

By: Duncan

S.B. No. 368

Substitute the following for S.B. No. 368:

By: _____

C.S.S.B. No. 368

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the compensation of state judges and to the computation
3 of retirement benefits for state judges and for members of the
4 elected class of the Employees Retirement System of Texas.

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

6 SECTION 1. Sections 659.012(a) and (d), Government Code, are
7 amended to read as follows:

8 (a) Notwithstanding Section 659.011:

9 (1) a judge of a district court is entitled to an annual
10 salary from the state of at least \$125,000, except that the combined
11 salary of a district judge from state and county sources, including
12 compensation for any extrajudicial services performed on behalf of
13 the county, may not exceed the amount that is \$5,000 less than the
14 salary provided for a justice of a court of appeals other than a
15 chief justice [~~justice of the supreme court is entitled to an annual~~
16 ~~salary from the state that is at least \$102,463];~~

17 (2) a justice of a court of appeals other than the chief
18 justice is entitled to an annual salary from the state that is equal

1 to 110 percent of the salary of a district judge [~~five percent less~~
2 ~~than the salary provided by the General Appropriations Act for a~~
3 ~~justice of the supreme court~~], except that the combined salary of a
4 justice of the court of appeals other than the chief justice from all
5 state and county sources, including compensation for any
6 extrajudicial services performed on behalf of the county, may not
7 exceed the amount that is \$5,000 [~~\$1,000~~] less than the salary
8 provided for a justice of the supreme court;

9 (3) a justice of the supreme court other than the chief
10 justice or a judge of the court of criminal appeals other than the
11 presiding judge is entitled to an annual salary from the state that
12 is equal to 120 percent of the salary of a district judge; and

13 (4) the chief justice or presiding judge of an appellate
14 [a] court [of appeals] is entitled to an annual salary from the state
15 that is \$2,500 more than the salary provided for the other justices
16 or judges of the court [~~of appeals~~], except that the combined salary
17 of the chief justice of a court of appeals may not exceed the amount
18 that is \$2,500 [~~\$500~~] less than the salary provided for a justice of
19 the supreme court [~~; and~~

20 [~~(4) a judge of a district court is entitled to an annual~~
21 ~~salary from the state that is 10 percent less than the salary~~
22 ~~provided in the General Appropriations Act for a justice of the~~

1 ~~supreme court, except that unless otherwise provided by law, the~~
2 ~~combined salary of a district judge from state and county sources may~~
3 ~~not exceed the amount that is \$2,000 less than the salary provided~~
4 ~~for a justice of the supreme court].~~

5 (d) In a county with more than five district courts, a district
6 judge who serves as a local administrative district judge under
7 Section 74.091 is entitled to an annual salary from the state that
8 is \$5,000 more than the salary from the state to which the judge is
9 otherwise entitled under Subsection (a)(1) [~~(e)~~].

10 SECTION 2. Section 659.0125, Government Code, is amended to
11 read as follows:

12 Sec. 659.0125. SALARY FOR LOCAL ADMINISTRATIVE JUDGE. In a
13 county with more than six district courts, a district judge who
14 serves as a local administrative district judge under Section 74.091
15 is entitled to an annual salary from the state that is \$5,000 more
16 than the salary from the state to which the judge is otherwise
17 entitled under Section 659.012 [~~659.012(e)~~].

18 SECTION 3. Section 152.0003, Human Resources Code, is amended
19 to read as follows:

20 Sec. 152.0003. COMPENSATION. The compensation authorized under
21 this chapter for a judge serving on a juvenile board is in addition
22 to all other compensation provided or allowed by law for a judge.

1 Notwithstanding any other law, the combined salary of a district
2 judge serving on a juvenile board may not exceed an amount that is
3 \$5,000 less than the combined salary provided for a justice of a
4 court of appeals other than the chief justice.

5 SECTION 4. Subchapter C, Chapter 72, Government Code, is
6 amended by adding Section 72.030 to read as follows:

7 Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL TURNOVER.

8 (a) The office biennially shall collect data relating to:

9 (1) the rate at which state judges resign from office or
10 do not seek reelection; and

11 (2) the reason for action under Subdivision (1).

12 (b) Not later than December 1 of each even-numbered year, the
13 office shall file a report containing the data collected under
14 Subsection (a) for the preceding state fiscal biennium with the
15 lieutenant governor, the speaker of the house of representatives, and
16 the presiding officers of the standing committees of each house of
17 the legislature with jurisdiction over the judiciary or
18 appropriations.

19 (c) The report filed under Subsection (b) must include the
20 following findings:

21 (1) whether the compensation of state judges exceeds, is
22 equal to, or is less than the compensation of judges at corresponding

1 levels in the five states closest in population to this state; and

2 (2) whether the compensation of state judges exceeds, is
3 equal to, or is less than the average salary of lawyers engaged in
4 the private practice of law, using data collected by the state bar
5 under Section 81.116.

6 (d) The purpose of the report under this section is to provide
7 the legislature with information to facilitate legislation that
8 ensures that the compensation of state judges is adequate and
9 appropriate.

10 SECTION 5. Subchapter H, Chapter 81, Government Code, is
11 amended by adding Section 81.116 to read as follows:

12 Sec. 81.116. COLLECTION OF DATA RELATING TO ATTORNEY
13 COMPENSATION. (a) The state bar shall biennially collect data
14 relating to the compensation of lawyers engaged in the private
15 practice of law.

16 (b) Not later than December 1 of each even-numbered year, the
17 state bar shall file a report containing the data collected under
18 Subsection (a) for the preceding state fiscal biennium with the
19 lieutenant governor, the speaker of the house of representatives, and
20 the presiding officers of the standing committees of each house of
21 the legislature with jurisdiction over the judiciary or
22 appropriations.

