

BILL ANALYSIS

Senate Research Center
79R2017 MFC-D

H.B. 282
By: Hope (Wentworth)
Jurisprudence
4/7/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, state law gives a county commissioners court the authority to establish an alternative dispute resolution (ADR) system. At its option, a commissioners court may charge up to \$10 on each civil case filed in a county or district court to support such a system. In addition, counties with a population of 2.5 million or more (Harris County) may charge a court cost of up to \$2 for civil cases filed in a justice court.

ADR systems have helped reduce court backlogs and save money for counties by reducing court dockets. However, expenses for ADR systems, such as personnel and office space, have increased substantially since the statute was enacted in the 1980s.

As proposed, H.B. 282 raises the cap on court costs for civil cases filed in county or district courts from \$10 to \$15. Additionally, the \$3 cap for cases filed in justice courts would be increased to \$5, and the authority to assess this cost would be extended beyond Harris County to all Texas counties. This bill makes no change in the discretionary nature of these costs, which can only be imposed in the amount set by, and at the order of, a county commissioners court.

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 152.004(a), Civil Practice and Remedies Code, to authorize the commissioners court to set a court cost in an amount not to exceed \$15, rather than \$10, to be taxed, collected, and paid as other court costs in each civil case filed in a county or district court in the county, including certain civil cases.

SECTION 2. Amends Section 152.005, Civil Practice and Remedies Code, as follows:

Sec. 152.005. New heading: **ADDITIONAL FEE FOR JUSTICE COURTS**. Authorizes the commissioners court to set a court cost in an amount not to exceed \$5, rather than \$3, for certain civil cases filed in a justice court. Deletes existing text specifying that the commissioners court has to be the court of a county with a population of 2.5 million or more.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.