

BILL ANALYSIS

Senate Research Center
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H.B. 3174
By: Solis, Jim (Truan)
Jurisprudence
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Engrossed

DIGEST AND PURPOSE

The Thirteenth Court of Appeals is the only court of appeals in the state that has two offices. The offices are approximately 153 miles apart, and one of the chief justice's duties is to oversee operations at both facilities, which at times requires the chief justice to travel between the two offices. Currently, there are no provisions relating to reimbursement for these travel costs. H.B. 3174 entitles each justice of the Thirteenth Court of Appeals to an automobile allowance not to exceed \$15,000. The bill also implements an appellate judicial system to aid in cutting costs and expenses incurred by the county.

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 22.214, Government Code, as follows:

- (a) Requires the Court of Appeals for the Thirteenth Court of Appeals District to be held in the City of Edinburg as well as the City of Corpus Christi.
- (b) Requires Nueces County to furnish and equip suitable rooms in the City of Corpus Christi and requires Hidalgo County to furnish and equip suitable rooms in the city of Edinburg for the court and justices without expense to the state. Deletes a requirement that the City of Corpus Christi with Nueces County furnish and equip suitable rooms and a library.
- (c) Requires all cases originating in Willacy County to be heard and transacted in Willacy County.
- (d) Authorizes the commissioners courts of the counties in the district by adopting concurrent orders to authorize the payment of an automobile allowance in an amount not to exceed \$15,000 annually to each of the justices of the court for automobile expenses incurred in performing official duties.
- (e) Provides that the automobile allowance authorized by Subsection (d) is not subject to the limitations on additional compensation paid to a justice of a court of appeals district imposed by Section 31.003, or the salary differentials provided by Chapter 659B.
- (f) Requires Nueces County each fiscal year to pay the total amount of the supplemental salaries, car allowances, and fringe benefits to the justices of the court. Requires each county composing the district except Nueces County to annually reimburse Nueces County for that county's portion of the total amount paid under this subsection by Nueces County during the preceding fiscal year. Provides that each county in the district, including Nueces County, is 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.

(g) Requires the Commissioners Court of Nueces County to provide to each county liable for the reimbursement under Subsection (f) a statement of that county's share. Requires the statement to be approved by the chief justice of the Court of Appeals for the Thirteenth Court of Appeals District. 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.

SECTION 2. Amends Chapter 22C, Government Code, by adding Section 22.2141, as follows:

Sec. 22.2141. APPELLATE JUDICIAL SYSTEM. (a) Requires the commissioners court of each county in the Thirteenth 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, county courts at law, probate courts, and district courts; and defray costs and expenses incurred by the county under Section 22.214.

(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 a 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 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. Requires the commissioners court to administer the fund to accomplish the purposes described by Subsection (a). Prohibits the fund from being used for any other purpose.

(e) Requires the commissioners court, not later than the 91st day of each county fiscal year, to order the balance remaining in the appellate judicial system 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.

(f) Requires the commissioners court to vest management of the system in the chief justice of the court of appeals in the district.

SECTION 3. Effective date: September 1, 2001.