1 SECTION 6. Section 814.103, Government Code, is amended to read
2 as follows:

3 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS
4 SERVICE. (a) Except as provided by Subsection (b) and Section
5 814.1031, the standard service retirement annuity for service
6 credited in the elected class of membership is an amount equal to the
7 number of years of service credit in that class, times 2.3 [~~two~~]
8 percent of the state salary, as adjusted from time to time, being
9 paid the governor [~~a district judge~~].

10 (b) The standard service retirement annuity for service
11 credited in the elected class may not exceed at any time 100 percent
12 of the state salary being paid the governor [~~a district judge~~].

13 SECTION 7. Subchapter B, Chapter 814, Government Code, is
14 amended by adding Section 814.1031 to read as follows:

15 Sec. 814.1031. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS
16 SERVICE AS STATE PROSECUTOR. (a) In this section, "state
17 prosecutor" means a person eligible for membership in the elected
18 class under Section 812.002(a)(3).

19 (b) Except as provided by Subsection (c), the standard service
20 retirement annuity for service credited in the elected class of
21 membership paid to a state prosecutor is an amount equal to the sum
22 of:

1 (1) the number of years of service credit for service of
2 the member as a state prosecutor times 2.3 percent of the state
3 salary, as adjusted from time to time, being paid a district judge;
4 and

5 (2) the number of years of service credit for service of
6 the member as any other elected class member times 2.3 percent of the
7 state salary, as adjusted from time to time, being paid the governor.

8 (c) The standard service retirement annuity paid to a state
9 prosecutor for service credited in the elected class as a state
10 prosecutor may not exceed at any time 100 percent of the state salary
11 being paid a district judge.

12 SECTION 8. Subchapter B, Chapter 833, Government Code, is
13 amended by adding Section 833.1035 to read as follows:

14 Sec. 833.1035. SERVICE IN EXCESS OF 20 YEARS. (a) Subject to
15 the limitation on the amount of a retirement annuity under Section
16 834.102(c), an eligible member may establish service credit in the
17 retirement system for service in excess of 20 years performed before
18 September 1, 2005.

19 (b) A member eligible to establish credit under Subsection (a)
20 is one who elects to make contributions under Section 835.1015.

21 (c) A member may not establish more than 120 months of service
22 credit under this section.

1 (d) A member may establish credit under this section by
2 depositing with the retirement system a contribution computed for
3 each month of qualifying service claimed at the rate of six percent
4 of the member's current monthly state salary.

5 (e) The board of trustees may adopt rules to administer this
6 section.

7 SECTION 9. Section 834.102, Government Code, is amended by
8 adding Subsection (c) to read as follows:

9 (c) The service retirement annuity of a member qualifying for
10 retirement under Section 834.101(a) is the applicable state salary
11 under Subsection (a), multiplied by a percentage amount that is the
12 sum of 50 percent plus the product of two percent multiplied by the
13 number of years of subsequent service credit the member accrues under
14 Section 835.1015(a). After including any increase under Subsection
15 (b), the service retirement annuity under this subsection may not be
16 an amount that is greater than 80 percent of the applicable salary
17 under Subsection (a).

18 SECTION 10. Section 835.101(c), Government Code, is amended to
19 read as follows:

20 (c) Except as provided by Section 835.1015, a [A] member who
21 accrues 20 years of service credit in the retirement system ceases
22 making contributions under this section.

1 SECTION 11. Subchapter B, Chapter 835, Government Code, is
2 amended by adding Section 835.1015 to read as follows:

3 Sec. 835.1015. CONTRIBUTIONS AFTER 20 YEARS OF SERVICE CREDIT.

4 (a) A judicial officer who is a member of the retirement system and
5 who accrues 20 years of service credit in the retirement system may
6 elect to make contributions for each subsequent year of service
7 credit that the member accrues by filing an application with the
8 retirement system.

9 (b) A member who elects to make contributions under Subsection
10 (a) shall contribute six percent of the member's state compensation
11 for each payroll period in the manner provided by Sections 835.101(a)
12 and (b).

13 (c) A member may not make contributions under this section for
14 more than 10 years of subsequent service credit that the member
15 accrues.

16 SECTION 12. Subchapter B, Chapter 838, Government Code, is
17 amended by adding Section 838.1035 to read as follows:

18 Sec. 838.1035. SERVICE IN EXCESS OF 20 YEARS. (a) Subject to
19 the limitation on the amount of a retirement annuity under Section
20 839.102(d), an eligible member may establish service credit in the
21 retirement system for service in excess of 20 years performed before
22 September 1, 2005.

1 (b) A member eligible to establish credit under Subsection (a)
2 is one who elects to make contributions under Section 840.1025.

3 (c) A member may not establish more than 120 months of service
4 credit under this section.

5 (d) A member may establish credit under this section by
6 depositing with the retirement system a contribution computed for
7 each month of qualifying service claimed at the rate of six percent
8 of the member's current monthly state salary.

9 (e) The board of trustees may adopt rules to administer this
10 section.

11 SECTION 13. Section 839.102, Government Code, is amended by
12 amending Subsection (a) and adding Subsection (d) to read as follows:

13 (a) Except as provided by Subsections (b), ~~[and]~~ (c), ~~and~~ (d),
14 the standard service retirement annuity is an amount equal to 50
15 percent of the state salary being paid at the time the member retires
16 to a judge of a court of the same classification as the last court
17 to which the retiring member was elected or appointed.

