

BILL ANALYSIS

C.S.H.B. 2599
By: Stick
Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, six of the 14 court of appeals districts have “Chapter 22” funds, also known as Appellate Judicial Systems. These consist of funds collected from filing fees within the district and are used to facilitate the operations of the court of appeals. These districts are the 1st/14th (Houston), 2nd (Fort Worth), 4th (San Antonio), 5th (Dallas), and the 13th (Corpus Christi).

C.S.H.B. 2599 creates an Appellate Judicial System for the 3rd Court of Appeals (Austin). On April 7, 2003, the House Committee on Judicial Affairs (the “Committee”) voted in favor of a similar bill, H.B. 3270, to create an Appellate Judicial System for the 8th Court of Appeals (El Paso). The Committee has also heard H.B. 3322 to create an Appellate Judicial System for the 11th Court of Appeals (Eastland) but did not vote on this bill due to a lack of quorum.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2599 amends the Government Code to create an appellate judicial system for the 3rd court of appeals district. The bill requires the commissioners court of each county in the Third Court of Appeals District by order entered in its minutes to establish an appellate judicial system to assist the court of appeals in processing appeals filed with the court of appeals from the county courts, county courts at law, probate courts, and district courts, and to defray costs and expenses incurred by the county.

The bill requires the commissioners courts, in order to fund the system, to set a court costs fee of not more than \$5 for each civil suit filed in the county court, county court at law, probate court, or district court in the county. The bill provides that the court costs fee does not apply to a suit filed by the county or to a suit for delinquent taxes.

The bill requires the court costs fee to be taxed, collected, and paid as other court costs in a suit, and the court clerk to collect the fee and pay it to the county officer who performs the county treasurer's functions. The bill also requires that officer to deposit the fee in a separate appellate judicial system fund and requires the commissioners court to administer the fund to establish and maintain a fund system to assist the court of appeals in the district. The bill prohibits the fund from being used for any other purpose.

The bill also requires the commissioners court to monthly order the funds collected to be forwarded to the court of appeals for expenditures by the court of appeals for its judicial system, and mandates that the commissioners courts vest management of the system in the chief justice of the court of appeals.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute is a Legislative Council draft, whereas the original is not. There are no substantive changes.