

BILL ANALYSIS

C.S.H.B. 1126
By: Creighton
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently eight of the state's 14 courts of appeals have an appellate judicial system, allowing them to collect a fee on civil suits filed with the court of appeals to help offset the costs associated with the filings. This bill creates such a system for the Ninth Court of Appeals and sets forth guidelines for the administration of the system.

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 substitute bill amends the Government Code to create an appellate judicial system for counties in the Ninth Court of Appeals. The commissioners court of each county in the jurisdiction of the Ninth Court is required to establish a system to assist the court of appeals in defraying costs incurred by the county and in the processing of appeals filed by county courts, county courts at law, probate courts, and district courts. To fund the system, the commissioners court is required to set a court fee of \$5 for each civil suit filed in the lower courts. The fee does not apply to a suit filed by the county or to a suit for delinquent taxes. The court costs fee is required to be taxed, collected, and paid as other court costs in a suit. The clerk of the court is required to collect the fee and pay it to the county officer who performs the treasurer's functions. The officer is then required to deposit the fee in a separate appellate judicial system fund. The commissioners court is required to administer the fund to assist the court of appeals in the district, and the fund may not be used for any other purpose. The commissioners court is required monthly to order the collected funds to be forwarded to the court of appeals for its expenditures. The commissioners court is required to vest management of the system in the chief justice of the court of appeals. The chief justice is required to reimburse Jefferson County from the fund for supplemental salaries and annual benefits paid to the justices.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute removes Section 1 from the original bill, which allowed the Ninth Court of Appeals to meet in Montgomery County as well as Jefferson County and provided requirements for such meetings. The substitute contains only the creation of the appellate judicial system, which was Section 2 in the original. The substitute adds the provision that the chief justice is required to use this fund to reimburse Jefferson County for supplemental salaries and benefits paid by Jefferson County to the justices of the court. The effective date is changed from October 1, 2007, to September 1, 2007.