18 (d) The service retirement annuity of a member qualifying for
19 retirement under Section 839.101(a) is the applicable state salary
20 under Subsection (a) multiplied by a percentage amount that is the
21 sum of 50 percent plus the product of two percent multiplied by the
22 number of years of subsequent service credit the member accrues under

1 Section 840.1025(a). After including any increase under Subsection
2 (b), the service retirement annuity under this subsection may not be
3 an amount that is greater than 80 percent of the applicable salary
4 under Subsection (a).

5 SECTION 14. Section 840.102(g), Government Code, is amended to
6 read as follows:

7 (g) Except as provided by Section 840.1025, a [A] member who
8 accrues 20 years of service credit in the retirement system ceases
9 making contributions under this section but is considered a
10 contributing member for all other purposes under this subtitle.

11 SECTION 15. Subchapter B, Chapter 840, Government Code, is
12 amended by adding Section 840.1025 to read as follows:

13 Sec. 840.1025. CONTRIBUTIONS AFTER 20 YEARS OF SERVICE CREDIT.

14 (a) A judicial officer who is a member of the retirement system and
15 who accrues 20 years of service credit in the retirement system may
16 elect to make contributions for each subsequent year of service
17 credit that the member accrues by filing an application with the
18 retirement system.

19 (b) A member who elects to make contributions under Subsection
20 (a) shall contribute six percent of the member's state compensation
21 for each payroll period in the manner provided by Sections
22 840.102(b)-(f).

1 (c) A member may not make contributions under this section for
2 more than 10 years of subsequent service credit that the member
3 accrues.

4 SECTION 16. Section 133.003, Local Government Code, is amended
5 to read as follows:

6 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
7 following criminal fees:

8 (1) the consolidated fee imposed under Section 133.102;

9 (2) the time payment fee imposed under Section 133.103;

10 (3) fees for services of peace officers employed by the
11 state imposed under Article 102.011, Code of Criminal Procedure, and
12 forwarded to the comptroller as provided by Section 133.104;

13 (4) costs on conviction imposed in certain statutory
14 county courts under Section 51.702, Government Code, and deposited
15 in the judicial fund;

16 (5) costs on conviction imposed in certain county courts
17 under Section 51.703, Government Code, and deposited in the judicial
18 fund;

19 (6) the administrative fee for failure to appear or
20 failure to pay or satisfy a judgment imposed under Section 706.006,
21 Transportation Code; [and]

22 (7) fines on conviction imposed under Section 621.506(g),

1 Transportation Code; and

2 (8) the cost on conviction imposed under Section 133.105.

3 SECTION 17. Section 133.004, Local Government Code, is amended
4 to read as follows:

5 Sec. 133.004. CIVIL FEES. This chapter applies to the
6 following civil fees:

7 (1) the consolidated fee on filing in district court
8 imposed under Section 133.151;

9 (2) the filing fee in district court for basic civil
10 legal services for indigents imposed under Section 133.152;

11 (3) the filing fee in courts other than district court
12 for basic civil legal services for indigents imposed under Section
13 133.153;

14 (4) the filing fees for the judicial fund imposed in
15 certain statutory county courts under Section 51.702, Government
16 Code;

17 (5) the filing fees for the judicial fund imposed in
18 certain county courts under Section 51.703, Government Code;

19 (6) the filing fees for the judicial fund imposed in
20 certain statutory probate courts under Section 51.704, Government
21 Code;

22 (7) fees collected under Section 118.015;

1 (8) marriage license fees for the family trust fund
2 collected under Section 118.018; [~~and~~]

3 (9) marriage license or declaration of informal marriage
4 fees for the child abuse and neglect prevention trust fund account
5 collected under Section 118.022; and

6 (10) the filing fee imposed in district court, statutory
7 county court, and county court under Section 133.154.

8 SECTION 18. Subchapter C, Chapter 133, Local Government Code,
9 is amended by adding Section 133.105 to read as follows:

10 Sec. 133.105. FEE FOR JUDICIAL SALARIES. (a) A person
11 convicted of any offense, other than an offense relating to a
12 pedestrian or the parking of a motor vehicle, shall pay as a court
13 cost, in addition to all other costs, a fee of \$3 to fund judicial
14 salaries.

15 (b) The treasurer shall deposit 10 cents of each fee collected
16 under this section in the general fund of the county or municipality
17 for administrative purposes.

18 (c) The treasurer shall deposit 50 cents of each fee collected
19 under this section in the general fund of the municipality to promote
20 the efficient operation of the municipal court and the investigation,
21 prosecution, and enforcement of municipal and state offenses that are
22 within the jurisdiction of the municipal court.

1 (d) The treasurer shall remit the remainder of the fees
2 collected under this section to the comptroller in the manner
3 provided by Subchapter B.

4 SECTION 19. Subchapter D, Chapter 133, Local Government Code,
5 is amended by adding Section 133.154 to read as follows:

6 Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT COURT,
7 STATUTORY COUNTY COURT, OR COUNTY COURT FOR JUDICIAL SALARIES. (a)
8 In addition to other fees authorized or required by law, the clerk
9 of a district court, statutory county court, or county court shall
10 collect a fee of \$35 on the filing of any civil suit to fund judicial
11 salaries.

12 (b) The treasurer shall deposit 10 percent of the fees
13 collected under this section in the general fund of the county or
14 municipality for administrative purposes.

15 (c) The treasurer shall remit the remainder of the fees
16 collected under this section to the comptroller in the manner
17 provided by Subchapter B.

