

BILL ANALYSIS

H.B. 538
By: Hope
Civil Practices
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the commissioners court of a county may assess limited court costs to help fund alternative dispute resolution systems. Alternative dispute resolution systems have helped reduce court backlogs and saved money for communities. Expenses for alternative dispute resolution systems, such as personnel and office space, have increased since the statute was enacted. Also, only counties with a population of 2.5 million or more may set court costs for civil cases filed in a justice court to establish and maintain an alternative dispute resolution system.

As proposed, H.B. 538 allows any county commissioners court to establish an alternative dispute resolution system in a county, district, or justice court and authorizes an increase in court costs to fund such a system.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

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, to allow a commissioner's court to establish an alternative dispute resolution system. The court costs assessed in justice courts for civil cases would increase from \$3 to \$5 and could be assessed by justice courts in any county to fund an alternative dispute resolution system.

EFFECTIVE DATE

September 1, 2003.