

## CHAPTER 548

## H.B. No. 1889

An Act relating to the establishment of an appellate judicial system fund in certain counties.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1. APPLICATION.** This Act applies only to counties in a supreme judicial district of the State of Texas with a population of three million or more according to the most recent federal census.

**SECTION 2. APPELLATE JUDICIAL SYSTEM.** The commissioners court, by order, shall establish an appellate judicial system fund to:

(1) assist the courts of appeals in the supreme judicial district of the State of Texas in processing appeals filed from the county court, county courts at law, probate courts, and district courts; and

(2) defray costs and expenses incurred for the operation of the court of appeals within the State of Texas for which the county is required by law to reimburse other counties within the supreme judicial district.

**SECTION 3. COURT COSTS FEE.** (a) In order to fund the appellate judicial system, the commissioners court of each county within the supreme judicial district of the State of Texas shall 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, except for suits for the collection of delinquent taxes.

(b) A county is not liable for the payment of the fee in any suit filed by the county.

(c) The fee shall be taxed, collected, and paid as other court costs in the suit.

**SECTION 4. APPELLATE JUDICIAL SYSTEM FUND.** (a) The clerk of the court shall collect the fee set forth in Section 3 of this Act and shall pay the same to the county treasurer or, if the county does not have a county treasurer, to the county officer who performs the functions of a treasurer.

(b) The county treasurer or other officer performing those functions shall deposit the fee so collected and forwarded to him in a separate fund to be known as the appellate judicial system fund.

(c) The commissioners court shall administer the fund to maintain the appellate judicial system, in cooperation with the chief justice of the courts of appeals, as provided by Section 2 of this Act. The fund may not be used for any other purpose.

(d) The commissioners court shall annually order the funds collected under Section 3 of this Act to be forwarded to the court of appeals for expenditure by the courts of appeals for the supreme judicial district's judicial system.

**SECTION 5. COMMISSIONERS COURT POWERS.** The commissioners court has all powers necessary to assist the courts of appeals in the administration of the appellate judicial system, including the ability to contract with any private nonprofit corporation, public corporation; or a combination of those corporations.

**SECTION 6. MANAGEMENT OF SYSTEM.** The chief justice of the courts of appeals in the supreme judicial district of the State of Texas, with the approval and consent of the commissioners court, shall manage the appellate judicial system fund.

**SECTION 7. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 2, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 12, 1985

Effective: August 26, 1985