

**SUBJECT:** Exempting school districts from security for court costs and appeal bond

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 7 ayes — Hunter, Hughes, Hartnett, Leibowitz, Lewis, Madden, Martinez  
0 nays  
4 absent — Alonzo, Branch, Jackson, Woolley

**WITNESSES:** For — (*Registered, but did not testify:* David Thompson, Texas Association of School Administrators, Texas Association of School Boards)  
  
Against — None

**BACKGROUND:** Civil Practice and Remedies Code, sec. 6.001 and 6.002 prohibit a court from requiring certain city, state, and federal governmental entities to file a bond for court or appeal costs. Courts assess cost bonds at the beginning of court proceedings to secure payment of court fees should the party later be unable to pay such fees, and assess appeal bonds to secure payment in the event of filing of appeal to judgment. The exempted governmental entities do not pose the same danger of payment delinquency as private entities or persons in other civil proceedings. The Civil Practice And Remedies Code does not prohibit a court from requiring school districts to file cost or appeal bonds with the court.

**DIGEST:** HB 1319 would exempt school districts from giving security for court costs, supersedeas, or cost bonds.  
  
The bill would take effect September 1, 2009, and apply only to a suit or appeal filed on or after the effective date.