

BILL ANALYSIS

Senate Research Center
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S.B. 768
By: Carona
Jurisprudence
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DIGEST AND PURPOSE

Currently, fees are collected by the 14 courts of appeals from parties for the filing of cases and deposited as unappropriated revenue equally in Fund 540 (50 percent) and Fund 573 (50 percent). The fees have not been increased since 1998. As proposed, S.B. 768 increases the filing fees for cases appealed to and filed in the court of appeals from the district and county courts within its court of appeals; directs the clerk of a court of appeals to retain a portion of each fee collected equal to \$50 plus any additional amount authorized to pay operating expenses of the court; and allows the justices of a court of appeals, by majority vote, to increase the fee collected by an amount that is necessary to pay operating expenses of the court, not to exceed \$75.

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 Section 51.207, Government Code, by amending Subsections (b), (e), and (g) and adding Subsections (f) and (h), as follows:

(b) Increases from \$100 to \$175 the fee for cases appealed to and filed in the court of appeals from the district and county courts within its court of appeals district.

(e) Requires the clerk of a court of appeals, except as provided by Subsection (f), to pay into the state treasury the fees and costs under rules prescribed by the comptroller of public accounts and approved by the justices of the clerk's court.

(f) Requires the clerk of a court of appeals to retain a portion of each fee collected under Subsection (b)(1) equal to \$50 plus any additional amount authorized under Subsection (h) to pay operating expenses of the court. Prohibits the retained portion from being used to pay salaries for court personnel.

(g) Requires one-half of the fees collected under this section and paid into the state treasury under Subsection (e) to be deposited to the credit of the judicial fund.

(h) Authorizes the justices of a court of appeals to, by majority vote, increase the fee collected under Subsection (b)(1) by an amount that is necessary to pay operating expenses of the court, not to exceed \$75.

SECTION 2. Amends Section 56.002, Government Code, as follows:

Sec. 56.002. FEES COLLECTED BY CLERKS OF COURTS OF APPEALS. Requires 50 percent of the fees collected by the clerks of the courts of appeals and paid into the state treasury under Section 51.207(e) to be deposited in the state treasury in the judicial and court

personnel training fund for the continuing legal education of judges and of court personnel.

SECTION 3. (a) Effective date: September 1, 2003.

(b) Makes application of Sections 51.207 and 56.002, Government Code, as amended by this Act, prospective.