

BILL ANALYSIS

S.B. 659
By: Eltife
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 22 (Appellate Courts), Government Code, allows for the creation of an appellate judicial system to help fund the operations of an appellate court. The funding is achieved by a \$5 fee on civil cases filed in county, statutory county, probate, or district courts located in the appellate court's jurisdiction. The court clerk collects the fee in each county, and the county treasurer deposits the receipts into a separate judicial district fund. The funds are then forwarded to the appellate court.

According to the Legislative Budget Board, nine of the fourteen courts of appeals currently utilize the Chapter 22 funding system (*Financing the Judiciary in Texas, Legislative Primer, January 2009*). The nine courts are the First and Fourteenth Courts of Appeals in Houston, Second Court of Appeals in Forth Worth, Third Court of Appeals in Austin, Fourth Court of Appeals in San Antonio, Fifth Court of Appeals in Dallas, Ninth Court of Appeals in Beaumont, Eleventh Court of Appeals in Eastland, and the Thirteenth Court of Appeals in Corpus Christi-Edinburg.

As proposed, S.B. 659 establishes an appellate judicial system for the Twelfth Court of Appeals based in Tyler and authorizes the imposition of certain filing fees to fund the appellate judicial system.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.2131, as follows:

Sec. 22.2131. APPELLATE JUDICIAL SYSTEM. (a) Requires the commissioners court of each county in the Twelfth 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.

(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 that the court costs fee 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 Twelfth Court of Appeals District and any other court of appeals district that has an appellate judicial system in the county. 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 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.

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

SECTION 2. Amends Subchapter D, Chapter 101, Government Code, by adding Section 101.06114, as follows:

Sec. 101.06114. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. Requires the clerk of a district county court in the Twelfth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2131, Government Code.

SECTION 3. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.08113, as follows:

Sec. 101.08113. ADDITIONAL STATUTORY COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory county court in the Twelfth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2131, Government Code.

SECTION 4. Amends Subchapter F, Chapter 101, Government Code, by adding Section 101.10113, as follows:

Sec. 101.10113. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory probate county court in the Twelfth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2131, Government Code.

SECTION 5. Amends Subchapter G, Chapter 101, Government Code, by adding Section 101.12122, as follows:

Sec. 101.12122. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. Requires the clerk of a county court in a county in the Twelfth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2131, Government Code.

SECTION 6. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.