

BILL ANALYSIS

H.B. 3648
By: Otto
Appropriations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Due to the current budget shortfall, state agencies and institutions of higher education were asked to prioritize spending based on core functions and essential services. The appropriations committee looked to these priorities in preparation of the budget; however, certain statutory changes are also needed to conform with appropriations levels provided in H.B. 1, the General Appropriations Act. H.B. 3648 authorizes these statutory changes for the agencies listed under Article IV of H.B. 1.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 4.01 of this bill and to the comptroller of public accounts in SECTION 6.02 of this bill.

ANALYSIS

Article 1. Reduction of Expenditures and Imposition of Charges Generally

H.B. 3648 grants authority to each state agency that receives an appropriation under Article IV of the General Appropriations Act to reduce or recover expenditures by 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; extending the effective period of any license, permit, or registration the agency grants or administers; entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties; 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; providing that any communication between the agency and another person and any document required to be delivered to or by the agency may be made or delivered by e-mail or through the Internet; and 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

H.B. 3648 establishes 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. The bill establishes that a local administrative district judge is not entitled to a salary from the state that exceeds the amount authorized for that salary by the General Appropriations Act. The bill establishes that an active district judge is not entitled to travel expenses in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act. The bill establishes 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. The bill establishes

that a county is not entitled to receive from the state supplemental salary compensation for county prosecutors or longevity pay supplements reimbursement, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act. The bill establishes that a county is not entitled to state contributions for salaries or supplements under provisions of law relating to statutory and constitutional county courts in an amount that exceeds the amounts appropriated for those purposes in the General Appropriations Act. The bill establishes that a county is not entitled to reimbursement under provisions of law relating to the procedure in a death penalty case for reimbursement for compensation of counsel under those provisions in an amount that exceeds the amount appropriated for that purpose in the General Appropriations Act. The bill establishes that a person reimbursed by the state for travel and expenses for attendance as a nonresident witness is not entitled to an amount that exceeds the amount appropriated for that purpose by the General Appropriations Act.

Article 3. Fiscal Matters Regarding Assistant Prosecutors

H.B. 3648 amends the Government Code to establish that, if sufficient funds are not available to meet the requests made by counties for funds for payment of assistant prosecutors qualified for longevity supplements, a county is not entitled to receive the balance of the funds at a later date and the longevity pay program is suspended to the extent of the insufficiency, in addition to the requirement that the comptroller of public accounts apportion the available funds to the eligible counties by reducing the amount payable to each county on an equal percentage basis. The bill removes language requiring a county that receives from the comptroller an amount of longevity pay supplement that is less than the amount certified by the county to the comptroller to apportion the funds received on an equal percentage basis, but exempting the use of county funds to make up any difference between the amounts certified and received.

H.B. 3648 repeals Section 41.255(g), Government Code, the provision requiring the comptroller to take certain actions relating to longevity pay for assistant prosecutors if previous payments under provisions relating to prosecutors have been reduced for insufficient funds or if a county submits certain required information in an untimely manner.

Article 4. Fiscal Matters Regarding Process Servers

H.B. 3648 amends the Government Code to authorize the process server review board established by Texas Supreme Court order to recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The bill requires the supreme court to approve the fees recommended by the process server review board before the fees may be collected. The bill requires the fee for a certification issued or renewed for a term that is less than the certification period provided by supreme court rule to 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. The bill requires the process server, on renewal of the certification on the new expiration date, to pay the entire certification renewal fee. The bill authorizes the Office of Court Administration of the Texas Judicial System to collect the fees recommended by the process server review board and approved by the supreme court and requires fees collected to be sent to the comptroller for deposit to the credit of the general revenue fund. The bill authorizes fees collected to be appropriated to the office for the support of regulatory programs for process servers and guardians.

H.B. 3648 establishes that a person appointed to the process server review board serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties. The bill requires the office to establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court.

H.B. 3648 makes the process server certification fees recommended and approved under the

bill's provisions applicable to each person who holds a process server certification on the bill's effective date and to each person who applies for process server certification on or after the bill's effective date. The bill requires the office to prorate the process server certification fee so that a person who holds a certification on the bill's effective date pays only that portion of the fee that is allocable to the period during which the certification is valid. The bill makes the entire fee payable on renewal of the certification on the new expiration date.

Article 5. Fiscal Matters Regarding Judicial and Court Personnel Training Fund

H.B. 3648 amends the Government Code to establish that the judicial and court personnel training fund is an account in the general revenue fund, rather than created in the state treasury, and limits the appropriation of money in the fund to the Texas Court of Criminal Appeals for the uses authorized under law. The bill removes a requirement that the court of criminal appeals administer such money and a requirement that, at the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 be transferred to the general revenue fund.

Article 6. Fiscal Matters Regarding Payment of Jurors

H.B. 3648 amends the Government Code to change the minimum reimbursement amount to which a juror in attendance in court in response to the process of the court after the first day and who discharges the juror's duty for that day is entitled from \$40 to the amount as provided in the General Appropriations Act. The bill changes the amount the state is required to reimburse to a county for reimbursement paid 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 from \$34 a day to the appropriate amount as provided in the General Appropriations Act. The bill authorizes the comptroller as provided by rule, if a payment on a county's claim for reimbursement is reduced because sufficient money is not available to satisfy the claim or if a county fails to file the reimbursement claim in a timely manner, to apportion the payment of the balance owed the county. The bill authorizes the comptroller's rules to permit a different rate of reimbursement for each quarterly payment to the county treasury of each county that filed a claim. The bill removes language requiring the comptroller to pay the balance owed to the county when sufficient money is available or to carry forward the balance owed to the county and pay the balance to the county when the next payment is required.

EFFECTIVE DATE

September 1, 2011.