

BILL ANALYSIS

H.B. 713
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a majority of the Texas courts of appeal districts have an appellate judicial system that is funded with filing fees within the district and used to facilitate the operations of a court of appeals. H.B. 713 creates a similar appellate judicial system for the Eighth Court of Appeals District, serving the El Paso area.

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. 713 amends the Government Code to require the commissioners court of each county in the Eighth 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, statutory probate courts, and district courts. The bill requires the commissioners court to set a court costs fee of \$5 for each civil suit filed in a county court, statutory county court, statutory probate court, or district court in the county for purposes of funding the system. The bill makes the court costs fee inapplicable 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. The bill requires the clerk of the court to collect the court costs fee set by the bill and pay it to the county officer who performs the county treasurer's functions. The bill requires the county treasurer to deposit the fee in a separate appellate judicial system fund for the court of appeals district. The bill prohibits the fund from being used for any other purpose and gives the chief justice of the court of appeals sole discretion as to the use of the fund. The bill requires the commissioners court to monthly order the funds collected under the bill's provisions to be forwarded to the court of appeals for expenditure by the court of appeals for its appellate judicial system. The bill requires the commissioners court to vest management of the system in the chief justice of the court of appeals. The bill makes conforming changes.

EFFECTIVE DATE

September 1, 2011.