

1 HB366  
2 116358-1  
3 By Representative Page  
4 RFD: Government Appropriations  
5 First Read: 19-JAN-10

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8 SYNOPSIS: Existing law provides for \$5 to be taxed as  
9 cost on all civil appeals decided by the Supreme  
10 Court of Alabama and the courts of appeals, and for  
11 the monies to be transferred to the librarian of  
12 the Alabama Supreme Court Law Library for the  
13 maintenance of the library.

14 This bill would increase the amount taxed as  
15 cost from \$5 for each appeal decided by the Supreme  
16 Court of Alabama and the courts of appeals to \$50  
17 for each appeal filed with the Supreme Court of  
18 Alabama and the courts of appeals.

19 This bill would provide that the Supreme  
20 Court of Alabama, subject to the Rules of the  
21 Alabama Supreme Court, would decrease the filing  
22 fee for all cases filed with the Supreme Court or  
23 the courts of appeals by \$45.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2           To amend Section 12-2-159, Code of Alabama 1975,  
3 relating to the Alabama Supreme Court Law Library; to increase  
4 the amount taxed as cost from \$5 for each appeal decided by  
5 the Supreme Court of Alabama and the courts of appeals to \$50  
6 for each appeal filed with the Supreme Court of Alabama and  
7 the courts of appeals; and to provide that the Supreme Court  
8 of Alabama, subject to the Rules of the Alabama Supreme Court,  
9 would decrease the filing fee for all cases filed with the  
10 Supreme Court or the courts of appeals by \$45.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12           Section 1. The Legislature finds and declares the  
13 following:

14           (1) In 1886, a law was enacted providing that the  
15 sum of six dollars (\$6) be taxed as cost on each appeal  
16 decided before the Supreme Court of Alabama, and that sum was  
17 to be used for the maintenance of the Alabama Supreme Court  
18 Law Library. This act was codified as Section 694, Code of  
19 Alabama 1886.

20           (2) In 1896, this law was amended, reducing the  
21 amount taxed as cost for maintenance for the library to five  
22 dollars (\$5) for each appeal decided before the Supreme Court  
23 or the courts of appeals. The amended statute was codified as  
24 Section 3854, Code of Alabama 1896 and is currently codified  
25 as Section 12-2-159, Code of Alabama 1975.

26           (3) At no time during the ensuing 114 years has the  
27 amount taxed as cost for each appeal been amended, and the

1 amount currently taxed as cost for an appeal is inadequate to  
2 maintain the law library.

3 Section 2. Section 12-2-159, Code of Alabama 1975,  
4 is amended to read as follows:

5 "§12-2-159.

6 "(a) For the maintenance of the supreme court  
7 library there shall be taxed in each civil case ~~decided by~~  
8 filed with the Supreme Court or the courts of appeals on  
9 appeal the sum of ~~\$5.00~~ fifty dollars (\$50), which must be  
10 taxed and collected as other costs in the case and, when  
11 collected, must be paid by the clerk to the ~~marshal and~~  
12 librarian, by whom it must be disbursed on the order of the  
13 justices.

14 "(b) On the effective date of the act adding this  
15 subsection, subject to the Rules of the Alabama Supreme Court,  
16 the filing fee for all civil cases filed with the Supreme  
17 Court or the courts of appeals shall be reduced by forty-five  
18 dollars (\$45)."

19 Section 3. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.