

By: Stephenson

H.B. No. 474

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Thirteenth Court of Appeals District and to the
3 creation of the Fifteenth Court of Appeals District; authorizing
4 fees.

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 Sections 22.2151 and 22.2152 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 (h) Notwithstanding any other law, all court fees and costs
25 collected by the Thirteenth Court of Appeals and the Fifteenth
26 Court of Appeals shall be equally divided between the two courts.
27 This subsection expires August 31, 2027.

1 Sec. 22.2152. APPELLATE JUDICIAL SYSTEM. (a) The
2 commissioners court of each county in the Fifteenth Court of
3 Appeals District, by order entered in its minutes, shall establish
4 an appellate judicial system to:

5 (1) assist the court of appeals for the county in the
6 processing of appeals filed with the court of appeals from the
7 county courts, county courts at law, probate courts, and district
8 courts; and

9 (2) defray costs and expenses incurred by the county
10 under Section 22.2151.

11 (b) To fund the system, the commissioners court shall set a
12 court costs fee of not more than \$5 for each civil suit filed in a
13 county court, county court at law, probate court, or district court
14 in the county.

15 (c) The court costs fee does not apply to a suit filed by the
16 county or to a suit for delinquent taxes.

17 (d) The court costs fee shall be taxed, collected, and paid
18 as other court costs in a suit. The clerk of the court shall collect
19 the court costs fee set under this section and pay it to the county
20 officer who performs the county treasurer's functions. That
21 officer shall deposit the fee in a separate appellate judicial
22 system fund. The commissioners court shall administer the fund to
23 accomplish the purposes described by Subsection (a). The fund may
24 not be used for any other purpose.

25 (e) Not later than the 91st day of each county fiscal year,
26 the commissioners court shall order the balance remaining in the
27 appellate judicial system fund at the close of the previous fiscal

1 year to be forwarded to the court of appeals for expenditure by the
2 court of appeals for the court's judicial system.

3 (f) The commissioners court shall vest management of the
4 system in the chief justice of the court of appeals in the district.

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

8 (m) The Court of Appeals for the Thirteenth Court of Appeals
9 District consists of a chief justice and of two [~~five~~] justices
10 holding places numbered consecutively beginning with Place 2.

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

14 SECTION 5. Section 31.001, Government Code, is amended to
15 read as follows:

16 Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.
17 The commissioners courts in the counties of each of the 15 [~~14~~]
18 courts of appeals districts may pay additional compensation in an
19 amount that does not exceed the limitations of Section 659.012 to
20 each of the justices of the courts of appeals residing within the
21 court of appeals district that includes those counties. The
22 compensation is for all extrajudicial services performed by the
23 justices.

24 SECTION 6. Subchapter D, Chapter 101, Government Code, is
25 amended by adding Section 101.06111 to read as follows:

26 Sec. 101.06111. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT
27 CODE. The clerk of a district court shall collect an appellate

1 judicial system filing fee of not more than \$5 for the Fifteenth
2 Court of Appeals District under Section 22.2152.

3 SECTION 7. Subchapter E, Chapter 101, Government Code, is
4 amended by adding Section 101.08111 to read as follows:

5 Sec. 101.08111. ADDITIONAL STATUTORY COUNTY COURT FEES:
6 GOVERNMENT CODE. The clerk of a statutory county court shall
7 collect an appellate judicial system filing fee of not more than \$5
8 for the Fifteenth Court of Appeals District under Section 22.2152.

9 SECTION 8. Subchapter F, Chapter 101, Government Code, is
10 amended by adding Section 101.10111 to read as follows:

11 Sec. 101.10111. ADDITIONAL STATUTORY PROBATE COURT FEES:
12 GOVERNMENT CODE. The clerk of a statutory probate court shall
13 collect an appellate judicial system filing fee of not more than \$5
14 for the Fifteenth Court of Appeals District under Section 22.2152.

15 SECTION 9. Subchapter G, Chapter 101, Government Code, is
16 amended by adding Section 101.12121 to read as follows:

17 Sec. 101.12121. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
18 CODE. The clerk of a county court shall collect an appellate
19 judicial system filing fee of not more than \$5 for the Fifteenth
20 Court of Appeals District under Section 22.2152.

21 SECTION 10. (a) A justice of the Thirteenth Court of
22 Appeals who is serving on September 1, 2017, and who resides in a
23 county that is transferred by this Act from the Thirteenth Court of
24 Appeals District to the Fifteenth Court of Appeals District becomes
25 a member of the Fifteenth Court of Appeals for the period for which
26 elected or appointed to the Thirteenth Court of Appeals.

27 (b) If more than two justices of the Thirteenth Court of

1 Appeals reside in a county transferred to the Fifteenth Court of
2 Appeals District, those justices shall draw lots to determine which
3 justices shall become members of the Fifteenth Court of Appeals. A
4 justice who resides in a county transferred to the Fifteenth Court
5 of Appeals District who does not become a justice of the Fifteenth
6 Court of Appeals must establish residency in a county in the
7 Thirteenth Court of Appeals District not later than January 1,
8 2016. A justice who does not comply with this subsection vacates the
9 justice's position as of January 1, 2018.

10 (c) The person serving as chief justice of the Thirteenth
11 Court of Appeals on September 1, 2017, becomes the chief justice of
12 the Fifteenth Court of Appeals for the period for which elected or
13 appointed to the Thirteenth Court of Appeals. From among the
14 justices of the Thirteenth Court of Appeals who remain on that
15 court, the governor shall designate the chief justice for that
16 court, who serves, unless otherwise removed from office, the term
17 to which the justice was elected or appointed.

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

21 (e) The money appropriated by the 85th Legislature, Regular
22 Session, 2017, for the Thirteenth Court of Appeals for the state
23 fiscal biennium beginning September 1, 2017, shall be equally
24 divided between the Thirteenth Court of Appeals and Fifteenth Court
25 of Appeals. No additional money may be appropriated to the
26 Fifteenth Court of Appeals District.

27 SECTION 11. This Act does not affect the jurisdiction on

1 appeal of any case from a county that is transferred by this Act to a
2 different court of appeals district if the transcripts for the case
3 were filed before the effective date of this Act in the appropriate
4 court of appeals district.

5 SECTION 12. This Act takes effect September 1, 2017.