

BILL ANALYSIS

Senate Research Center

C.S.S.B. 263

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Finance

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Committee Report (Substituted)

DIGEST

Currently, Texas law authorizes or requires commissioners courts in several regions of the state to create appellate judicial systems. This bill would establish an appellate judicial system within the Fourth Court of Appeals District, which is composed of the following counties: Atascosa, Bandera, Bexar, Brooks, Dimmit, Duval, Edwards, Frio, Gillespie, Guadalupe, Jim Hogg, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, LaSalle, McMullen, Mason, Maverick, Medina, Menard, Real, Starr, Sutton, Uvalde, Val Verde, Webb, Wilson, Zapata, and Zavala. In addition, S.B. 263 would provide additional funds for the operation of the Fourth Court of Appeals by adding a \$5 fee to the cost of filing a civil suit, except for a suit filed by the county or for a suit for delinquent taxes.

PURPOSE

As proposed, C.S.S.B. 263 requires the commissioners court of each county in the Fourth Court of Appeals District to establish an appellate judicial system to assist the court of appeals and defray certain costs incurred by the county. In addition, this bill sets forth requirements regarding the funding and management for the appellate judicial system.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioners court of each county in the Fourth Court of Appeals District under SECTION 1 (Section 22.2051(a), Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 22C, Government Code, by adding Section 22.2051, as follows:

Sec. 22.2051. APPELLATE JUDICIAL SYSTEM. (a) Requires the commissioners court of each county in the Fourth Court of Appeals District by order entered in its minutes to establish an appellate judicial system to assist the court of appeals in processing 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.

(b) 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 the county court, county court at law, 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 the court costs fee to be taxed, collected, and paid as other court costs in a suit. Requires the court clerk to collect the fee 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 court of appeals in the district. Prohibits the fund from being used for any other purpose.

(e) Requires the commissioners court to monthly order the funds collected to be forwarded to the court of appeals for expenditure by the court for its judicial system.

(f) Provides that the commissioners court has the authority necessary to assist the court of appeals in the administration and management of the system and to contract with any private corporation, public corporation, or a combination of those corporations.

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

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 22.2051, Government Code.

(a)(1) and (b) Replaces statutory county courts with county courts at law.

(d) Requires the commissioners court to administer the fund to establish and maintain a fund system to assist the court of appeals in the district.

(e) Requires the commissioner's court to monthly order the funds to be forwarded.

(f) and (g) Makes nonsubstantive changes.