

CHAPTER 11

H.B. No. 27

AN ACT

relating to funding of the judicial branch of government and court-related purposes; to the powers and duties of the presiding judges; to certain fees and costs collected by clerks and officers of certain constitutional and statutory courts; and to the disposition and appropriation of those fees and costs.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.006 to read as follows:

*Sec. 21.006. JUDICIAL FUND. The judicial fund is created in a separate fund in the state treasury to be administered by the comptroller. The fund shall be used only for court-related purposes for the support of the judicial branch of this state.*

SECTION 2. If Senate Bill 26 is enacted by the 69th Legislature, 2nd Called Session, and becomes law, Chapter 21, Government Code, is amended by adding Section 21.007 to read as follows:

*Sec. 21.007. CHILD SUPPORT AND COURT MANAGEMENT ACCOUNT. (a) The presiding judges of the administrative judicial regions shall administer the child support and court management account of the judicial fund and may name the committees they consider necessary to aid in administering the account.*

*(b) Only the chief justice may call and convene meetings of the presiding judges to administer the account. The presiding judges shall act by majority vote.*

(c) *On request of the presiding judges, the Office of Court Administration shall assist the presiding judges in administering the account.*

(d) *The Office of Court Administration and the presiding judges shall file a report with the Legislative Budget Board at the end of each fiscal year showing disbursements from the account and the purpose for each disbursement.*

(e) *A county commissioners court, statutory county court judge, district judge, or court clerk may apply to the presiding judges for funds from the account. After receiving an application, the presiding judges may conduct an on-site assessment of the needs of the applicant. Before acting on any other pending applications, the presiding judges shall act on applications for funds to employ a court master and other judicial employees or to purchase equipment necessary to comply with state or federal law relating to the Child Support Enforcement Amendments of 1984 (P.L. 98-378). All funds expended are subject to audit by the comptroller of public accounts and the state auditor. Funds shall be allocated among the various administrative judicial regions taking into consideration the intent of the legislature that the amount of federal funds available under the Title IV-D program of the Social Security Act, as amended, for the collection and enforcement of child support obligations shall be maximized. The presiding judges are given the power to contract with the Office of the Attorney General and local political subdivisions as may be necessary to achieve this intent.*

(f) *After approval of an application by the presiding judges, the applicant may be directly reimbursed by the comptroller from the child support and court management account for expenses incurred pursuant to the approved application in accordance with this Act. A person paid from funds drawn on the account is an employee of the county, and that person's salary may be supplemented from other sources, including local or federal funds and public or private grants. Funds allocated for personnel may not be used to pay the salary of a district or statutory county court judge. Funds allocated for personnel may be used to pay in full or in part the salary of an employee, to supplement the salary of an existing employee, or to hire additional personnel. The presiding judges and the Office of Court Administration shall cooperate with any state or federal agency to provide for the fullest possible supplementation of the account and shall act as necessary to qualify account funds for any federal matching funds or reimbursement of funds available under the Title IV-D program administered by the attorney general.*

(g) *It is the purpose of this section to increase the funds available for the collection and enforcement of child support obligations and the administration of justice in each county in this state and to provide funding to be used for court-related purposes for the support of the judicial branch of this state. Funds available from the judicial fund and its special account may be supplemented by local or federal funds and private or public grants. A county commissioners court may not reduce the amount of funds provided for these purposes because of the availability of funds from the judicial fund or the special account.*

SECTION 3. Section 51.005(d), Government Code, is amended to read as follows:

(d) *The clerk shall collect and pay into the state treasury the fees and costs received under this section by the clerk under rules prescribed by the comptroller of public accounts, approved by the justices of the supreme court, and recorded in the minutes of the court. The comptroller shall deposit the fees and costs in the judicial fund.*

SECTION 4. Section 51.207, Government Code, is amended by adding Subsection (g) to read as follows:

(g) *One-half of the fees collected under this section shall be deposited to the credit of the judicial fund.*

SECTION 5. Section 51.317(b), Government Code, is amended to read as follows:

(b) The fees are:

- (1) for filing a suit, including an appeal from an inferior court \$35 [~~\$25~~]
- (2) for filing a cross-action, intervention, contempt action, or motion for new trial..... \$15

- (3) for issuing a subpoena, including one copy, when requested at the time a suit or action is filed ..... \$4
- (4) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed ..... \$8
- (5) for issuing an additional copy of a process not otherwise provided for, when requested at the time a suit or action is filed ..... \$4.

