

BILL ANALYSIS

Senate Research Center

H.B. 2273
By: Thompson (Ellis)
Jurisprudence
5-16-97
Engrossed

DIGEST

Currently, it is not clear whether a motion to suspend a license for failure to pay child support is a new action or a sanction on a motion to enforce; furthermore, no fees are allowed, although the court clerk must incur administrative and postage costs to give notice of license suspension motions and orders. Additionally, jury fees do not begin to approach the costs for calling a voir dire panel should one be necessary. Finally, continuing education requirements for court clerks are inadequate and antiquated. This bill will provide regulations regarding certain duties of court clerks.

PURPOSE

As proposed, H.B. 2273 provides regulations regarding certain duties of court clerks.

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 Sections 51.317(b) and (c), Government Code, to set forth the fees for filing a petition for preconviction, rather than preindictment, suit, or a counterclaim. Deletes the fee for issuing a subpoena. Requires the district clerk, after collecting a fee under Subsection (b)(4), rather than Subsection (b)(5), to pay the fee to certain persons for deposit in the records management and preservation fund.

SECTION 2. Amends Section 51.318(b), Government Code, to make a conforming change.

SECTION 3. Amends Section 51.604, Government Code, to require the district clerk to collect a \$30, rather than \$20, jury fee for each civil case, rather than each civil case in district court, in which a person applies for a jury trial. Requires the clerk of a county court or statutory county court to collect a \$22, rather than \$17, jury fee for each civil case in which a person applies for a jury trial. Provides that the fee required by this section includes, rather than is in addition to, the jury fee required by Rule 216, Texas Rules of Civil Procedure, and any other jury fee allowed by law or rule.

SECTION 4. Amends Section 51.605, Government Code, to require a clerk to complete 20 hours of instruction regarding the performance of the clerk's duties of office during each calendar year that begins after the clerk's election or appointment to office. Makes conforming and nonsubstantive changes.

SECTION 5. Repealer: Section 17.027(e), Civil Practice and Remedies Code (Regarding a fee for issuance of a citation).

SECTION 6. Amends Section 110.002(a), Family Code, to authorize the clerk of the court to collect a filing fee of \$15 in a suit for filing a petition for license suspension or a motion to revoke a stay of license suspension.

SECTION 7. Amends Section 232.006(a), Family Code, to make a nonsubstantive change.

SECTION 8. Amends Section 232.008(c), Family Code, to require a final order suspending license

rendered by a court or the Title IV-D agency to be forwarded to the appropriate licensing authority by the clerk of the court or Title IV-D agency. Requires the clerk to collect from the obligor a fee of \$5 for each order mailed.

SECTION 9. Amends Section 232.013(b), Family Code, to make conforming changes.

SECTION 10. (a) Effective date: September 1, 1997, except as provided by Subsection (b). Makes application of this Act prospective.

(b) Effective date for SECTION 3: January 1, 1998. Makes application of this Act prospective.

SECTION 11. Emergency clause.