

BILL ANALYSIS

C.S.H.B. 1263
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent legislation provided for the abolishment of small claims courts and for rules of procedure relating to small claims cases to be promulgated by the Texas Supreme Court by May 1, 2013. Various justice courts across the state have expressed concern that the timeline for implementation of those rules is impractical. C.S.H.B. 1263 seeks to address this concern by providing adequate time between the promulgation and implementation of the rules.

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

C.S.H.B. 1263 amends Section 5.07, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, to establish an effective date of August 31, 2013, for the following rules the Texas Supreme Court is required to promulgate not later than May 1, 2013: rules to define cases that constitute small claims cases, rules of civil procedure applicable to small claims cases, and rules for eviction proceedings.

C.S.H.B. 1263 amends Section 5.09, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, to extend from May 1, 2013, to August 31, 2013, the effective date of provisions of that act relating to the abolishment of small claims courts, the repeal of statutory provisions governing such courts, and the requirement for a justice court to conduct proceedings in a small claims case in accordance with rules of civil procedure promulgated by the supreme court.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1263 may differ from the original in nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantive differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 5.07, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, is amended to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 5.07, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, is amended to read as follows:

Sec. 5.07. Not later than ~~August 31~~ ~~[May 4]~~, 2013, the Texas Supreme Court shall promulgate:

- (1) rules to define cases that constitute small claims cases;
- (2) rules of civil procedure applicable to small claims cases as required by Section 27.060, Government Code, as added by this article; and
- (3) rules for eviction proceedings.

SECTION 2. Section 5.09, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, is amended.

SECTION 3. Effective date.

Sec. 5.07. Not later than ~~May 1, 2013~~, the Texas Supreme Court shall promulgate ~~the following rules, to be effective August 31, 2013:~~

- (1) rules to define cases that constitute small claims cases;
- (2) rules of civil procedure applicable to small claims cases as required by Section 27.060, Government Code, as added by this article; and
- (3) rules for eviction proceedings.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.