

BILL ANALYSIS

S.B. 1208
By: Seliger
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current statute, nine of the 14 courts of appeals districts have appellate judicial funds that were created to assist in the administrative costs of the appellate court. The accounts are funded by small fees on each civil suit filed in the county courts, statutory county courts, probate courts, and district courts. The chief justice of each of the courts of appeal has the statutory authority to administer the fund. The Seventh Court of Appeals does not currently have the authority to collect this fee.

As proposed, S.B. 1208 establishes an appellate judicial fund for the Seventh Court of Appeals District by requiring that the commissioners court in each county in the district set a \$5 fee for every civil suit filed in the appellate court district.

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 22.2081, as follows:

Sec. 22.2081. APPELLATE JUDICIAL SYSTEM. (a) Requires the commissioners court of each county in the Seventh 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 disposition of appeals filed with the court of appeals from the county courts, statutory county courts, probate courts, and district courts; and defray costs and expenses incurred by the county under Section 22.208 (Seventh Court of Appeals).

(b) Requires the commissioners court, to fund the system, to set a court cost fee of \$5 for each civil suit filed in a 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 the county 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 for the court of appeals district. Prohibits the fund from being used for any other purpose. Provides that the chief justice of the court of appeals has sole discretion as to the use of the fund.

(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 appellate 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 101.06115, as follows:

Sec. 101.06115. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. Requires the clerk of a district court in the Seventh Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

SECTION 3. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.08114, as follows:

Sec. 101.08114. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory county court in the Seventh Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

SECTION 4. Amends Subchapter F, Chapter 101, Government Code, by adding Section 101.10114, as follows:

Sec. 101.10114. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory county court in the Seventh Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

SECTION 5. Amends Subchapter G, Chapter 101, Government Code, by adding Section 101.12123, as follows:

Sec. 101.12123. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. Requires the clerk of a county court in the Seventh Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

SECTION 6. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.