

BILL ANALYSIS

Senate Research Center
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S.B. 605
By: Rodriguez
Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Twelve of the fourteen Texas appellate courts already have an appellate judicial system. Legislation creating appellate judicial systems for Dallas (Fifth Court of Appeals District) and Houston (First and Fourteenth Courts of Appeals Districts) was enacted in 1989. Over the last two decades, legislation has been enacted to create an appellate judicial system for the remaining courts, leaving only the Eighth Court of Appeals and the Tenth Court of Appeals without such legislation. The proposed legislation is modeled on the legislation creating the other appellate judicial systems.

S.B. 605 establishes an appellate judicial system in each of the counties in the Eighth Court of Appeals District to assist the appellate court in processing appeals. To fund the system, the commissioners court of each county would establish a fund to collect a \$5 fee on civil suits filed in the county courts, statutory county courts, statutory probate courts, and district courts. The fee would not apply to suits filed by a governmental entity or to a suit for delinquent taxes. The clerk of each court would collect the fee and pay it to the county treasurer, who would then deposit it in a separate appellate judicial system fund for use by the Eighth Court of Appeals.

As proposed, S.B. 605 amends current law relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.2091, as follows:

Sec. 22.2091. APPELLATE JUDICIAL SYSTEM. (a) Requires 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.

(b) Requires the commissioners court, to fund the system, 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.

(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 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 that the funds collected under this section be forwarded to the court of appeals for expenditure 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 101.06119, as follows:

Sec. 101.06119. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. Requires the clerk of a district court in the Eighth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2091, Government Code.

SECTION 3. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.08116, as follows:

Sec. 101.08116. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory county court in the Eighth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2091, Government Code.

SECTION 4. Amends Subchapter F, Chapter 101, Government Code, by adding Section 101.10115, as follows:

Sec. 101.10115. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. Requires the clerk of a statutory probate court in the Eighth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2091, Government Code.

SECTION 5. Amends Subchapter G, Chapter 101, Government Code, by adding Section 101.12125, as follows:

Sec. 101.12125. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. Requires the clerk of a county court in a county in the Eighth Court of Appeals District to collect an appellate judicial system filing fee of \$5 under Section 22.2091, Government Code.

SECTION 6. Effective date: September 1, 2011.