

BILL ANALYSIS

H.B. 966
By: Hughes
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there are fourteen courts of appeals in Texas, nine of which have an appellate judicial fund that exists to assist the courts with the administrative costs of the appellate court. The account is funded by a small filing fee charged on each civil suit filed in the county courts, statutory county courts, probate courts, and district courts. The chief justice of the court of appeals administers the fund, but cannot use the funds for judicial or staff salaries.

H.B. 966 requires the commissioners court of each county in the Sixth Court of Appeals District to establish an appellate judicial system and to set a \$5 filing fee for each civil suit filed in certain courts in the county to fund 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

H.B. 966 amends the Government Code to require the commissioners court of each county in the Sixth Court of Appeals District, by order entered in its minutes, to establish an appellate judicial system to assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county courts, statutory county courts, probate courts, and district courts. The bill 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. The bill provides that the court costs fee does not apply to a suit filed by any governmental entity 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, requires the clerk of the court to collect the court costs fee and pay it to the county officer who performs the county treasurer's functions, and requires the county officer to deposit the fee in a separate appellate judicial system fund. The bill requires the commissioners court to administer the fund to establish and maintain a fund system to assist the Sixth Court of Appeals District and any other court of appeals district that has an appellate judicial system in the county. The bill prohibits the fund from being used for any other purpose. The bill requires the commissioners court to monthly order the funds collected to be forwarded in equal amounts to each clerk of a court of appeals that has an appellate judicial system in the county for expenditures by the court of appeals for its judicial system. The bill requires the commissioners court to vest management of the system in the chief justice of the court of appeals.

EFFECTIVE DATE

September 1, 2009.