

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1582
By: Ogden
Finance
4/21/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1582 amends current law relating to state fiscal matters related to the judiciary.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 3.01 (Section 51.008, Government Code) of this bill.

Rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 5.02 (Section 61.0015, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF CHARGES GENERALLY

SECTION 1.01. Provides that this article applies to any state agency that receives an appropriation under Article IV of the General Appropriations Act.

SECTION 1.02. Provides that, notwithstanding any other statute of this state, each state agency to which this article applies is authorized to reduce or recover expenditures by:

- (1) consolidating any reports or publications the agency is required to make and filing or delivering any of those reports or publications exclusively by electronic means;
- (2) extending the effective period of any license, permit, or registration the agency grants or administers;
- (3) entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties;
- (4) adopting additional eligibility requirements for persons who receive benefits under any law the agency administers to ensure that those benefits are received by the most deserving persons consistent with the purposes for which the benefits are provided;
- (5) providing that any communication between the agency and another person and any document required to be delivered to or by the agency, including any application, notice, billing statement, receipt, or certificate, may be made or delivered by e-mail or through the Internet; and
- (6) adopting and collecting fees or charges to cover any costs the agency incurs in performing its lawful functions.

ARTICLE 2. REDUCTION IN GENERAL APPROPRIATIONS ACT

SECTION 2.01. Provides that an active, former, or retired visiting judge or justice is not entitled to an amount from the state for expenses, per diem, travel, or salary that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION 2.02. Provides that a local administrative district judge is not entitled to a salary from the state under Section 659.012(d) (relating to district judge salary), Government Code, that exceeds the amount authorized for that salary by the General Appropriations Act.

SECTION 2.03. Provides that an active district judge is not entitled to travel expenses under Section 24.019 (Expenses of District Judge), Government Code, in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act.

SECTION 2.04. Provides that a judge, justice, or prosecuting attorney is not entitled to an amount from the state for a salary, a salary supplement, office expenses or reimbursement of office expenses, or travel that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION 2.05. (a) Provides that a county is not entitled to receive from the state supplemental salary compensation for county prosecutors under Section 46.0031 (Compensation of County Prosecutors), Government Code, or longevity pay supplements reimbursement under Section 41.255 (Funding), Government Code, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act.

(b) Provides that a county is not entitled to reimbursement under Article 11.071 (Procedure in Death Penalty Case), Code of Criminal Procedure, for reimbursement for compensation of counsel under that article in an amount that exceeds the amount appropriated for that purpose in the General Appropriations Act.

SECTION 2.06. Provides that a person reimbursed by the state for travel and expenses for attendance as a witness as provided by Article 35.27 (Reimbursement of Nonresident Witnesses), Code of Criminal Procedure, is not entitled to an amount that exceeds the amount appropriated for that purpose by the General Appropriations Act.

ARTICLE 3. FISCAL MATTERS REGARDING PROCESS SERVERS

SECTION 3.01. Amends Subchapter A, Chapter 51, Government Code, by adding Section 51.008, as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a) Authorizes the process server review board established by the Supreme Court of Texas (supreme court) order to recommend to the supreme court the fees to be charged for process server certification and renewal of certification. Requires the supreme court to approve the fees recommended by the process server review board before the fees may be collected.

(b) Requires that the fee for the certification, if a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. Requires the process server, on renewal of the certification on the new expiration date, to pay the entire certification renewal fee.

(c) Authorizes the Office of Court Administration of the Texas Judicial System (OCA) to collect the fees recommended by the process server review board and approved by the supreme court. Requires that fees collected under this section be sent to the comptroller of public accounts (comptroller) for deposit to the credit of the general revenue fund.

(d) Authorizes fees collected under this section to be appropriated to OCA for the support of regulatory programs for process servers and guardians.

SECTION 3.02. (a) Provides that the fees recommended and approved under Section 51.008, Government Code, as added by this article, apply to:

(1) each person who holds a process server certification on the effective date of this Act; and

(2) each person who applies for process server certification on or after the effective date of this Act.

(b) Requires OCA to prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the period during which the certification is valid. Provides that, on renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

ARTICLE 4. FISCAL MATTERS REGARDING JUDICIAL AND COURT PERSONNEL TRAINING FUND

SECTION 4.01. Amends Section 56.001, Government Code, as follows:

Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND. (a) Provides that the judicial and court personnel training fund is an account in the general revenue fund, rather than is created in the state treasury and shall be administered by the court of criminal appeals. Authorizes money in the judicial and court personnel training fund to be appropriated only to the court of criminal appeals for the uses authorized in Section 56.003 (Use of Funds).

(b) Redesignates existing Subsection (i) as Subsection (b). Requires the comptroller, on requisition of the court of criminal appeals, to draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 56.003. Prohibits a warrant from exceeding the amount appropriated for any one fiscal year. Deletes existing text requiring that any unexpended balance in the fund in excess of \$500,000, at the end of each state fiscal year, be transferred to the general revenue fund.

ARTICLE 5. FISCAL MATTERS REGARDING PAYMENT OF JURORS

SECTION 5.01. Amends Section 61.001(a), Government Code, as follows:

(a) Provides that, except as provided by Subsection (c) (relating to providing reimbursement for expenses in an amount to be determined by the municipality), a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act, rather than not less than \$40, for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

SECTION 5.02. Amends Sections 61.0015(a) and (e), Government Code, as follows:

(a) Requires the state to reimburse a county the appropriate amount as provided in the General Appropriations Act, rather than \$34 a day, for the reimbursement paid under Section 61.001 (Reimbursement of Expenses of Jurors and Prospective Jurors) to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(e) Authorizes the comptroller, if a payment on a county's claim for reimbursement is reduced under Subsection (d) (relating to apportioning the available money among the

counties by reducing the amount payable to each county on an equal percentage basis), or if a county fails to file the claim for reimbursement in a timely manner, to, as provided by rule, apportion the payment of the balance owed the county, rather than requires the comptroller to pay the balance owed to the county when sufficient money described by Subsection (c) (relating to paying claims for reimbursement quarterly to the county treasury of each county that filed a claim from money collected and deposited in the jury service fund) is available, or carry forward the balance owed to the county and pay the balance to the county when the next payment is required. Authorizes the comptroller's rules to permit a different rate of reimbursement for each quarterly payment under Subsection (c).

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Effective date: September 1, 2011.