

## **BILL ANALYSIS**

Senate Research Center

H.B. 2949  
By: Cook (Elife)  
Jurisprudence  
5/13/2011  
Engrossed

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

In 2005, the legislature created the Collection Improvement Program, with a goal of expanding collections of court-ordered payments. The Office of Court Administration of the Texas Judicial System (office) was charged with developing a model to improve collections by cities and counties. Under current law, only cities of over 100,000 population and counties over 50,000 population are required to implement the model. The comptroller of public accounts is responsible for auditing, or determining the collection rates of cities and counties, and has eight of auditors assigned to this function.

H.B. 2949 would change the Collection Improvement Program by reassigning responsibility for the audits from the comptroller to the office, and allowing the comptroller to retain the auditors to improve compliance with state taxes, such as sales and mixed beverage taxes. The office would be given authority to hire auditors for its program.

H.B. 2949 amends current law relating to the administration of the collection improvement program.

### **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 Articles 103.0033(f), (h), (i), and (j), Code of Criminal Procedure, as follows:

(f) Requires the Office of Court Administration of the Texas Judicial System (OCA), rather than requiring the comptroller of public accounts (comptroller), in cooperation with OCA, to develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. Requires OCA, rather than the comptroller, to determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) Authorizes OCA, rather than authorizing OCA in consultation with the comptroller, to use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs, and determine whether it is not cost-effective to implement a program in a county or municipality and grant a waiver to the county or municipality.

(i) Requires each county and municipality to at least annually submit to OCA a written report that includes updated information regarding the program, as determined by OCA, rather than requiring each county and municipality to at least annually submit to OCA and the comptroller a written report that includes updated information regarding the program, as determined by OCA in cooperation with the comptroller. Requires the report to be in a form approved by OCA, rather than approved by the office in cooperation with the comptroller.

(j) Requires OCA, rather than requires the comptroller, to periodically audit counties and municipalities to verify information reported under Subsection (i) and confirm that the county or municipality is conforming with requirements relating to the program. Deletes existing text requiring the comptroller to consult with OCA in determining how frequently to conduct audits under this section.

SECTION 2. Amends Section 133.058(e), Local Government Code, as follows:

(e) Prohibits a municipality or county from retaining a service fee if, during an audit under Article 103.0033(j), Code of Criminal Procedure, OCA determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure, rather than prohibiting a municipality or county from retaining a service fee if, during an audit under Section 133.059 (Audit) of this code or Article 103.0033(j), Code of Criminal Procedure, the comptroller determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. Makes a conforming change.

SECTION 3. Amends Section 133.103(c-1), Local Government Code, as follows:

(c-1) Requires the treasurer to send 100 percent of the fees collected under this section to the comptroller if, during an audit under Article 103.0033(j), Code of Criminal Procedure, OCA determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure, rather than requiring the treasurer to send 100 percent of the fees collected under this section to the comptroller if, during an audit under Section 133.059 of this code or Article 103.0033(j), Code of Criminal Procedure, the comptroller determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. Makes a conforming change.

SECTION 4. Effective date: September 1, 2011.