

## **BILL ANALYSIS**

Senate Research Center  
83R10744 YDB-D

S.B. 1147  
By: West  
Jurisprudence  
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As Filed

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

In December 2011, the Texas Supreme Court issued an order implementing a mandatory electronic filing (e-filing) system for civil cases, including family and probate cases, by attorneys in appellate courts, district courts, statutory county courts, constitutional county courts, and statutory probate courts based on an implementation schedule, as determined by population. Some local governments have expressed concern that additional resources will be needed to integrate existing case management systems with the new system procured by the Office of Court Administration of the Texas Judicial System (OCA) in order to implement statewide e-filing.

S.B. 1147 seeks to alleviate some of these concerns by building on the model utilized when the Texas Legislature implemented Texas.gov. Under that system, local governments were authorized to charge a processing fee in order to recoup some of the costs of implementation. S.B. 1147 mirrors that system by allowing local governments and appellate courts to charge a minimal fee for electronic filing transactions. In order to ensure accountability, the bill requires those entities that assess the fee to annually certify that the fee is necessary to cover costs in a form prescribed by OCA.

As proposed, S.B. 1147 amends current law relating to the electronic filing system established by rule or order of the Texas Supreme Court, and authorizes fees.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 (Section 72.031, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.031, as follows:

Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) Defines, in this section, "appellate court," "electronic filing system," "electronic filing transaction," and "local government."

(b) Authorizes the Office of Court Administration of the Texas Judicial System (OCA), as authorized by supreme court rule or order, to implement an electronic filing system for use in the courts of this state.

(c) Authorizes a local government or appellate court that uses the electronic filing system to charge a fee of \$2 for each electronic filing transaction if:

(1) the fee is necessary to recover the actual system operating costs directly and reasonably incurred by the local government or appellate court to accept electronic payment methods, or interface with other technology information systems;

(2) the fee does not include an amount to recover local government or appellate court employee costs;

(3) the local government or appellate court approves the fee using the local government or appellate court's standard approval process for fee increases; and

(4) the chief financial officer of the local government or appellate court annually certifies to OCA on a form prescribed by OCA that the amount of the fee is necessary to recover the actual system operating costs incurred by the local government or appellate court.

(d) Authorizes a local government or appellate court that uses the electronic filing system to accept electronic payment methods, including payment made with credit and debit cards.

SECTION 2. Effective date: September 1, 2013.