

BILL ANALYSIS

Senate Research Center
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S.B. 1518
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Jurisprudence
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As Filed

DIGEST

Currently, county courts at law and district courts may charge an “additional filing fee for judicial fund” that is added to each civil or criminal case filed in the court. The county and district courts are given a choice of whether to opt into the additional fee program. Money generated by the fee can only be used for court-related purposes to support judiciary. Statutory probate courts, however, do not have the option to charge the additional fee. S.B. 1518 would provide an additional filing fee provision for a judicial fund for statutory probate courts.

PURPOSE

As proposed, S.B. 1518 authorizes an additional filing fee for certain statutory probate courts.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 25B, Government Code, by adding Sections 25.00211 and 25.00212, as follows:

Sec. 25.00211. STATE CONTRIBUTION. Requires the state to annually compensate each county that collects the additional fees under Section 51.703 in an amount equal to \$40,000 for each statutory probate court judge in the court, beginning on a certain date. Requires the amount to be paid to the county’s salary fund.

Sec. 25.00212. EXCESS CONTRIBUTIONS. Requires the comptroller to determine the amount deposited in the judicial fund and the amounts paid to the counties under the appropriate sections. Requires the state to remit the excess to the counties proportionately based on the percentage of the total paid by each county, by a certain date. Requires the amounts to be paid to the county’s general fund to be used only for court-related purposes for the support of the judiciary.

SECTION 2. Amends Chapter 51H, Government Code, by adding Section 51.703, as follows:

Sec. 50.703. ADDITIONAL FEES IN CERTAIN STATUTORY PROBATE COURTS. Requires each statutory probate court clerk to collect a \$40 filing fee, to be collected in the same manner as other fees, for certain cases filed in the court to be used for court-related purposes for the support of the judiciary. Requires the clerk to send the fees to the comptroller at least once per month, who must then deposit the fees in the judicial fund. Provides that Section 51.320 applies to a fee collected under this section, and that this section applies only when a commissioners court has taken certain action. Provides that a resolution to collect fees, under Subsection (e), continues and allows the county to collect fees under the terms of this section until the resolution is rescinded. Requires a commissioners court that chooses to rescind to submit to the comptroller a resolution stating the court’s desire to rescind the resolution. Authorizes a county that is not eligible to participate to submit a resolution to the comptroller meeting the requirements. Requires the comptroller to determine the date the county may begin to collect fees under this section. Provides that certain counties that begin to collect fees after July 1 are not eligible for a payment by the comptroller until the comptroller determines the county may begin to collect fees. Prohibits a clerk from collecting fees both under this section and under Section

51.701 or 51.702.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.
Effective date: upon passage.