citation or other writ or process not
 2-66 otherwise provided for, including one copy, when requested at the
 2-67 time a suit or action is filed (Sec. 51.317, Government Code) . . .
 2-68 \$8;
 2-69 (7) for records management and preservation (Sec.

3-1 51.317, Government Code) . . . \$10;

3-2 (7-a) for district court records archiving, if adopted

3-3 by the county commissioners court (Sec. 51.317(b)(5), Government

3-4 Code) . . . not more than \$5;

3-5 (8) for issuing a subpoena, including one copy (Sec.

3-6 51.318, Government Code) . . . \$8;

3-7 (9) for issuing a citation, commission for deposition,

3-8 writ of execution, order of sale, writ of execution and order of

3-9 sale, writ of injunction, writ of garnishment, writ of attachment,

3-10 or writ of sequestration not provided for in Section 51.317, or any

3-11 other writ or process not otherwise provided for, including one

3-12 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

3-13 (10) for searching files or records to locate a cause

3-14 when the docket number is not provided (Sec. 51.318, Government

3-15 Code) . . . \$5;

3-16 (11) for searching files or records to ascertain the

3-17 existence of an instrument or record in the district clerk's office

3-18 (Sec. 51.318, Government Code) . . . \$5;

3-19 (12) for abstracting a judgment (Sec. 51.318,

3-20 Government Code) . . . \$8;

3-21 (13) for approving a bond (Sec. 51.318, Government

3-22 Code) . . . \$4;

3-23 (14) for a certified copy of a record, judgment,

3-24 order, pleading, or paper on file or of record in the district

3-25 clerk's office, including certificate and seal, for each page or

3-26 part of a page (Sec. 51.318, Government Code) . . . not to exceed

3-27 \$1;

3-28 (15) for a noncertified copy, for each page or part of

3-29 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

3-30 (16) fee for performing a service:

3-31 (A) related to the matter of the estate of a

3-32 deceased person (Sec. 51.319, Government Code) . . . the same fee

3-33 allowed the county clerk for those services;

3-34 (B) related to the matter of a minor (Sec.

3-35 51.319, Government Code) . . . the same fee allowed the county

3-36 clerk for the service;

3-37 (C) of serving process by certified or registered

3-38 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or

3-39 constable is authorized to charge for the service under Section

3-40 118.131, Local Government Code; and

3-41 (D) prescribed or authorized by law but for which

3-42 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

3-43 (17) jury fee (Sec. 51.604, Government Code) . . .

3-44 \$30;

3-45 (18) additional filing fee for family protection on

3-46 filing a suit for dissolution of a marriage under Chapter 6, Family

3-47 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

3-48 (19) at a hearing held by an associate judge in Dallas

3-49 County, a court cost to preserve the record, in the absence of a

3-50 court reporter, by other means (Sec. 54.509, Government Code) . . .

3-51 as assessed by the referring court or associate judge; and

3-52 (20) at a hearing held by an associate judge in Duval

3-53 County, a court cost to preserve the record (Sec. 54.1151,

3-54 Government Code) . . . as imposed by the referring court or

3-55 associate judge.

3-56 SECTION 3. Section 101.0811, Government Code, is amended to

3-57 read as follows:

3-58 Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS:

3-59 GOVERNMENT CODE. The clerk of a statutory county court shall

3-60 collect fees and costs under the Government Code as follows:

3-61 (1) appellate judicial system filing fees:

3-62 (A) First or Fourteenth Court of Appeals District

3-63 (Sec. 22.2021, Government Code) . . . not more than \$5;

3-64 (B) Second Court of Appeals District (Sec.

3-65 22.2031, Government Code) . . . ~~not more than~~ \$5;

3-66 (C) Third Court of Appeals District (Sec.

3-67 22.2041, Government Code) . . . \$5;

3-68 (D) Fourth Court of Appeals District (Sec.

3-69 22.2051, Government Code) . . . not more than \$5;

