

SUBJECT: Abolishing the Office of Court Administration

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 6 ayes — Thompson, Hartnett, Capelo, Deshotel, Talton, Uresti
0 nays
3 absent — Garcia, Hinojosa, Solis

WITNESSES: None

BACKGROUND: The 41st Legislature in 1929 created the Texas Judicial Council (TJC) to study and make recommendations for improving the administration of Texas' judicial system. The council collects comprehensive statewide statistics on the operation of Texas courts and is under the direct supervision of the chief justice of the Texas Supreme Court. Among other duties, the 76th Legislature charged the TJC with developing performance measures for district court judges and appellate court justices.

The 65th Legislature in 1977 created the Office of Court Administration (OCA) to provide support and technical assistance to all levels of Texas courts. Operating under the direction of the Supreme Court, OCA helps the court implement several statutory duties, including equalizing appellate-court dockets and developing case-flow management and systems for collecting fees and fines for trial courts. OCA provides staff functions for operation of the TJC and supports the activities of the Judicial Committee on Information Technology (JCIT), created by the 75th Legislature in 1997 to establish standards and guidelines for implementing new information technology for trial and appellate courts. The JCIT's goal is to design and implement a statewide computer communication network and justice information system for Texas courts. OCA also is authorized to employ court masters to hear child-support enforcement cases and to contract with the Office of the Attorney General to obtain state and federal funds to pay the salaries of the court masters and their staffs. For fiscal 2000-01, OCA operates with an appropriated budget of \$24.4 million.

DIGEST: HB 2111 would abolish the OCA on September 1, 2001, and transfer its powers, duties, functions, programs, funds, obligations, property, and records to the Texas Judicial Council (TJC). The JCIT would come under the direction and supervision of the TJC, which would become the central agency responsible for efficient and uniform administration of the Texas judiciary.

The chief justice of the Texas Supreme Court would appoint the TJC executive director, who would have to prepare and submit a budget and study and recommend expenditures and savings for the maintenance and operation of the judicial system. With the approval of the chief justice, the executive director could employ personnel needed for the council.

The council would develop funding priorities regarding the courts' technological needs and distribute funds to the courts from the judicial technology account. The comptroller could pay money from the account only on vouchers approved by the council. TJC would have to file a report with the Legislative Budget Board showing disbursements from the account and the purpose for each disbursement.

The executive director would have to consult with the justices and judges in discharging their administrative duties and with regional presiding judges, local administrative judges, court clerks, other court officers or employees, and court administrators and coordinators. Under the supervision of the chief justice, the executive director would have to implement rules for the efficient administration of justice.

The executive director would have to examine court judicial dockets, court practices and procedures, and the administrative methods used in clerks' offices. The executive director would have to recommend improvements, judicial business record forms, changes that promoted efficiency, and the appropriate means to implement the recommendations. The Supreme Court could assign the executive director additional duties. TJC could request, accept, and administer grants, gifts, and donations.

The bill would repeal the portions of current law requiring the JCIT to develop programs to implement the recommendations of the Information Technology Task Force, develop funding priorities regarding technological

needs of the judicial system, and recommend distributions to courts from the judicial technology account.

HB 2111 would take effect September 1, 2001.

**SUPPORTERS
SAY:**

HB 2111 would create a more efficient judicial council that would absorb the current duties of the OCA and JCIT. Currently, there is no clear division of responsibility among the three organizations. Some of their duties overlap or are duplicative. For example, the Information Services Department of OCA and the JCIT both help design and maintain computer software and hardware. Some duties can fall through the cracks when one organization assumes that the other will take care of it.

The bill would restructure these organizations along the lines of the Texas Legislative Council. The new TJC would remain responsible for its current duties. In addition, it would take over the OCA's duties of research and court services, judicial planning, information services, legal counsel, judicial information, finance, and operations and would oversee the JCIT's design and implementation of the judiciary's computer communication network and information system.

Texas' judicial system should consist of one organization to which the public can go for all judicial information and resources. Under HB 2111, all policy-making decisions and administration affecting the judicial system would come under the TJC's umbrella.

**OPPONENTS
SAY:**

The changes proposed by HB 2111 are unnecessary. Texas' judicial system is working without major problems. OCA helps the TJC fulfill its duties by collecting and annually publishing information on the docket activities of the state's appellate, district, county, justice, and municipal courts. OCA also provides staffing, research and planning activities, fiscal services, and administrative support to the JCIT. For example, these two offices are developing together a data management system for trial courts. Judges and other court officials and employees already are familiar with the separate offices.

Although the bill's fiscal note anticipates no significant cost to the state, the state would incur some costs for redesignating all OCA assets in the name of the TJC.