18 SECTION 20. Section 101.061, Government Code, is amended to
19 read as follows:

20 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a
21 district court shall collect fees and costs as follows:

22 (1) filing fee in action with respect to a fraudulent

1 court record or fraudulent lien or claim filed against property (Sec.
2 12.005, Civil Practice and Remedies Code) ... \$15;

3 (2) fee for service of notice of action with respect to
4 a fraudulent court record or fraudulent lien or claim filed against
5 property (Sec. 12.005, Civil Practice and Remedies Code) ... not to
6 exceed \$20, if notice delivered in person, or the cost of postage,
7 if service is by registered or certified mail;

8 (3) court cost in certain civil cases to establish and
9 maintain an alternative dispute resolution system, if authorized by
10 the county commissioners court (Sec. 152.004, Civil Practice and
11 Remedies Code) ... not to exceed \$10;

12 (4) appellate judicial system filing fees for:

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. 22.2031,
16 Government Code) ... not more than \$5;

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

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

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

1 (5) 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) for each civil suit filed, for court-related
6 purposes for the support of the judiciary and for civil legal
7 services to an indigent:

8 (i) for family law cases and proceedings as
9 defined by Section 25.0002, Government Code (Sec. 133.151, Local
10 Government Code) ... \$45; or

11 (ii) for any case other than a case described
12 by Subparagraph (i) (Sec. 133.151, Local Government Code) ... \$50;

13 (C) to fund the improvement of Dallas County civil
14 court facilities, if authorized by the county commissioners court
15 (Sec. 51.705, Government Code) ... not more than \$15; [~~and~~]

16 (D) on the filing of any civil action or proceeding
17 requiring a filing fee, including an appeal, and on the filing of any
18 counterclaim, cross-action, intervention, interpleader, or third-
19 party action requiring a filing fee, to fund civil legal services for
20 the indigent:

21 (i) for family law cases and proceedings as
22 defined by Section 25.0002, Government Code (Sec. 133.152, Local

1 Government Code) ... \$5; or

2 (ii) for any case other than a case described

3 by Subparagraph (i) (Sec. 133.152, Local Government Code) ... \$10; and

4 (E) for each civil suit filed, to fund judicial

5 salaries (Sec. 133.154, Local Government Code) ... \$35;

6 (6) for filing a suit, including an appeal from an

7 inferior court:

8 (A) for a suit with 10 or fewer plaintiffs (Sec.

9 51.317, Government Code) ... \$50;

10 (B) for a suit with at least 11 but not more than 25

11 plaintiffs (Sec. 51.317, Government Code) ... \$75;

12 (C) for a suit with at least 26 but not more than

13 100 plaintiffs (Sec. 51.317, Government Code) ... \$100;

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

15 than 500 plaintiffs (Sec. 51.317, Government Code) ... \$125;

16 (E) for a suit with at least 501 but not more than

17 1,000 plaintiffs (Sec. 51.317, Government Code) ... \$150; or

18 (F) for a suit with more than 1,000 plaintiffs (Sec.

19 51.317, Government Code) ... \$200;

20 (7) for filing a cross-action, counterclaim,

21 intervention, contempt action, motion for new trial, or third-party

22 petition (Sec. 51.317, Government Code) ... \$15;

1 (8) for issuing a citation or other writ or process not
2 otherwise provided for, including one copy, when requested at the
3 time a suit or action is filed (Sec. 51.317, Government Code) ... \$8;
4 (9) for records management and preservation (Sec. 51.317,
5 Government Code) ... \$10;
6 (10) for issuing a subpoena, including one copy (Sec.
7 51.318, Government Code) ... \$8;
8 (11) for issuing a citation, commission for deposition,
9 writ of execution, order of sale, writ of execution and order of
10 sale, writ of injunction, writ of garnishment, writ of attachment,
11 or writ of sequestration not provided for in Section 51.317, or any
12 other writ or process not otherwise provided for, including one copy
13 if required by law (Sec. 51.318, Government Code) ... \$8;
14 (12) for searching files or records to locate a cause
15 when the docket number is not provided (Sec. 51.318, Government
16 Code) ... \$5;
17 (13) for searching files or records to ascertain the
18 existence of an instrument or record in the district clerk's office
19 (Sec. 51.318, Government Code) ... \$5;
20 (14) for abstracting a judgment (Sec. 51.318, Government
21 Code) ... \$8;
22 (15) for approving a bond (Sec. 51.318, Government

1 Code) ... \$4;

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

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

8 (18) jury fee (Sec. 51.604, Government Code) ... \$30;

9 (19) for filing a report of divorce or annulment (Sec.
10 194.002, Health and Safety Code) ... \$1;

11 (20) for filing a suit in Comal County (Sec. 152.0522,
12 Human Resources Code) ... \$4;

13 (21) additional filing fee for family protection on
14 filing a suit for dissolution of a marriage under Chapter 6, Family
15 Code, if authorized by the county commissioners court (Sec. 51.961,
16 Government Code) ... not to exceed \$15;

17 (22) fee on filing a suit for dissolution of a marriage
18 for services of child support department in Harris County, if
19 authorized by the county commissioners court (Sec. 152.1074, Human
20 Resources Code) ... not to exceed \$12;

21 (23) fee on filing a suit requesting an adoption in
22 Montague County (Sec. 152.1752, Human Resources Code) ... \$25;

1 (24) court cost on citation for contempt of court for
2 failure to comply with child support order in Nueces County, if
3 authorized by the commissioners court (Sec. 152.1844, Human Resources
4 Code) ... not to exceed \$10;

5 (25) fee on filing a suit for divorce in Orange County
6 (Sec. 152.1873, Human Resources Code) ... not less than \$5;

7 (26) court costs on citation for contempt of court in
8 Orange County for failure to comply with a child support order or
9 order providing for possession of or access to a child (Sec.
10 152.1873, Human Resources Code) ... amount determined by district
11 clerk;

12 (27) fee on filing a suit requesting an adoption in
13 Orange County (Sec. 152.1874, Human Resources Code) ... not less than
14 \$25;

15 (28) fee on filing a suit requesting an adoption in
16 Wichita County (Sec. 152.2496, Human Resources Code) ... \$100;

