

BILL ANALYSIS

Senate Research Center
76R9496 DLF-F

C.S.S.B. 1718
By: Ellis
Intergovernmental Relations
4/22/1999
Committee Report (Substituted)

DIGEST

Currently, under Texas law, a fee not to exceed \$10 may be imposed on each civil case filed in a county or district court to establish and maintain an alternative dispute resolution system, at the discretion of the local commissioners court. This bill would authorize the commissioners court of a county with a population of 2.5 million or more to set an additional court cost in an amount not to exceed \$3 for civil cases filed in a justice of the peace court located in the county to establish and maintain an alternative dispute resolution system, except for suits for delinquent taxes and eviction proceedings.

PURPOSE

As proposed, C.S.S.B. 1718 authorizes the commissioners court of a county with a population of 2.5 million or more to set an additional court cost in an amount not to exceed \$3 for civil cases filed in a justice of the peace court located in the county to establish and maintain an alternative dispute resolution system, except for suits for delinquent taxes and eviction proceedings.

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 Section 152.003, Civil Practice and Remedies Code, to authorize a judge of a district court, county court, statutory county court, probate court, or justice of the peace court in a county in which an alternative dispute resolution system has been established to refer a case on motion of a party or on the judge's or justice's own motion to the system.

SECTION 2. Amends Section 152.004(a), Civil Practice and Remedies Code, to exclude suits for delinquent taxes, condemnation proceedings under Chapter 21, Property Code, and proceedings under Title 7C, Health and Safety Code, from paying the court cost to establish and maintain an alternative dispute resolution system.

SECTION 3. Amends Chapter 152, Civil Practice and Remedies Code, by adding Section 152.005, as follows:

Sec. 152.005. **ADDITIONAL FEE FOR CERTAIN COUNTIES.** Authorizes the commissioners court of a county with a population of 2.5 million or more to set an additional court cost in an amount not to exceed \$3 for civil cases filed in a justice of the peace court located in the county to establish and maintain an alternative dispute resolution system, except for suits for delinquent taxes and eviction proceedings. Requires the clerks of the court to collect and pay the court cost in the manner prescribed by Section 152.004(c).

SECTION 4. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 152.003, Civil Practice and Remedies Code, to make nonsubstantive changes.

SECTION 2.

Amends Section 154.004(a), Civil Practice and Remedies Code, by making nonsubstantive changes. Redesignates proposed Subsection (d) as Section 152.005 in SECTION 3.

SECTION 3.

Amends Chapter 152, Civil Practice and Remedies Code, by adding Section 152.005, regarding an additional fee for certain counties. Redesignates proposed SECTIONS 3 and 4 as SECTIONS 4 and 5.