

BILL ANALYSIS

S.B. 1015
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that since 1999, the total amounts deposited into the judicial fund by statutory probate courts and the total payments made to counties have been calculated at the end of each fiscal year and that if deposits exceed total payments, the state must proportionately remit these excess contribution fund payments to counties that contributed more than they received for the use of the county's statutory probate courts. The bill sponsor has also informed the committee that in the 87th Legislative Session, the legislature enacted S.B. 41, which addressed the consolidation and allocation of state civil court costs, and that the intent of the legislation was to maintain this mechanism and ensure that state contributions for statutory probate courts matched those of statutory county and district courts. However, the bill sponsor has further informed the committee that the legislation did not clearly designate an entity responsible for remitting excess funds back to the statutory probate courts. S.B. 1015 seeks to address this issue by revising provisions relating to the excess contributions and fees allocated to statutory probate courts and by explicitly designating the comptroller of public accounts as the entity responsible for distributing excess contribution fund payments, ensuring that statutory probate courts receive the additional funding to which they are entitled.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1015 amends the Government Code to revise the requirement for the comptroller of public accounts, at the end of each state fiscal year, to determine the amounts deposited in the judicial fund by statutory probate courts and the sum of the amount paid to the presiding judges of such courts and the total amounts paid by the state to the counties for each county statutory probate court judge by specifying that the amounts deposited in the judicial fund are the amounts deposited in the judicial fund under state law with respect to the \$137 statutory probate court filing fee for any civil, probate, guardianship, or mental health case, remitted either:

- directly to the treasury by the Office of Court Administration of the Texas Judicial System for fees paid using the electronic filing system; or
- to the comptroller in the manner provided under state law for fees paid to an officer of a court.

Additionally, the bill revises statutory provisions relating to the requirement to remit certain excess funds, as follows:

- clarifies that the total amounts deposited in the judicial fund by statutory probate courts in all counties used in the calculation of the excess funds are the total amounts deposited in the judicial fund by such courts as calculated under the bill's provisions;
- clarifies that the requirement applies if the comptroller determines that that total amount exceeds the applicable sum;
- changes the entity that must remit the applicable excess funds from the state to the comptroller; and
- changes the counties to whom the funds must be remitted from each county that deposited a greater amount in the judicial fund by a statutory probate court than the amount the county was paid to each county that contributed a greater amount to the judicial fund from fees collected by a statutory probate court than the amount the county was paid.

The bill's provisions relating to excess contributions apply to the amounts deposited in the judicial fund from the \$137 filing fees for any civil, probate, guardianship, or mental health case fees collected by a statutory probate court before, on, or after the bill's effective date.

S.B. 1015 replaces the requirement for each county to annually pay the apportioned salary to the presiding judge of a statutory probate court from the \$10 fees collected under state law for the filing of the annual or final report of a guardian of a person with a requirement for each county to annually pay that salary from the fees allocated to the judicial education and support fund under statutory provisions relating to local civil fees for probate, guardianship, and mental health cases in certain courts.

EFFECTIVE DATE

September 1, 2025.