

By: Estes, et al.

S.B. No. 896

A BILL TO BE ENTITLED

AN ACT

relating to the administration and operation of the appellate
judicial system for the Second Court of Appeals District.

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.

(d) The court costs fee shall be taxed, collected, and paid

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

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

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

23 SECTION 2. (a) Section 101.0611, Government Code, is
24 amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd
25 Legislature, 1st Called Session, 2011, and is further amended to
26 read as follows:

27 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT

1 CODE. The clerk of a district court shall collect fees and costs
2 under the Government Code as follows:

3 (1) appellate judicial system filing fees for:

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

6 (B) Second Court of Appeals District (Sec.
7 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

8 (C) Third Court of Appeals District (Sec.
9 22.2041, Government Code) . . . \$5;

10 (D) Fourth Court of Appeals District (Sec.
11 22.2051, Government Code) . . . not more than \$5;

12 (E) Fifth Court of Appeals District (Sec.
13 22.2061, Government Code) . . . not more than \$5;

14 (E-1) Sixth Court of Appeals District (Sec.
15 22.2071, Government Code) . . . \$5;

16 (E-2) Seventh Court of Appeals District (Sec.
17 22.2081, Government Code) . . . \$5;

18 (E-3) Eighth Court of Appeals District (Sec.
19 22.2091, Government Code) . . . \$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;

24 (G-1) Twelfth Court of Appeals District (Sec.
25 22.2131, Government Code) . . . \$5; and

26 (H) Thirteenth Court of Appeals District (Sec.
27 22.2141, Government Code) . . . not more than \$5;

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

4 (3) additional filing fees:

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

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;

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

14 (C) to fund the improvement of Hays County court
15 facilities, if authorized by the county commissioners court (Sec.
16 51.707, Government Code) . . . not more than \$15; and

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

19 (4) for filing a suit, including an appeal from an
20 inferior court:

21 (A) for a suit with 10 or fewer plaintiffs (Sec.
22 51.317, Government Code) . . . \$50;

23 (B) for a suit with at least 11 but not more than
24 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

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

27 (D) for a suit with at least 101 but not more than

- 1 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 2 (E) for a suit with at least 501 but not more than
3 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 4 (F) for a suit with more than 1,000 plaintiffs
5 (Sec. 51.317, Government Code) . . . \$200;
- 6 (5) for filing a cross-action, counterclaim,
7 intervention, contempt action, motion for new trial, or third-party
8 petition (Sec. 51.317, Government Code) . . . \$15;
- 9 (6) for issuing a citation or other writ or process not
10 otherwise provided for, including one copy, when requested at the
11 time a suit or action is filed (Sec. 51.317, Government Code) . . .
12 \$8;
- 13 (7) for records management and preservation (Sec.
14 51.317, Government Code) . . . \$10;
- 15 (7-a) for district court records archiving, if adopted
16 by the county commissioners court (Sec. 51.317(b)(5), Government
17 Code) . . . not more than \$5;
- 18 (8) for issuing a subpoena, including one copy (Sec.
19 51.318, Government Code) . . . \$8;
- 20 (9) for issuing a citation, commission for deposition,
21 writ of execution, order of sale, writ of execution and order of
22 sale, writ of injunction, writ of garnishment, writ of attachment,
23 or writ of sequestration not provided for in Section 51.317, or any
24 other writ or process not otherwise provided for, including one
25 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
- 26 (10) for searching files or records to locate a cause
27 when the docket number is not provided (Sec. 51.318, Government

1 Code) . . . \$5;

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

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

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

9 (14) for a certified copy of a record, judgment,
10 order, pleading, or paper on file or of record in the district
11 clerk's office, including certificate and seal, for each page or
12 part of a page (Sec. 51.318, Government Code) . . . not to exceed
13 \$1;

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

16 (16) fee for performing a service:

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

20 (B) related to the matter of a minor (Sec.
21 51.319, Government Code) . . . the same fee allowed the county
22 clerk for the service;

23 (C) of serving process by certified or registered
24 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
25 constable is authorized to charge for the service under Section
26 118.131, Local Government Code; and