SECTION 6. Chapter 51, Government Code, is amended by adding Subchapter H to read as follows:

**SUBCHAPTER H. ADDITIONAL FILING FEE FOR JUDICIAL FUND**

*Sec. 51.701. ADDITIONAL FILING FEE FOR JUDICIAL FUND. (a) In addition to each fee collected under Section 51.317(b)(1), the district clerk shall collect a \$40 filing fee to be used for court-related purposes for the support of the judiciary.*

*(b) The district clerk shall send the fees collected under this section to the comptroller at least as frequently as monthly. The comptroller shall deposit the fees in the judicial fund.*

*(c) Sections 51.320 and 51.321 apply to a fee collected under this section.*

SECTION 7. Article 3927e, Revised Statutes, is amended to read as follows:

**Art. 3927e. [PARTIAL] EXEMPTION FROM CERTAIN FEES; FILING FEE PAID BY OPPOSING PARTY**

Sec. 1. The state is exempt from the payment of *the [that portion of any] filing fee imposed by Section 51.701, Government Code [that is allocated to the state under Article 3928b, Revised Statutes].*

Sec. 2. If the state prevails in a lawsuit, the entire amount of any filing fee attributable to the state, including any amount exempted under Section 1 of this article, shall be paid by the opposing party.

SECTION 8. Article 102.056(b), Code of Criminal Procedure, is amended to read as follows:

(b) The legislature may appropriate *any [the] unobligated balance of the criminal justice planning fund for any court-related purpose [the preceding biennium for the improvement and upgrading of the criminal justice system].*

SECTION 9. APPROPRIATION. For the fiscal year ending August 31, 1987, all balances in and revenues accruing to the judicial fund are hereby appropriated for the expenses of the judiciary and of judicial service units as shown in Article IV, Chapter 980, Acts of the 69th Legislature, Regular Session, 1985 (the General Appropriations Act), and for child support and court management as provided by Section 21.007, Government Code. Notwithstanding Article IV, Chapter 980, Acts of the 69th Legislature, Regular Session, 1985, or any other appropriations act, general revenue appropriations for the expenses of the judiciary and of judicial service units are reduced and substituted in an amount equal to the amounts available from the judicial fund, except for the amount appropriated to the child support and court management account in Section 10 of this Act. The comptroller of public accounts is authorized to promulgate rules and procedures for transition in the appropriation and fund use to minimize general revenue expenditures and maximize use of the judicial fund.

SECTION 10. TRANSFER. If Senate Bill 26 is enacted by the 69th Legislature, 2nd Called Session, and becomes law, the comptroller shall transfer \$1.2 million from the criminal justice planning fund on the effective date of this Act to the child support and court management account of the judicial fund.

SECTION 11. CHILD SUPPORT AND COURT MANAGEMENT ACCOUNT. (a) If Senate Bill 26 is enacted by the 69th Legislature, 2nd Called Session, and becomes law, for the fiscal year ending August 31, 1987, \$1.2 million of the judicial fund shall be deposited to the credit of a special account to be used to improve the collection and enforcement of child support and the management of the trial courts of this state and to administer the child support and court management account and \$1,140,000 of that

amount is appropriated to the judiciary section of the comptroller's department for use by the presiding judges of the administrative judicial districts as provided by Section 21.007, Government Code. One hundred twenty thousand dollars of the \$1,140,000 is appropriated for the expenses of the presiding judges necessary to administer and achieve the purposes of this Act. Sixty thousand dollars of the \$1.2 million is appropriated to the Office of Court Administration for the purpose of providing assistance in administering the account. The Office of Court Administration may not expend the \$60,000 for any other purpose.

(b) The Office of the Attorney General is authorized to obtain matching funds of up to \$850,000 from the federal government, and such funds are hereby appropriated, to be expended in conjunction with the money herein appropriated to the child support and court management account of the judicial fund administered by the comptroller of public accounts. The Office of the Attorney General shall contract with state agencies, presiding judges of administrative judicial regions, and local political subdivisions as is necessary to qualify for the matching funds and to reimburse the appropriate account with the matching funds.

**SECTION 12. REPEALER.** Sections 31 and 32, Chapter 239, Acts of the 69th Legislature, Regular Session, 1985, are repealed.

**SECTION 13. APPLICATION OF ACT.** The increased filing fee imposed by this Act applies to suits filed on or after the effective date of this Act.

**SECTION 14. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on August 22, 1986, by the following vote: Yeas 97, Nays 24, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 27 on September 2, 1986, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 27 on September 4, 1986, by the following vote: Yeas 110, Nays 13, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas. Passed by the Senate, with amendments, on August 28, 1986, by the following vote: Yeas 27, Nays 2; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 27 on September 4, 1986, by the following vote: Yeas 21, Nays 6; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Approved Sept. 22, 1986.

Effective Sept. 22, 1986.