

BILL ANALYSIS

Senate Research Center

S.B. 1706
By: Ellis
Jurisprudence
6/21/1999
As Filed

DIGEST

Currently, Chapter 117E, Local Government Code, places several restrictions regarding registry funds on the Harris County clerk. The clerk does not have authorization to place registry funds in “separate accounts” which may provide higher yields, to provide for a fund transfer without a court order, or to allow a payee to receive a disbursement by electronic transfer. Removing the restrictions would provide a more efficient court registry and allow more opportunities for registry funds. The proposed changes only affect counties with a population over 2.4 million. No other county meets that population requirement. S.B. 1706 will amend the operation of funds in counties with a population over 2.4 million.

PURPOSE

As engrossed, S.B. 1706 amends the operation of funds in certain courts.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 117.112, Local Government Code, to apply this subchapter to certain funds paid to a clerk, rather than a district clerk. Makes conforming changes.

SECTION 2. Amends Section 117.119, Local Government Code, to require money paid into the registry of a court to be deposited by a clerk, rather than the district clerk.

SECTION 3. Amends Section 117.120, Local Government Code, to require a clerk, rather than the district clerk, to act only in a custodial capacity.

SECTION 4. Amends Section 117.121, Local Government Code, to set forth conditions in which an electronic funds transfer may occur. Authorizes a clerk to charge a reasonable fee for an electronic transfer from a registry fund. Makes conforming and nonsubstantive changes.

SECTION 5. Amends 117.122(b), Local Government Code, make conforming changes.

SECTION 6. Amends Section 117.123(b), Local Government Code, to make conforming and nonsubstantive changes.

SECTION 7. Amends Section 117.124, Local Government Code, as follows:

Sec. 117.124. New heading: LIABILITY OF CLERK. Makes conforming changes.

SECTION 8. Amends Chapter 117E, Local Government Code, by adding Section 117.125, as follows:

Sec. 117.125. TRANSFER OF MONEY. Authorizes a clerk to transfer money deposited in the fund into a separate account, in the absence of a contrary order from a court having jurisdiction over the registry fund. Requires a clerk to transfer all money deposited in a registry fund under Section 887, Texas Probate Code, into a separate account. Sets forth required conditions for the transfer of money under this section. Provides that a transfer of money into a separate account is exempt from requirements prescribed by Section 117.121 for disbursements from registry funds. Provides that an investment of money transferred from a registry fund under this section is subject

to the limitations, policies, and standards of care provided by Chapter 2256, Government Code.

SECTION 9. Emergency clause.
Effective date: upon passage.