4-1 (E) Fifth Court of Appeals District (Sec.
4-2 22.2061, Government Code) . . . not more than \$5;
4-3 (E-1) Sixth Court of Appeals District (Sec.
4-4 22.2071, Government Code) . . . \$5;
4-5 (E-2) Seventh Court of Appeals District (Sec.
4-6 22.2081, Government Code) . . . \$5;
4-7 (F) Ninth Court of Appeals District (Sec.
4-8 22.2101, Government Code) . . . \$5;
4-9 (G) Eleventh Court of Appeals District (Sec.
4-10 22.2121, Government Code) . . . \$5;
4-11 (G-1) Twelfth Court of Appeals District (Sec.
4-12 22.2131, Government Code) . . . \$5; and
4-13 (H) Thirteenth Court of Appeals District (Sec.
4-14 22.2141, Government Code) . . . not more than \$5;
4-15 (2) an official court reporter fee, County Court at
4-16 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;
4-17 (3) in Brazoria County, in matters of concurrent
4-18 jurisdiction with the district court, fees (Sec. 25.0222,
4-19 Government Code) . . . as prescribed by law for district judges
4-20 according to the nature of the matter;
4-21 (4) a court reporter fee when testimony is taken in a
4-22 county court at law in McLennan County (Sec. 25.1572, Government
4-23 Code) . . . \$3;
4-24 (5) a stenographer fee, if a record or part of a record
4-25 is made:
4-26 (A) in a county court at law in Hidalgo County
4-27 (Sec. 25.1102, Government Code) . . . \$20; and
4-28 (B) in a county court at law in Nolan County (Sec.
4-29 25.1792, Government Code) . . . \$25;
4-30 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;
4-31 (7) an additional filing fee:
4-32 (A) for each civil case filed to be used for
4-33 court-related purposes for the support of the judiciary (Sec.
4-34 51.702, Government Code) . . . \$40;
4-35 (B) to fund the improvement of Dallas County
4-36 civil court facilities, if authorized by the county commissioners
4-37 court (Sec. 51.705, Government Code) . . . not more than \$15;
4-38 (B-1) to fund the improvement of Bexar County
4-39 court facilities, if authorized by the county commissioners court
4-40 (Sec. 51.706, Government Code) . . . not more than \$15;
4-41 (C) to fund the improvement of Hays County court
4-42 facilities, if authorized by the county commissioners court (Sec.
4-43 51.707, Government Code) . . . not more than \$15; and
4-44 (D) to fund the preservation of court records
4-45 (Sec. 51.708, Government Code) . . . not more than \$10;
4-46 (8) the official court reporter's fee taxed as costs in
4-47 civil actions in a statutory county court:
4-48 (A) in Bexar County Courts at Law Nos. 3, 4, 5, 6,
4-49 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172, Government Code)
4-50 . . . taxed in the same manner as the fee is taxed in district
4-51 court;
4-52 (B) in Galveston County (Sec. 25.0862,
4-53 Government Code) . . . taxed in the same manner as the fee is taxed
4-54 in civil cases in the district courts; and
4-55 (C) in Parker County (Sec. 25.1862, Government
4-56 Code) . . . taxed in the same manner as the fee is taxed in civil
4-57 cases in the district courts;
4-58 (9) a stenographer's fee as costs in each civil,
4-59 criminal, and probate case in which a record is made by the official
4-60 court reporter in a statutory county court in Nolan County (Sec.
4-61 25.1792, Government Code) . . . \$25;
4-62 (10) in Nueces County, in matters of concurrent
4-63 jurisdiction with the district court, with certain exceptions, fees
4-64 (Sec. 25.1802, Government Code) . . . equal to those in district
4-65 court cases; and
4-66 (11) a fee not otherwise listed in this subchapter
4-67 that is required to be collected under Section 25.0008, Government
4-68 Code, in a county other than Brazos, Cameron, Ellis, Guadalupe,
4-69 Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr,

5-1 Victoria, and Williamson . . . as prescribed by law relating to
5-2 county judges' fees.

5-3 SECTION 4. Section 101.1011, Government Code, is amended to
5-4 read as follows:

5-5 Sec. 101.1011. STATUTORY PROBATE COURT FEES AND COSTS:
5-6 GOVERNMENT CODE. The clerk of a statutory probate court shall
5-7 collect fees and costs under the Government Code as follows:

5-8 (1) appellate judicial system filing fees:

5-9 (A) First or Fourteenth Court of Appeals District
5-10 (Sec. 22.2021, Government Code) . . . not more than \$5;

5-11 (B) Second Court of Appeals District (Sec.
5-12 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

5-13 (C) Third Court of Appeals District (Sec.
5-14 22.2041, Government Code) . . . \$5;

5-15 (D) Fourth Court of Appeals District (Sec.
5-16 22.2051, Government Code) . . . not more than \$5;

5-17 (E) Fifth Court of Appeals District (Sec.
5-18 22.2061, Government Code) . . . not more than \$5;

5-19 (E-1) Sixth Court of Appeals District (Sec.
5-20 22.2071, Government Code) . . . \$5;

5-21 (E-2) Seventh Court of Appeals District (Sec.
5-22 22.2081, Government Code) . . . \$5;

5-23 (F) Ninth Court of Appeals District (Sec.
5-24 22.2101, Government Code) . . . \$5;

5-25 (G) Eleventh Court of Appeals District (Sec.
5-26 22.2121, Government Code) . . . \$5;

