

BILL ANALYSIS

Senate Research Center

S.B. 1534
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Finance
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As Filed

DIGEST

Currently, low-income families in need of legal assistance may seek aid from the Texas Legal Services Program. However, due to cuts in federal funding from the Legal Services Corporation and cuts in funding from the Interest on Lawyers Trust Accounts program, the Texas Legal Services Program may have to reduce the services it offers low-income families. This bill increases the funds available for basic legal services to the indigent, and provides increases in existing civil lawsuit filing fees to be dedicated to funding nonprofit charitable organizations that provide legal services to low-income Texans.

PURPOSE

As proposed, S.B. 1534 increases the funds available for basic legal services to the indigent, and provides increases in existing civil lawsuit filing fees to be dedicated to funding nonprofit charitable organizations that provide legal services to low-income Texans.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the supreme court in SECTION 1 (Section 51.902, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 51, Government Code, by adding Subchapter J, as follows:

SUBCHAPTER J. ADDITIONAL FILING FEE FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS

Sec. 51.901. **ADDITIONAL FILING FEE FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS.** Requires the clerk of each court to collect certain fees 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, in addition to other fees authorized or required by law. Sets forth fees. Requires fees under this subchapter to be collected in the same manner as other fees, fines, or costs in the case. Requires the clerk to send the fees collected under this subchapter to the comptroller at least as frequently as monthly. Requires the comptroller to deposit the fees to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to the indigent. Defines "family law matters."

Sec. 51.902. **RULES.** Requires the supreme court to adopt rules and procedures for the distribution of funds under this subchapter. Authorizes funds to be distributed only to nonprofit organizations that provide basic civil legal services to persons meeting the income eligibility requirements established by the supreme court.

Sec. 51.903. **BASIC CIVIL LEGAL SERVICES ACCOUNT.** Provides that the basic civil legal services account is an account in the judicial fund administered by the supreme court. Authorizes funds in the basic civil legal services account to be used only for the support of programs approved by the supreme court that provide basic civil legal services to the indigent.

Authorizes the comptroller to pay money from the account only on vouchers approved by the supreme court. Prohibits funds from the basic civil legal services account from being used to directly or indirectly support a class action lawsuit or lawsuit against a governmental entity or for lobbying for or against a candidate or issue, except as provided by this subsection. Authorizes funds from the basic civil legal services account to be used to support a lawsuit against a governmental entity on behalf of an individual to secure certain governmental benefits. Requires the supreme court to file a report with the Legislative Budget Board at the end of each fiscal year showing disbursements from the account and the purpose for each disbursement. Provides that all funds expended are subject to audit by the comptroller and the state auditor. Provides that the purpose of this subchapter is to increase the funds available for basic civil legal services to the indigent. Provides that funds available from the basic civil legal services account may be supplemented by local or federal funds and private or public grants.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.