

BILL ANALYSIS

H.B. 2730
By: Stephenson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that particular characteristics of the Thirteenth Court of Appeals present many challenges, making the court relatively cumbersome, inefficient, and costly to maintain and litigate in. H.B. 2730 seeks to address these concerns.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2730 amends the Government Code to create the Fifteenth Court of Appeals District, composed of the counties of Cameron, Hidalgo, and Willacy, by transferring those counties from the Thirteenth Court of Appeals District to the Fifteenth Court of Appeals District. The bill requires the Court of Appeals for the Fifteenth Court of Appeals District to be held in the City of Edinburg, and requires Hidalgo County to furnish and equip suitable rooms in the City of Edinburg for the court and the justices without expense to the state. The bill authorizes the court to transact its business at the county seat of any county in the district as the court determines is necessary and convenient. The bill authorizes the commissioners courts of the counties in the district to authorize, by adopting concurrent orders, the payment of an automobile allowance not to exceed \$15,000 annually to each of the justices of the court for automobile expenses incurred in performing official duties. The bill establishes that such automobile allowance is not subject to the statutory limitations on additional compensation paid to a justice of a court of appeals district or to the salary differentials provided by statutory provisions governing salary amounts, overtime, and compensatory time for state officers and employees.

H.B. 2730 requires Hidalgo County each fiscal year to pay the total amounts of the supplemental salaries, car allowances, and fringe benefits to the justices of the court. The bill requires each county composing the district other than Hidalgo County to annually reimburse Hidalgo County for that county's portion of the total amount paid under the bill's provisions by Hidalgo County during the preceding fiscal year. The bill makes each county in the district, including Hidalgo County, liable for a share of the total amount paid, based on the proportion that county's population bears to the total population of all the counties in the district. The bill requires the Commissioners Court of Hidalgo County to provide to each county liable for such reimbursement a statement of that county's share and requires the statement to be approved by the chief justice of the Court of Appeals for the Fifteenth Court of Appeals District. The bill requires a county to pay its share of the reimbursement not later than the 60th day after the

beginning of the county's fiscal year. The bill adds a temporary provision, set to expire August 31, 2025, that requires all court fees and costs collected by the Thirteenth Court of Appeals and the Fifteenth Court of Appeals to be equally divided between the two courts.

H.B. 2730 requires the commissioners court of each county in the Fifteenth Court of Appeals District to establish, by order entered in its minutes, 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, county courts at law, probate courts, and district courts, and to defray costs and expenses incurred by the county relating to the Fifteenth Court of Appeals. The bill requires the commissioners court, in order to fund the system, to set a court costs fee of not more than \$5 for each civil suit filed in a county court, county court at law, probate court, or district court in the county but establishes that the court costs fee does not apply to a suit filed by the county 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 and pay it to the county officer who performs the county treasurer's functions and requires that officer to deposit the fee in a separate appellate judicial system fund. The bill requires the commissioners court to administer the fund to accomplish the purposes specified by the bill and prohibits the use of the fund for any other purpose. The bill requires the commissioners court, not later than the 91st day of each county fiscal year, to order the balance remaining in the fund at the close of the previous fiscal year to be forwarded to the court of appeals for expenditure by the court of appeals for the court's judicial system. The bill requires the commissioners court to vest management of the system in the chief justice of the court of appeals in the district.

H.B. 2730 decreases from five to two the number of justices other than the chief justice composing the Court of Appeals for the Thirteenth Court of Appeals District and establishes that the Court of Appeals for the Fifteenth Court of Appeals District consists of a chief justice and of two justices holding places numbered consecutively beginning with Place 2. The bill sets out procedural provisions relating to the transfer of justices and the chief justice from the Thirteenth Court of Appeals to the Fifteenth Court of Appeals.

H.B. 2730 requires the money appropriated by the 84th Legislature, Regular Session, 2015, for the Thirteenth Court of Appeals for the state fiscal biennium beginning September 1, 2015, to be equally divided between the Thirteenth Court of Appeals and the Fifteenth Court of Appeals, and prohibits any additional money from being appropriated to the Fifteenth Court of Appeals District. The bill does not affect the jurisdiction on appeal of any case from a county that is transferred by the bill to a different court of appeals district if the transcripts for the case were filed before the bill's effective date in the appropriate court of appeals district.

EFFECTIVE DATE

September 1, 2015.