

BILL ANALYSIS

Senate Research Center

S.B. 1970
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The eFileTexas.gov system is a centralized and uniform electronic filing system used by Texas courts since 2003. In December 2012, the Texas Supreme Court mandated statewide electronic filing by attorneys in civil cases in appellate, district, and county courts. Between the years 2003-2013, e-filing operated as a fee-for service or "toll road" model. Under this model, filers had to pay a transaction fee (ranging from \$13-\$31 per document) each time they submitted a document. In 2013, the legislature changed the funding model from the "toll road" model to a one-time fee per case. H.B. 2302, 83rd Legislature, Regular Session, 2013, set a \$20 civil filing fee in appellate, district and county courts; a \$10 fee in justice courts; and a \$5 fee in criminal courts. The legislature hoped that these changes would produce sufficient revenue to cover the e-filing contract costs. However, due to a dramatic drop in civil case filings between fiscal year (FY) 2012 and FY 2014, there is a financial shortfall in funding for the e-filing system.

S.B. 1970 addresses this problem by raising the filing fee for civil cases in appellate, district and county courts from \$20 to \$30. This amount will cover the shortfall for the 2014-2015 biennium and be sufficient to sustain funding for the e-filing system in the future.

As proposed, S.B. 1970 amends current law relating to increasing the electronic filing fee for certain courts of law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.851(b), Government Code, to require the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court, in addition to other fees authorized or required by law, to collect a \$30 fee, rather than a \$20 fee, on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852 (Statewide Electronic Filing System Fund).

SECTION 2. Amends Section 101.0211, Government Code, to make a conforming change.

SECTION 3. Amends Section 101.0411, Government Code, to make a conforming change.

SECTION 4. Amends Section 101.06118, Government Code, to make a conforming change.

SECTION 5. Amends Section 101.08117, Government Code, to make a conforming change.

SECTION 6. Amends Section 101.10116, Government Code, to make a conforming change.

SECTION 7. Amends Section 101.12126, Government Code, to make a conforming change.

SECTION 8. (a) Provides that Section 51.607 (Implementation of New or Amended Court Costs and Fees), Government Code, does not apply to the imposition of a fee assessed under:

- (1) Section 51.851, Government Code, as amended by this Act;
- (2) Section 101.0211, Government Code, as amended by this Act;
- (3) Section 101.0411, Government Code, as amended by this Act;
- (4) Section 101.06118, Government Code, as amended by this Act;
- (5) Section 101.08117, Government Code, as amended by this Act;
- (6) Section 101.10116, Government Code, as amended by this Act.

(b) Provides that the changes in law made by this Act apply only to a fee that becomes payable on or after September 1, 2015. Provides that a fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 9. Effective date: September 1, 2015.