

BILL ANALYSIS

H.B. 1319
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, school districts in Texas may be required to post cost or appeal bonds in civil suits. Cost bonds may be assessed at the beginning of court proceedings and are intended to secure payment of court fees should the party later be unable to pay such fees. Similarly, appeal bonds may be ordered to secure payment in the event of filing of appeal to judgment.

Many political subdivisions, including state and federal agencies, municipalities, and water districts, have been recognized as statutorily exempt from this requirement. These governmental entities do not pose the same danger of payment delinquency as private entities or persons in other civil proceedings.

H.B. 1319 authorizes a school district to institute and prosecute suits without paying these cost bonds.

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

H.B. 1319 amends the Civil Practice and Remedies Code to authorize a school district to institute and prosecute suits without giving security for cost and to appeal from judgment without giving supersedeas or cost bond.

EFFECTIVE DATE

September 1, 2009.