

By: Otto

H.B. No. 3648

A BILL TO BE ENTITLED

AN ACT

relating to state fiscal matters related to the judiciary.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION
OF CHARGES GENERALLY

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

SECTION 1.02. 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;

1 (5) providing that any communication between the
2 agency and another person and any document required to be delivered
3 to or by the agency, including any application, notice, billing
4 statement, receipt, or certificate, may be made or delivered by
5 e-mail or through the Internet; and

6 (6) adopting and collecting fees or charges to cover
7 any costs the agency incurs in performing its lawful functions.

8 ARTICLE 2. REDUCTION IN GENERAL APPROPRIATIONS ACT

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

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

17 SECTION 2.03. An active district judge is not entitled to
18 travel expenses under Section 24.019, Government Code, in an amount
19 that exceeds the amount authorized for those expenses by the
20 General Appropriations Act.

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

26 SECTION 2.05. (a) A county is not entitled to receive from
27 the state supplemental salary compensation for county prosecutors

1 under Section 46.0031, Government Code, or longevity pay
2 supplements reimbursement under Section 41.255, Government Code,
3 or any other supplements for prosecutors, in an amount that exceeds
4 the amount appropriated for those purposes by the General
5 Appropriations Act.

6 (b) A county is not entitled to state contributions for
7 salaries or supplements under Chapter 25 or 26, Government Code, in
8 an amount that exceeds the amounts appropriated for those purposes
9 in the General Appropriations Act.

10 (c) A county is not entitled to reimbursement under Article
11 11.071, Code of Criminal Procedure, for reimbursement for
12 compensation of counsel under that article in an amount that
13 exceeds the amount appropriated for that purpose in the General
14 Appropriations Act.

15 SECTION 2.06. A person reimbursed by the state for travel
16 and expenses for attendance as a witness as provided by Article
17 35.27, Code of Criminal Procedure, is not entitled to an amount that
18 exceeds the amount appropriated for that purpose by the General
19 Appropriations Act.

20 ARTICLE 3. FISCAL MATTERS REGARDING ASSISTANT PROSECUTORS

21 SECTION 3.01. Section 41.255(f), Government Code, is
22 amended to read as follows:

23 (f) A county is not required to pay longevity supplements if
24 the county does not receive funds from the comptroller as provided
25 by Subsection (d). If sufficient funds are not available to meet
26 the requests made by counties for funds for payment of assistant
27 prosecutors qualified for longevity supplements:

1 (1) [~~7~~] the comptroller shall apportion the available
2 funds to the eligible counties by reducing the amount payable to
3 each county on an equal percentage basis;

4 (2) a county is not entitled to receive the balance of
5 the funds at a later date; and

6 (3) the longevity pay program under this chapter is
7 suspended to the extent of the insufficiency. [~~A county that~~
8 ~~receives from the comptroller an amount less than the amount~~
9 ~~certified by the county to the comptroller under Subsection (d)~~
10 ~~shall apportion the funds received by reducing the amount payable~~
11 ~~to eligible assistant prosecutors on an equal percentage basis, but~~
12 ~~is not required to use county funds to make up any difference~~
13 ~~between the amount certified and the amount received.]~~

14 SECTION 3.02. Section 41.255(g), Government Code, is
15 repealed.

16 ARTICLE 4. FISCAL MATTERS REGARDING PROCESS SERVERS

17 SECTION 4.01. Subchapter A, Chapter 51, Government Code, is
18 amended by adding Section 51.008 to read as follows:

19 Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a)
20 The process server review board established by supreme court order
21 may recommend to the supreme court the fees to be charged for
22 process server certification and renewal of certification. The
23 supreme court must approve the fees recommended by the process
24 server review board before the fees may be collected.

25 (b) If a certification is issued or renewed for a term that
26 is less than the certification period provided by supreme court
27 rule, the fee for the certification shall be prorated so that the

1 process server pays only that portion of the fee that is allocable
2 to the period during which the certification is valid. On renewal
3 of the certification on the new expiration date, the process server
4 must pay the entire certification renewal fee.

5 (c) The Office of Court Administration of the Texas Judicial
6 System may collect the fees recommended by the process server
7 review board and approved by the supreme court. Fees collected
8 under this section shall be sent to the comptroller for deposit to
9 the credit of the general revenue fund.

10 (d) Fees collected under this section may be appropriated to
11 the Office of Court Administration of the Texas Judicial System for
12 the support of regulatory programs for process servers and
13 guardians.

14 SECTION 4.02. Subchapter B, Chapter 72, Government Code, is
15 amended by adding Sections 72.013 and 72.014 to read as follows:

16 Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person
17 appointed to the process server review board established by supreme
18 court order serves without compensation but is entitled to
19 reimbursement for actual and necessary expenses incurred in
20 traveling and performing official board duties.

21 Sec. 72.014. CERTIFICATION DIVISION. The office shall
22 establish a certification division to oversee the regulatory
23 programs assigned to the office by law or by the supreme court.

24 SECTION 4.03. (a) The fees recommended and approved under
25 Section 51.008, Government Code, as added by this article, apply
26 to:

27 (1) each person who holds a process server

1 certification on the effective date of this Act; and

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

4 (b) The Office of Court Administration of the Texas Judicial
5 System shall prorate the process server certification fee so that a
6 person who holds a process server certification on the effective
7 date of this Act pays only that portion of the fee that is allocable
8 to the period during which the certification is valid. On renewal
9 of the certification on the new expiration date, the entire
10 certification renewal fee is payable.

11 ARTICLE 5. FISCAL MATTERS REGARDING JUDICIAL AND COURT PERSONNEL

12 TRAINING FUND

13 SECTION 5.01. Section 56.001, Government Code, is amended
14 to read as follows:

15 Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND.

16 (a) The judicial and court personnel training fund is an account in
17 the general revenue fund. Money in the judicial and court personnel
18 training fund may be appropriated only to [~~created in the state~~
19 ~~treasury and shall be administered by~~] the court of criminal
20 appeals for the uses authorized in Section 56.003.

21 (b) [~~(i)~~] On requisition of the court of criminal appeals,
22 the comptroller shall draw a warrant on the fund for the amount
23 specified in the requisition for a use authorized in Section
24 56.003. A warrant may not exceed the amount appropriated for any
25 one fiscal year. [~~At the end of each state fiscal year, any~~
26 ~~unexpended balance in the fund in excess of \$500,000 shall be~~
27 ~~transferred to the general revenue fund.~~]

ARTICLE 6. FISCAL MATTERS REGARDING PAYMENT OF JURORS

SECTION 6.01. Section 61.001(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (c), 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 [~~\$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 6.02. Sections 61.0015(a) and (e), Government Code, are amended to read as follows:

(a) The state shall reimburse a county the appropriate amount as provided in the General Appropriations Act [~~\$34 a day~~] for the reimbursement paid under Section 61.001 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) If a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of

1 reimbursement for each quarterly payment under Subsection (c)

2 [~~shall:~~

3 ~~[(1) pay the balance owed to the county when~~
4 ~~sufficient money described by Subsection (c) is available; or~~

5 ~~[(2) carry forward the balance owed to the county and~~
6 ~~pay the balance to the county when the next payment is required].~~

7 ARTICLE 7. EFFECTIVE DATE

8 SECTION 7.01. This Act takes effect September 1, 2011.