

## **BILL ANALYSIS**

Senate Research Center  
82R1265 CAE-F

H.B. 942  
By: Dukes, Legler (Gallegos)  
Jurisprudence  
5/5/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, a Texas school district may be required to post a cost or appeal bond in a civil suit. A cost bond may be assessed at the beginning of a court proceeding and is intended to secure payment of court fees if a party is later unable to pay such fees. Similarly, an appeal bond may be ordered to secure payment in the event of filing to appeal from judgment. Many political subdivisions, including state and federal agencies, municipalities, and water districts, are exempt from this requirement. A governmental entity does not pose the same danger of payment delinquency as a private entity or a person in another civil proceeding. H.B. 942 authorizes a school district to institute and prosecute suits without paying these bonds.

H.B. 942 amends current law relating to an exemption for school districts from security for court costs and appeal bond.

### **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 Chapter 6, Civil Practice and Remedies Code, by adding Section 6.004, as follows:

Sec. 6.004. SCHOOL DISTRICTS EXEMPT FROM SECURITY FOR COURT COSTS AND APPEAL BOND. Authorizes a school district to institute and prosecute suits without giving security for cost and to appeal from judgment without giving supersedeas or cost bond.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.