27 (D) prescribed or authorized by law but for which

1 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

2 (17) jury fee (Sec. 51.604, Government Code) . . .
3 \$30;

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

7 (19) at a hearing held by an associate judge appointed
8 under Subchapter B, Chapter 54A, Government Code [~~in Dallas~~
9 ~~County~~], a court cost to preserve the record, in the absence of a
10 court reporter, by any [~~other~~] means approved by the associate
11 judge (Sec. 54A.110 [~~54.509~~], Government Code) . . . as assessed by
12 the referring court or associate judge[~~, and~~

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

17 (b) Section 101.06119, Government Code, is repealed.

18 SECTION 3. (a) Section 101.0811, Government Code, is
19 amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd
20 Legislature, 1st Called Session, 2011, and is further amended to
21 read as follows:

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

25 (1) appellate judicial system filing fees:

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

1 (B) Second Court of Appeals District (Sec.
2 22.2031, Government Code) . . . [~~not more than~~] \$5;

3 (C) Third Court of Appeals District (Sec.
4 22.2041, Government Code) . . . \$5;

5 (D) Fourth Court of Appeals District (Sec.
6 22.2051, Government Code) . . . not more than \$5;

7 (E) Fifth Court of Appeals District (Sec.
8 22.2061, Government Code) . . . not more than \$5;

9 (E-1) Sixth Court of Appeals District (Sec.
10 22.2071, Government Code) . . . \$5;

11 (E-2) Seventh Court of Appeals District (Sec.
12 22.2081, Government Code) . . . \$5;

13 (E-3) Eighth Court of Appeals District (Sec.
14 22.2091, Government Code) . . . \$5;

15 (F) Ninth Court of Appeals District (Sec.
16 22.2101, Government Code) . . . \$5;

17 (G) Eleventh Court of Appeals District (Sec.
18 22.2121, Government Code) . . . \$5;

19 (G-1) Twelfth Court of Appeals District (Sec.
20 22.2131, Government Code) . . . \$5; and

21 (H) Thirteenth Court of Appeals District (Sec.
22 22.2141, Government Code) . . . not more than \$5;

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

25 (3) in Brazoria County, in matters of concurrent
26 jurisdiction with the district court, fees (Sec. 25.0222,
27 Government Code) . . . as prescribed by law for district judges

1 according to the nature of the matter;

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

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

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

9 (B) in a county court at law in Nolan County (Sec.
10 25.1792, Government Code) . . . \$25;

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

12 (7) an additional filing fee:

13 (A) for each civil case filed to be used for
14 court-related purposes for the support of the judiciary (Sec.
15 51.702, 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;

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

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

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

27 (8) the official court reporter's fee taxed as costs in

1 civil actions in a statutory county court:

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

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

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

12 (9) a stenographer's fee as costs in each civil,
13 criminal, and probate case in which a record is made by the official
14 court reporter in a statutory county court in Nolan County (Sec.
15 25.1792, Government Code) . . . \$25;

16 (10) in Nueces County, in matters of concurrent
17 jurisdiction with the district court, with certain exceptions, fees
18 (Sec. 25.1802, Government Code) . . . equal to those in district
19 court cases; ~~and~~

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

26 (12) at a hearing held by an associate judge appointed
27 under Subchapter B, Chapter 54A, Government Code, a court cost to

1 preserve the record, in the absence of a court reporter, by any
2 means approved by the associate judge (Sec. 54A.110, Government
3 Code) . . . as assessed by the referring court or associate judge.

4 (b) Section 101.08116, Government Code, is repealed.

5 SECTION 4. (a) Section 101.1011, Government Code, is
6 amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd
7 Legislature, 1st Called Session, 2011, and is further amended to
8 read as follows:

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

12 (1) appellate judicial system filing fees:

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

15 (B) Second Court of Appeals District (Sec.
16 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

17 (C) Third Court of Appeals District (Sec.
18 22.2041, Government Code) . . . \$5;

19 (D) Fourth Court of Appeals District (Sec.
20 22.2051, Government Code) . . . not more than \$5;

21 (E) Fifth Court of Appeals District (Sec.
22 22.2061, Government Code) . . . not more than \$5;

23 (E-1) Sixth Court of Appeals District (Sec.
24 22.2071, Government Code) . . . \$5;

25 (E-2) Seventh Court of Appeals District (Sec.
26 22.2081, Government Code) . . . \$5;

27 (E-3) Eighth Court of Appeals District (Sec.