17 (29) additional filing fee to fund the courthouse
18 security fund, if authorized by the county commissioners court (Sec.
19 291.008, Local Government Code) ... not to exceed \$5;

20 (30) additional filing fee for filing documents not
21 subject to certain filing fees to fund the courthouse security fund,
22 if authorized by the county commissioners court (Sec. 291.008, Local

1 Government Code) ... \$1;

2 (31) additional filing fee to fund the courthouse
3 security fund in Webb County, if authorized by the county
4 commissioners court (Sec. 291.009, Local Government Code) ... not to
5 exceed \$20;

6 (32) court cost in civil cases other than suits for
7 delinquent taxes to fund the county law library fund, if authorized
8 by the county commissioners court (Sec. 323.023, Local Government
9 Code) ... not to exceed \$35;

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

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

17 (35) at a hearing held by an associate judge in Duval
18 County, a court cost to preserve the record (Sec. 54.1151, Government
19 Code, as added by Chapter 1150, Acts of the 78th Legislature, Regular
20 Session, 2003) ... as imposed by the referring court or associate
21 judge.

22 SECTION 21. Section 101.081, Government Code, is amended to

1 read as follows:

2 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The clerk
3 of a statutory county court shall collect fees and costs as follows:

4 (1) court cost in certain civil cases to establish and
5 maintain an alternative dispute resolution system, if authorized by
6 the county commissioners court (Sec. 152.004, Civil Practice and
7 Remedies Code) ... not to exceed \$10;

8 (2) appellate judicial system filing fees:

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

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

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

15 (D) Fifth Court of Appeals District (Sec. 22.2061,
16 Government Code) ... not more than \$5; and

17 (E) Thirteenth Court of Appeals District (Sec.
18 22.2141, Government Code) ... not more than \$5;

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

21 (4) a court reporter fee when testimony is taken in a
22 county court at law in McLennan County (Sec. 25.1572, Government

1 Code) ... \$3;

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

4 (A) in a county court at law in Hidalgo County (Sec.
5 25.1102, Government Code) ... \$20; and

6 (B) in a county court at law in Nolan County (Sec.
7 25.1792, Government Code) ... \$25;

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

9 (7) an additional filing fee:

10 (A) for each civil case filed to be used for court-
11 related purposes for the support of the judiciary, if authorized by
12 the county commissioners court (Sec. 51.702, Government Code) ... \$40;

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

16 (C) for filing any civil action or proceeding
17 requiring a filing fee, including an appeal, and on the filing of any
18 counterclaim, cross-action, intervention, interpleader, or third-
19 party action requiring a filing fee, to fund civil legal services for
20 the indigent (Sec. 133.153, Local Government Code) ... \$5; and

21 (D) for each civil suit filed, to fund judicial
22 salaries (Sec. 133.154, Local Government Code) ... \$35;

1 (8) for filing an application for registration of death
2 (Sec. 193.007, Health and Safety Code) ... \$1;

3 (9) fee for judge's services on an application for court-
4 ordered mental health services (Sec. 574.031, Health and Safety
5 Code) ... not to exceed \$50;

6 (10) fee for prosecutor's services on an application for
7 court-ordered mental health services (Sec. 574.031, Health and Safety
8 Code) ... not to exceed \$50;

9 (11) for filing a suit in Comal County (Sec. 152.0522,
10 Human Resources Code) ... \$4;

11 (12) additional filing fee to fund contingency fund for
12 liability insurance, if authorized by the county commissioners court
13 (Sec. 82.003, Local Government Code) ... not to exceed \$5;

14 (13) civil court actions (Sec. 118.052, Local Government
15 Code):

16 (A) filing of original action (Secs. 118.052 and
17 118.053, Local Government Code):

18 (i) garnishment after judgment (Sec. 118.052,
19 Local Government Code) ... \$15; and

20 (ii) all others (Sec. 118.052, Local Government
21 Code) ... \$40;

22 (B) filing of action other than original (Secs.

1 118.052 and 118.054, Local Government Code) ... \$30; and

2 (C) services rendered after judgment in original
3 action (Secs. 118.052 and 118.0545, Local Government Code):

4 (i) abstract of judgment (Sec. 118.052, Local
5 Government Code) ... \$5; and

6 (ii) execution, order of sale, writ, or other
7 process (Sec. 118.052, Local Government Code) ... \$5;

8 (14) probate court actions (Sec. 118.052, Local
9 Government Code):

10 (A) probate original action (Secs. 118.052 and
11 118.055, Local Government Code):

12 (i) probate of a will with independent
13 executor, administration with will attached, administration of an
14 estate, guardianship or receivership of an estate, or muniment of
15 title (Sec. 118.052, Local Government Code) ... \$40;

16 (ii) community survivors (Sec. 118.052, Local
17 Government Code) ... \$40;

18 (iii) small estates (Sec. 118.052, Local
19 Government Code) ... \$40;

20 (iv) declarations of heirship (Sec. 118.052,
21 Local Government Code) ... \$40;

22 (v) mental health or chemical dependency

1 services (Sec. 118.052, Local Government Code) ... \$40; and
2 (vi) additional, special fee (Secs. 118.052 and
3 118.064, Local Government Code) ... \$5;
4 (B) services in pending probate action (Secs.
5 118.052 and 118.056, Local Government Code):
6 (i) filing an inventory and appraisalment after
7 the 120th day after the date of the initial filing of the action
8 (Sec. 118.052, Local Government Code) ... \$25;
9 (ii) approving and recording bond (Sec.
10 118.052, Local Government Code) ... \$3;
11 (iii) administering oath (Sec. 118.052, Local
12 Government Code) ... \$2;
13 (iv) filing annual or final account of estate
14 (Sec. 118.052, Local Government Code) ... \$25;
15 (v) filing application for sale of real or
16 personal property (Sec. 118.052, Local Government Code) ... \$25; and
17 (vi) filing annual or final report of guardian
18 of a person (Sec. 118.052, Local Government Code) ... \$10;
19 (C) adverse probate action (Secs. 118.052 and
20 118.057, Local Government Code) ... \$40; and
21 (D) claim against estate (Secs. 118.052 and 118.058,
22 Local Government Code) ... \$2;

