

BILL ANALYSIS

Senate Research Center
79R12398 YDB-D

H.B. 1997
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Jurisprudence
5/13/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 1997 creates an appellate judicial system for the 11th Court of Appeals District that will assist the court of appeals for the county in the processing of appeals filed with the county, statutory, probate, and district courts. It also assesses a \$5 court cost fee for each civil suit filed in county, statutory, probate, and district courts to assist in paying for the cost and expenses sustained in that county. The funds collected from the fee are required to be used for purposes of the court of appeals and to defray some of the county's expenses in administering the appellate court.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.2121, as follows:

Sec. 22.2121. APPELLATE JUDICIAL SYSTEM. (a) Requires the commissioners court of each county in the Eleventh Court of Appeals District, on request of the chief justice of the court of appeals, by order entered in its minutes to establish an appellate judicial system to assist in certain matters and defray certain costs.

(b) Requires the commissioners court, to fund the system, to set a court costs fee of \$5 for each civil suit filed in county court, statutory county court, probate court, or district court in the county.

(c) Provides that the court costs fee does not apply to a suit filed by any governmental entity or to a suit for delinquent taxes.

(d) Requires the court costs fee to be taxed, collected, and paid as other court costs in a suit. Requires the clerk of the court to collect the court costs fee set under this section and pay it to the county officer who performs the county treasurer's functions. Requires that officer to deposit the fee in a separate appellate justice system fund. Requires the commissioners court to establish and maintain the fund to assist the court of appeals district. Prohibits the fund from being used for any other purpose.

(e) Requires the commissioners court monthly to order the funds collected under this section to be forwarded to the clerk of the court of appeals for expenditure by the court of appeals for its judicial system.

(f) Requires the commissioners court to vest management of the system in the chief justice of the court of appeals.

SECTION 2. Effective date: September 1, 2005.