

BILL ANALYSIS

S.B. 241
By: Wentworth
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, for most large metropolitan appellate courts, including the First District (Houston), Second District (Fort Worth), Fourth District (San Antonio), Fifth District (Dallas), Thirteenth District (Corpus Christi), and Fourteenth District (Houston), appellate judicial systems have been established to give the commissioners court of each of the counties within each district discretion to set a court costs fee to be collected for the benefit of the respective court of appeals.

As proposed, S.B. 241 establishes an appellate judicial system for the Third Court of Appeals in Austin to allow the commissioners court of each of the 24 counties within the district to set a court costs fee of not more than \$5 for each civil suit filed in county courts, county courts at law, probate courts, or district courts to be collected for the benefit of the Third Court of Appeals.

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

The bill amends Subchapter C, Chapter 22, Government Code, by adding Section 22.2041, as follows:

Sec. 22.2041. APPELLATE JUDICIAL SYSTEM. (a) 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 perform certain functions.

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

(c) Provides that the court costs fee does not apply to a suit filed by the county 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 judicial system fund. Requires the commissioners court to administer the fund to establish and maintain a fund system to assist the court of appeals in the district. Prohibits the fund from being used for any other purpose.

(e) Requires the commissioners court to monthly order the funds collected under this section to be forwarded to the court of appeals for expenditures 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.

EFFECTIVE DATE

September 1, 2005

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