1 (15) other fees (Sec. 118.052, Local Government Code):
2 (A) issuing document (Secs. 118.052 and 118.059,
3 Local Government Code):
4 (i) original document and one copy (Sec.
5 118.052, Local Government Code) ... \$4; and
6 (ii) each additional set of an original and one
7 copy (Sec. 118.052, Local Government Code) ... \$4;
8 (B) certified papers (Secs. 118.052 and 118.060,
9 Local Government Code):
10 (i) for the clerk's certificate (Sec. 118.052,
11 Local Government Code) ... \$5; and
12 (ii) a fee per page or part of a page (Sec.
13 118.052, Local Government Code) ... \$1;
14 (C) noncertified papers, for each page or part of a
15 page (Secs. 118.052 and 118.0605, Local Government Code) ... \$1;
16 (D) letters testamentary, letter of guardianship,
17 letter of administration, or abstract of judgment (Secs. 118.052 and
18 118.061, Local Government Code) ... \$2;
19 (E) safekeeping of wills (Secs. 118.052 and 118.062,
20 Local Government Code) ... \$5;
21 (F) mail service of process (Secs. 118.052 and
22 118.063, Local Government Code) ... same as sheriff; and

1 (G) records management and preservation fee (Secs.
2 118.052, 118.0546, and 118.0645, Local Government Code) ... \$5;

3 (16) additional filing fee to fund the courthouse
4 security fund, if authorized by the county commissioners court (Sec.
5 291.008, Local Government Code) ... not to exceed \$5;

6 (17) additional filing fee for filing documents not
7 subject to certain filing fees to fund the courthouse security fund,
8 if authorized by the county commissioners court (Sec. 291.008, Local
9 Government Code) ... \$1;

10 (18) additional filing fee to fund the courthouse
11 security fund in Webb County, if authorized by the county
12 commissioners court (Sec. 291.009, Local Government Code) ... not to
13 exceed \$20;

14 (19) court cost in civil cases other than suits for
15 delinquent taxes to fund the county law library fund, if authorized
16 by the county commissioners court (Sec. 323.023, Local Government
17 Code) ... not to exceed \$35;

18 (20) fee for deposit of a will with the county clerk
19 during testator's lifetime (Sec. 71, Texas Probate Code) ... \$3;

20 (21) court cost for each special commissioner in an
21 eminent domain proceeding (Sec. 21.047, Property Code) ... as taxed
22 by the court, \$10 or more; and

1 (22) fee for county attorney in a suit regarding a
2 railroad company's failure to keep roadbed and right-of-way in proper
3 condition (Art. 6327, Vernon's Texas Civil Statutes) ... \$10.

4 SECTION 22. Section 101.121, Government Code, is amended to
5 read as follows:

6 Sec. 101.121. COUNTY COURT FEES AND COSTS. The clerk of a
7 county court shall collect:

8 (1) fee for hearing on application for a license to
9 manufacture, distribute, store, or sell beer (Sec. 61.31, Alcoholic
10 Beverage Code) ... \$5;

11 (2) court cost in certain civil cases to establish and
12 maintain an alternative dispute resolution system, if authorized by
13 the county commissioners court (Sec. 152.004, Civil Practice and
14 Remedies Code) ... not to exceed \$10;

15 (3) appellate judicial system filing fees:

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

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

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

22 (D) Fifth Court of Appeals District (Sec. 22.2061,

1 Government Code) ... not more than \$5; and

2 (E) Thirteenth Court of Appeals District (Sec.

3 22.2141, Government Code) ... not more than \$5;

4 (4) a jury fee (Sec. 51.604, Government Code) ... \$22;

5 (5) a filing fee in each civil case filed to be used for

6 court-related purposes for the support of the judiciary (Sec. 51.703,

7 Government Code) ... \$40;

8 (6) for filing an application for registration of death

9 (Sec. 193.007, Health and Safety Code) ... \$1;

10 (7) fee for judge's services on an application for court-

11 ordered mental health services (Sec. 574.031, Health and Safety Code)

12 ... not to exceed \$50;

13 (8) fee for prosecutor's services on an application for

14 court-ordered mental health services (Sec. 574.031, Health and Safety

15 Code) ... not to exceed \$50;

16 (9) additional filing fee to fund contingency fund for

17 liability insurance, if authorized by the county commissioners court

18 (Sec. 82.003, Local Government Code) ... not to exceed \$5;

19 (10) civil court actions (Sec. 118.052, Local Government

20 Code):

21 (A) filing of original action (Secs. 118.052 and

22 118.053, Local Government Code):

1 (i) garnishment after judgment (Sec. 118.052,
2 Local Government Code) ... \$15; and

3 (ii) all others (Sec. 118.052, Local Government
4 Code) ... \$40;

5 (B) filing of action other than original (Secs.
6 118.052 and 118.054, Local Government Code) ... \$30; and

7 (C) services rendered after judgment in original
8 action (Secs. 118.052 and 118.0545, Local Government Code):

9 (i) abstract of judgment (Sec. 118.052, Local
10 Government Code) ... \$5; and

11 (ii) execution, order of sale, writ, or other
12 process (Sec. 118.052, Local Government Code) ... \$5;