5-27 (G-1) Twelfth Court of Appeals District (Sec.
5-28 22.2131, Government Code) . . . \$5; and

5-29 (H) Thirteenth Court of Appeals District (Sec.
5-30 22.2141, Government Code) . . . not more than \$5;

5-31 (2) additional filing fees as follows:

5-32 (A) for certain cases to be used for
5-33 court-related purposes for support of the judiciary (Sec. 51.704,
5-34 Government Code) . . . \$40;

5-35 (B) to fund the improvement of Dallas County
5-36 civil court facilities, if authorized by the county commissioners
5-37 court (Sec. 51.705, Government Code) . . . not more than \$15;

5-38 (B-1) to fund the improvement of Bexar County
5-39 court facilities, if authorized by the county commissioners court
5-40 (Sec. 51.706, Government Code) . . . not more than \$15; and

5-41 (C) to fund the improvement of Hays County court
5-42 facilities, if authorized by the county commissioners court (Sec.
5-43 51.707, Government Code) . . . not more than \$15;

5-44 (3) jury fee for civil case (Sec. 51.604, Government
5-45 Code) . . . \$22;

5-46 (4) the expense of preserving the record as a court
5-47 cost, if imposed on a party by the referring court or associate
5-48 judge (Sec. 54.612, Government Code) . . . actual cost; and

5-49 (5) a fee not otherwise listed in this subchapter that
5-50 is required to be collected under Section 25.0029, Government Code
5-51 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
5-52 to county judges' fees.

5-53 SECTION 5. Section 101.1212, Government Code, is amended to
5-54 read as follows:

5-55 Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT
5-56 CODE. The clerk of a county court shall collect the following fees
5-57 and costs under the Government Code:

5-58 (1) appellate judicial system filing fees:

5-59 (A) First or Fourteenth Court of Appeals District
5-60 (Sec. 22.2021, Government Code) . . . not more than \$5;

5-61 (B) Second Court of Appeals District (Sec.
5-62 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

5-63 (C) Third Court of Appeals District (Sec.
5-64 22.2041, Government Code) . . . \$5;

5-65 (D) Fourth Court of Appeals District (Sec.
5-66 22.2051, Government Code) . . . not more than \$5;

5-67 (E) Fifth Court of Appeals District (Sec.
5-68 22.2061, Government Code) . . . not more than \$5;

5-69 (E-1) Sixth Court of Appeals District (Sec.

6-1 22.2071, Government Code) . . . \$5;
6-2 (E-2) Seventh Court of Appeals District (Sec.
6-3 22.2081, Government Code) . . . \$5;
6-4 (F) Ninth Court of Appeals District (Sec.
6-5 22.2101, Government Code) . . . \$5;
6-6 (G) Eleventh Court of Appeals District (Sec.
6-7 22.2121, Government Code) . . . \$5;
6-8 (G-1) Twelfth Court of Appeals District (Sec.
6-9 22.2131, Government Code) . . . \$5; and
6-10 (H) Thirteenth Court of Appeals District (Sec.
6-11 22.2141, Government Code) . . . not more than \$5;
6-12 (2) a jury fee (Sec. 51.604, Government Code) . . .
6-13 \$22;
6-14 (3) a filing fee in each civil case filed to be used
6-15 for court-related purposes for the support of the judiciary (Sec.
6-16 51.703, Government Code) . . . \$40; and
6-17 (4) a filing fee to fund the preservation of court
6-18 records (Sec. 51.708, Government Code) . . . not more than \$10.

6-19 SECTION 6. (a) Section 51.607, Government Code, does not
6-20 apply to the imposition or change in the amount of a fee assessed
6-21 under:

- 6-22 (1) Section 22.2031, Government Code, as amended by
6-23 this Act;
- 6-24 (2) Section 101.0611, Government Code, as amended by
6-25 this Act;
- 6-26 (3) Section 101.0811, Government Code, as amended by
6-27 this Act;
- 6-28 (4) Section 101.1011, Government Code, as amended by
6-29 this Act; or
- 6-30 (5) Section 101.1212, Government Code, as amended by
6-31 this Act.

6-32 (b) The imposition or change in the amount of a fee imposed
6-33 under a provision listed in Subsection (a) of this section applies
6-34 only to a civil suit filed in a county court, statutory county
6-35 court, statutory probate court, or district court on or after the
6-36 effective date of this Act. A civil suit filed in a county court,
6-37 statutory county court, statutory probate court, or district court
6-38 before that date is governed by the law in effect on the date the
6-39 suit was filed, and the former law is continued in effect for that
6-40 purpose.

6-41 SECTION 7. This Act takes effect September 1, 2013.

6-42 * * * * *