

BILL ANALYSIS

C.S.S.B. 1908
By: West
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Over the past few decades, numerous filing fees have been imposed across judicial jurisdictions in Texas. Many of these were put in place to provide the necessary resources to manage and archive paper documents filed with the clerk of the court. Interested parties assert that with the advent of the electronic age, existing filing fees need to be reexamined to determine if they are still needed. C.S.S.B. 1908 seeks to address this issue by requiring the Office of Court Administration of the Texas Judicial System to conduct a study regarding the necessity of court fees and costs imposed in Texas courts.

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.S.B. 1908 amends the Government Code, in provisions set to expire January 1, 2016, to require the Office of Court Administration of the Texas Judicial System, not later than September 1, 2014, to conduct a study on court fees and costs that identifies each statutory law imposing a court fee or cost in a court in Texas; to determine whether each identified fee or cost is necessary to accomplish the stated statutory purpose; to compile a list of the identified fees and costs and of each fee or cost the office determines is necessary; to publish the list on the office's Internet website and in the Texas Register; and to provide a copy of the list and determinations to the governor, lieutenant governor, and speaker of the house of representatives. The bill requires the office, in conducting the study, to consult with local government representatives as the office determines appropriate.

C.S.S.B. 1908 requires the Texas Legislative Council to prepare for consideration by the 84th Legislature, Regular Session, a revision of the statutes of this state as necessary to reflect the court fees and costs identified by the office as not necessary in the study conducted under the bill's provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1908 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.031 to read as follows:

Sec. 72.031. STUDY TO REPEAL CERTAIN COURT FEES AND COSTS.

(a) Not later than September 1, 2014, the office shall:

(1) conduct a study on court fees and costs that identifies each statutory law imposing a fee or cost for filing a paper document with a court in this state;

(2) determine whether each identified fee or cost is necessary to accomplish the stated statutory purpose;

(3) compile a list of the identified fees and costs and of each fee or cost the office determines is necessary;

(4) publish the list on the office's Internet website and in the Texas Register; and

(5) provide a copy of the list and determinations to the governor, lieutenant governor, and speaker of the house of representatives.

(b) In conducting the study required under Subsection (a), the office shall consult with local government representatives as the office determines appropriate.

(c) The Texas Legislative Council shall prepare for consideration by the 84th Legislature, Regular Session, a revision of the statutes of this state as necessary to reflect the court costs and fees identified by the office as not necessary in the study conducted under Subsection (a).

(d) This section expires January 1, 2016.

SECTION 2. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.031 to read as follows:

Sec. 72.031. STUDY TO REPEAL CERTAIN COURT FEES AND COSTS.

(a) Not later than September 1, 2014, the office shall:

(1) conduct a study on court fees and costs that identifies each statutory law imposing a court fee or cost in a court in this state;

(2) determine whether each identified fee or cost is necessary to accomplish the stated statutory purpose;

(3) compile a list of the identified fees and costs and of each fee or cost the office determines is necessary;

(4) publish the list on the office's Internet website and in the Texas Register; and

(5) provide a copy of the list and determinations to the governor, lieutenant governor, and speaker of the house of representatives.

(b) In conducting the study required under Subsection (a), the office shall consult with local government representatives as the office determines appropriate.

(c) The Texas Legislative Council shall prepare for consideration by the 84th Legislature, Regular Session, a revision of the statutes of this state as necessary to reflect the court fees and costs identified by the office as not necessary in the study conducted under Subsection (a).

(d) This section expires January 1, 2016.

SECTION 2. Same as engrossed version.