13 (11) probate court actions (Sec. 118.052, Local
14 Government Code):

15 (A) probate original action (Secs. 118.052 and
16 118.055, Local Government Code):

17 (i) probate of a will with independent
18 executor, administration with will attached, administration of an
19 estate, guardianship or receivership of an estate, or muniment of
20 title (Sec. 118.052, Local Government Code) ... \$40;

21 (ii) community survivors (Sec. 118.052, Local
22 Government Code) ... \$40;

1 (iii) small estates (Sec. 118.052, Local
2 Government Code) ... \$40;

3 (iv) declarations of heirship (Sec. 118.052,
4 Local Government Code) ... \$40;

5 (v) mental health or chemical dependency
6 services (Sec. 118.052, Local Government Code) ... \$40; and

7 (vi) additional, special fee (Secs. 118.052 and
8 118.064, Local Government Code) ... \$5;

9 (B) services in pending probate action (Secs.
10 118.052 and 118.056, Local Government Code):

11 (i) filing an inventory and appraisalment after
12 the 120th day after the date of the initial filing of the action
13 (Sec. 118.052, Local Government Code) ... \$25;

14 (ii) approving and recording bond (Sec.
15 118.052, Local Government Code) ... \$3;

16 (iii) administering oath (Sec. 118.052, Local
17 Government Code) ... \$2;

18 (iv) filing annual or final account of estate
19 (Sec. 118.052, Local Government Code) ... \$25;

20 (v) filing application for sale of real or
21 personal property (Sec. 118.052, Local Government Code) ... \$25; and

22 (vi) filing annual or final report of guardian

1 of a person (Sec. 118.052, Local Government Code) ... \$10;

2 (C) adverse probate action (Secs. 118.052 and
3 118.057, Local Government Code) ... \$40; and

4 (D) claim against estate (Secs. 118.052 and 118.058,
5 Local Government Code) ... \$2;

6 (12) other fees (Sec. 118.052, Local Government Code):

7 (A) issuing document (Secs. 118.052 and 118.059,
8 Local Government Code):

9 (i) original document and one copy (Sec.
10 118.052, Local Government Code) ... \$4; and

11 (ii) each additional set of an original and one
12 copy (Sec. 118.052, Local Government Code) ... \$4;

13 (B) certified papers (Secs. 118.052 and 118.060,
14 Local Government Code):

15 (i) for the clerk's certificate (Sec. 118.052,
16 Local Government Code) ... \$5; and

17 (ii) a fee per page or part of a page (Sec.
18 118.052, Local Government Code) ... \$1;

19 (C) noncertified papers, for each page or part of a
20 page (Secs. 118.052 and 118.0605, Local Government Code) ... \$1;

21 (D) letters testamentary, letter of guardianship,
22 letter of administration, or abstract of judgment (Secs. 118.052 and

1 118.061, Local Government Code) ... \$2;

2 (E) safekeeping of wills (Secs. 118.052 and 118.062,
3 Local Government Code) ... \$5;

4 (F) mail service of process (Secs. 118.052 and
5 118.063, Local Government Code) ... same as sheriff; and

6 (G) records management and preservation fee (Secs.
7 118.052, 118.0546, and 118.0645, Local Government Code) ... \$5;

8 (13) deposit on filing petition requesting permission to
9 create a municipal civic center authority (Sec. 281.013, Local
10 Government Code) ... \$200;

11 (14) additional filing fee to fund the courthouse
12 security fund, if authorized by the county commissioners court (Sec.
13 291.008, Local Government Code) ... not to exceed \$5;

14 (15) additional filing fee for filing documents not
15 subject to certain filing fees to fund the courthouse security fund,
16 if authorized by the county commissioners court (Sec. 291.008, Local
17 Government Code) ... \$1;

18 (16) additional filing fee to fund the courthouse
19 security fund in Webb County, if authorized by the county
20 commissioners court (Sec. 291.009, Local Government Code) ... not to
21 exceed \$20;

22 (17) court cost in civil cases other than suits for

1 delinquent taxes to fund the county law library fund, if authorized
2 by the county commissioners court (Sec. 323.023, Local Government
3 Code) ... not to exceed \$35;

4 (18) fee for deposit of a will with the county clerk
5 during testator's lifetime (Sec. 71, Texas Probate Code) ... \$3;

6 (19) fee for county attorney in a suit regarding a
7 railroad company's failure to keep roadbed and right-of-way in proper
8 condition (Art. 6327, Vernon's Texas Civil Statutes) ... \$10;

9 (20) appeal bond from a petitioner or taxpayer in a water
10 control and preservation district (Art. 7818, Vernon's Texas Civil
11 Statutes) ... \$100; [~~and~~]

12 (21) additional filing fee for filing any civil action or
13 proceeding requiring a filing fee, including an appeal, and on the
14 filing of any counterclaim, cross-action, intervention, interpleader,
15 or third-party action requiring a filing fee, to fund civil legal
16 services for the indigent (Sec. 133.153, Local Government Code) ... \$5;
17 and

18 (22) additional filing fee for each civil suit filed, to
19 fund judicial salaries (Sec. 133.154, Local Government Code) ... \$35.