1 22.2091, Government Code) . . . \$5;
2 (F) Ninth Court of Appeals District (Sec.
3 22.2101, Government Code) . . . \$5;
4 (G) Eleventh Court of Appeals District (Sec.
5 22.2121, Government Code) . . . \$5;
6 (G-1) Twelfth Court of Appeals District (Sec.
7 22.2131, Government Code) . . . \$5; and
8 (H) Thirteenth Court of Appeals District (Sec.
9 22.2141, Government Code) . . . not more than \$5;
10 (2) additional filing fees as follows:
11 (A) for certain cases to be used for
12 court-related purposes for support of the judiciary (Sec. 51.704,
13 Government Code) . . . \$40;
14 (B) to fund the improvement of Dallas County
15 civil court facilities, if authorized by the county commissioners
16 court (Sec. 51.705, Government Code) . . . not more than \$15;
17 (B-1) to fund the improvement of Bexar County
18 court facilities, if authorized by the county commissioners court
19 (Sec. 51.706, Government Code) . . . not more than \$15; and
20 (C) to fund the improvement of Hays County court
21 facilities, if authorized by the county commissioners court (Sec.
22 51.707, Government Code) . . . not more than \$15;
23 (3) jury fee for civil case (Sec. 51.604, Government
24 Code) . . . \$22;
25 (4) the expense of preserving the record as a court
26 cost, if imposed on a party by the referring court or associate
27 judge (Sec. 54A.211 [~~54.612~~], Government Code) . . . actual cost;

1 and

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

6 (b) Section 101.10115, Government Code, is repealed.

7 SECTION 5. (a) Section 101.1212, Government Code, is
8 amended to read as follows:

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

12 (1) appellate judicial system filing fees:

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

15 (B) Second Court of Appeals District (Sec.
16 22.2031, Government Code) . . . ~~[not more than]~~ \$5;

17 (C) Third Court of Appeals District (Sec.
18 22.2041, Government Code) . . . \$5;

19 (D) Fourth Court of Appeals District (Sec.
20 22.2051, Government Code) . . . not more than \$5;

21 (E) Fifth Court of Appeals District (Sec.
22 22.2061, Government Code) . . . not more than \$5;

23 (E-1) Sixth Court of Appeals District (Sec.
24 22.2071, Government Code) . . . \$5;

25 (E-2) Seventh Court of Appeals District (Sec.
26 22.2081, Government Code) . . . \$5;

27 (E-3) Eighth Court of Appeals District (Sec.

1 22.2091, Government Code) . . . \$5;

2 (F) Ninth Court of Appeals District (Sec.
3 22.2101, Government Code) . . . \$5;

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

6 (G-1) Twelfth Court of Appeals District (Sec.
7 22.2131, Government Code) . . . \$5; and

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

10 (2) a jury fee (Sec. 51.604, Government Code) . . .
11 \$22;

12 (3) a filing fee in each civil case filed to be used
13 for court-related purposes for the support of the judiciary (Sec.
14 51.703, Government Code) . . . \$40; and

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

17 (b) Section 101.12125, Government Code, is repealed.

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

21 (1) Section 22.2031, Government Code, as amended by
22 this Act;

23 (2) Section 101.0611, Government Code, as amended by
24 this Act;

25 (3) Section 101.0811, Government Code, as amended by
26 this Act;

27 (4) Section 101.1011, Government Code, as amended by

1 this Act; or

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

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

13 SECTION 7. To the extent of any conflict, this Act prevails
14 over another Act of the 83rd Legislature, Regular Session, 2013,
15 relating to nonsubstantive additions to and corrections in enacted
16 codes.

17 SECTION 8. This Act takes effect September 1, 2013.