

## **BILL ANALYSIS**

Senate Research Center  
83R11933 CAE-D

C.S.S.B. 576  
By: Duncan  
Jurisprudence  
2/26/2013  
Committee Report (Substituted)

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

C.S.S.B. 576 delays the implementation of the abolishment of the small claims courts from May 1, 2013, to August 31, 2013. Small claims courts were abolished during the 82nd Legislature, 1st Called Session, 2011, with the enactment of H.B. 79. The extra time is needed to help justice of the peace courts transition to the new rules promulgated by the Texas Supreme Court for justice court cases. The additional transition period is also needed to train judges, clerks, and constables.

C.S.S.B. 576 amends current law relating to the delay in the implementation of the abolishment of the small claims courts.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Supreme Court is modified in SECTION 1 (Section 5.07, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

Sec. 5.07. Requires the Texas Supreme Court, not later than May 1, 2013, to 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 (Small Claims), Government Code, as added by this article (Provisions Relating to Justice and Small Claims Courts); and
- (3) rules for eviction proceedings.

SECTION 2. Amends Section 5.09, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, to provide that Sections 5.02 (adding Section 27.060 to the Government Code) and 5.06 (repealing Chapter 28 (Small Claims Courts), Government Code, and abolishing each small claims court under that chapter) of this article take effect August 31, 2013, rather than May 1, 2013.

SECTION 3. Effective date: upon passage or September 1, 2013.