BILL ANALYSIS

DIGEST AND PURPOSE

Currently, the commissioners court of a county may assess limited court costs to help fund alternative dispute resolution systems, such as offering mediation of disputes prior to a court filing. Alternative dispute resolution systems have helped reduce court backlogs and save money for communities. However, expenses for alternative dispute resolution systems, such as personnel and office space, have increased since the statute was enacted in the 1980s. Only counties with a population of 2.5 million or more may currently establish an alternative dispute resolution system for cases in justice courts. H.B. 538 allows any county commissioners court to establish an alternative dispute resolution system in county, district, and justice courts and authorizes a nominal increase in court costs to fund such a system.

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, by increasing from $10 to $15 the maximum amount to be set as a court cost in the funding of alternative dispute resolution systems.

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

Sec. 152.005. New Heading: ADDITIONAL FEE FOR JUSTICE COURTS. (a) Deletes requirement that a county have a population of 2.5 million or more to establish and maintain an alternative dispute resolution system. Increases from $3 to $5 the maximum amount to be set as a court cost for civil cases filed in a justice court located in the county, in order to fund the alternative dispute resolution system.

(b) Requires a clerk of the court to collect and pay the court cost in the manner prescribed by Section 152.004(c).

SECTION 3. Effective date: September 1, 2003.
            Makes application of this Act prospective.