

BILL ANALYSIS

S.B. 1182
By: Watson
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Supreme Court is in need of funds to defray the costs and expenses incurred in the operation of the court. Currently, the clerk of the supreme court collects \$50 for each petition filed and an additional \$50 if the petition is granted. The clerks of the courts of appeal collect \$75 to \$100 for each case. Motions filed in the supreme court or a court of appeals cost \$10 to \$15. Fees have not been increased since the mid-1980s.

The bill requires the comptroller of public accounts (comptroller) to create a supreme court support account in the judicial fund, and requires the clerk of the supreme court and the clerks of the courts of appeal to collect a court cost fee of not more than \$50 and send the fees collected to the comptroller for deposit to the credit of the judicial fund.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority with respect to the amount of a filing fee is expressly granted to the Supreme Court of Texas in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 51, Government Code, by adding Section 51.0051, as follows:

Sec. 55.0051. ADDITIONAL FEES. (a) Requires the clerk of the supreme court to collect, in addition to other fees authorized or required by law, an additional fee on the filing of any application or proceeding otherwise requiring a filing fee, including an appeal. Provides that the additional fee is set by order or rule of the supreme court in an amount necessary to defray costs and expenses incurred in the operation of the court, not to exceed \$50.

(b) Requires the clerk to collect fees imposed under this section in the same manner as other fees, fines, or costs are collected in the proceeding and to send the fees imposed under this section to the comptroller of public accounts not later than the last day of the month following each calendar quarter. Requires the comptroller to deposit the fees received to the credit of the judicial fund.

(c) Requires the comptroller to establish a supreme court support account in the judicial fund. Authorizes fees received under this section to be appropriated only to the supreme court support account, and requires the comptroller to allocate to the account amounts as designated in the General Appropriations Act from the judicial fund that were deposited under this section.

(d) Requires the supreme court to administer the funds deposited under this section and appropriated to the supreme court support account. Authorizes the chief justice to make disbursements from the account for court-related purposes to defray costs and expenses incurred in the operation of the supreme court.

(e) Requires the supreme court to file an accounting with the Legislative Budget Board not later than November 1 following each state fiscal year showing disbursements made from the supreme court support account during the previous

state fiscal year and the purpose of each disbursement. Provides that the expenditures are subject to audit by the comptroller and the state auditor.

SECTION 2. Amends Subchapter C, Chapter 51, Government Code, by adding Section 51.208, as follows:

Sec. 51.208. **ADDITIONAL FEES.** (a) Requires the clerk of a court of appeals to collect an additional fee on the filing of any case appealed to and filed in the court of appeals that otherwise requires a filing fee. Provides that the additional fee is in an amount equal to the amount of the additional fee set by order or rule of the supreme court and imposed under Section 51.0051.

(b) Requires the clerk to collect fees imposed under this section in the same manner as other fees, fines, or costs are collected in the proceeding and to send the fees imposed under this section the comptroller not later than the last day of the month following each calendar quarter. Requires the comptroller to deposit the fees received to the credit of the judicial fund.

(c) Authorizes fees under this section to be appropriated only to the supreme court support account established under Section 51.0051. Requires the comptroller to allocate to the account amounts as designated in the General Appropriations Act from the judicial fund that were deposited under this section.

(d) Requires the supreme court to administer the funds deposited under this section and appropriated to the supreme court support account in the manner provided by Section 51.0051.

SECTION 3. Amends Subchapter B, Chapter 101, Government Code, by adding Section 101.022, as follows:

Sec. 101.022. **ADDITIONAL SUPREME COURT FEES AND COSTS.** Requires the clerk of the supreme court to collect a supreme court support account filing fee in an amount set by the supreme court, not to exceed \$50, under Section 51.0051.

SECTION 4. Amends Subchapter C, Chapter 101, Government Code, by adding Section 101.042, as follows:

Sec. 101.042. **ADDITIONAL COURT OF APPEALS FEES AND COSTS.** Requires the clerk of a court of appeals to collect a filing fee under Section 51.208 in the amount of the supreme court support account filing fee set by the supreme court, not to exceed \$50, under Section 51.0051.

SECTION 5. Makes application of Sections 51.0051 and 51.208, Government Code, as added by this Act prospective.

EFFECTIVE DATE

September 1, 2007.