20 SECTION 23. Section 102.021, Government Code, is amended to
21 read as follows:

22 Sec. 102.021. COURT COSTS ON CONVICTION. A person convicted

1 of an offense shall pay, in addition to all other costs:

2 (1) court costs on conviction of a felony (Sec. 133.102,
3 Local Government Code) ... \$133;

4 (2) court costs on conviction of a Class A or Class B
5 misdemeanor (Sec. 133.102, Local Government Code) ... \$83;

6 (3) court costs on conviction of a nonjailable
7 misdemeanor offense, including a criminal violation of a municipal
8 ordinance, other than a conviction of an offense relating to a
9 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
10 Government Code) ... \$40;

11 (4) court costs on certain convictions in statutory
12 county courts (Sec. 51.702, Government Code) ... \$15;

13 (5) court costs on certain convictions in certain county
14 courts (Sec. 51.703, Government Code) ... \$15;

15 (6) a time payment fee if convicted of a felony or
16 misdemeanor for paying any part of a fine, court costs, or
17 restitution on or after the 31st day after the date on which a
18 judgment is entered assessing the fine, court costs, or restitution
19 (Sec. 133.103, Local Government Code) ... \$25;

20 (7) a fee for services of prosecutor (Art. 102.008, Code
21 of Criminal Procedure) ... \$25;

22 (8) fees for services of peace officer:

1 (A) issuing a written notice to appear in court for
2 certain violations (Art. 102.011, Code of Criminal Procedure) ... \$5;

3 (B) executing or processing an issued arrest warrant
4 or capias (Art. 102.011, Code of Criminal Procedure) ... \$50;

5 (C) summoning a witness (Art. 102.011, Code of
6 Criminal Procedure) ... \$5;

7 (D) serving a writ not otherwise listed (Art.
8 102.011, Code of Criminal Procedure) ... \$35;

9 (E) taking and approving a bond and, if necessary,
10 returning the bond to courthouse (Art. 102.011, Code of Criminal
11 Procedure) ... \$10;

12 (F) commitment or release (Art. 102.011, Code of
13 Criminal Procedure) ... \$5;

14 (G) summoning a jury (Art. 102.011, Code of Criminal
15 Procedure) ... \$5;

16 (H) attendance of a prisoner in habeas corpus case
17 if prisoner has been remanded to custody or held to bail (Art.
18 102.011, Code of Criminal Procedure) ... \$8 each day;

19 (I) mileage for certain services performed (Art.
20 102.011, Code of Criminal Procedure) ... \$0.29 per mile; and

21 (J) services of a sheriff or constable who serves
22 process and attends examining trial in certain cases (Art. 102.011,

1 Code of Criminal Procedure) ... not to exceed \$5;

2 (9) services of a peace officer in conveying a witness
3 outside the county (Art. 102.011, Code of Criminal Procedure) ... \$10
4 per day or part of a day, plus actual necessary travel expenses;

5 (10) overtime of peace officer for time spent testifying
6 in the trial or traveling to or from testifying in the trial (Art.
7 102.011, Code of Criminal Procedure) ... actual cost;

8 (11) court costs on an offense relating to rules of the
9 road, when offense occurs within a school crossing zone (Art.
10 102.014, Code of Criminal Procedure) ... \$25;

11 (12) court costs on an offense of passing a school bus
12 (Art. 102.014, Code of Criminal Procedure) ... \$25;

13 (13) court costs on an offense of truancy or contributing
14 to truancy (Art. 102.014, Code of Criminal Procedure) ... \$20;

15 (14) cost for visual recording of intoxication arrest
16 before conviction (Art. 102.018, Code of Criminal Procedure) ... \$15;

17 (15) cost of certain evaluations (Art. 102.018, Code of
18 Criminal Procedure) ... actual cost;

19 (16) additional costs attendant to certain intoxication
20 convictions under Chapter 49, Penal Code, for emergency medical
21 services, trauma facilities, and trauma care systems (Art. 102.0185,
22 Code of Criminal Procedure) ... \$100;

1 (17) cost for DNA testing for certain felonies (Art.
2 102.020, Code of Criminal Procedure) ... \$250;

3 (18) court cost on an offense of public lewdness or
4 indecent exposure (Art. 102.020, Code of Criminal Procedure) ... \$50;

5 (19) court cost on conviction of a misdemeanor under
6 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
7 Transportation Code) ... \$3;

8 (20) cost for impoundment of vehicle (Sec. 601.263,
9 Transportation Code) ... \$15 per day; [and]

10 (21) a civil and criminal enforcement cost on conviction
11 of an offense of, or related to, the nonpayment of a toll in certain
12 counties (Sec. 284.2031, Transportation Code) ... \$1; and

13 (22) court cost on conviction of any offense, other than
14 a conviction of an offense relating to a pedestrian or the parking
15 of a motor vehicle (Sec. 133.105, Local Government Code) ... \$3.

16 SECTION 24. Section 51.607, Government Code, does not apply to
17 court costs or fees imposed under this Act.

18 SECTION 25. (a) Not later than December 1, 2005, the Office
19 of Court Administration of the Texas Judicial System shall begin
20 collecting the data required by Section 72.030, Government Code, as
21 added by this Act.

22 (b) Not later than December 1, 2005, the State Bar of Texas

1 shall begin collecting the data required by Section 81.116,
2 Government Code, as added by this Act.

3 SECTION 26. (a) Section 814.103, Government Code, as amended
4 by this Act, and Section 814.1031, Government Code, as added by this
5 Act, apply only to an annuity payment made on or after September 1,
6 2005.

7 (b) The Employees Retirement System of Texas shall recompute
8 an annuity that first became payable before September 1, 2005, as
9 though Section 814.103, Government Code, as amended by this Act, and
10 Section 814.1031, as added by this Act, were in effect on the date
11 the annuity first became payable.

12 (c) The first payment of the recomputed annuity is payable on
13 the first payment date occurring on or after September 1, 2005.

14 SECTION 27. Sections 834.102 and 839.102, Government Code, as
15 amended by this Act, apply only to a benefit payment made by the
16 Judicial Retirement System of Texas Plan One or the Judicial
17 Retirement System of Texas Plan Two, on or after September 1, 2005.

18 SECTION 28. This Act takes effect September 1, 2005.