

BILL ANALYSIS

Senate Research Center
80R11631 KLA-D

H.B. 2359
By: Hartnett (Wentworth)
Jurisprudence
5/7/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties that impose a \$40 judicial fund fee in statutory probate courts are entitled to receive \$40,000 annually from the state. Of the amounts paid into the judicial fund that exceed the total amount needed to reimburse the counties, the excess is then divided proportionately between counties. Some counties have not contributed the full \$40,000, however, these counties will receive the same amount from the excess funds.

H.B. 2359 makes this fee mandatory for statutory county probate courts to prevent counties that have not contributed the required \$40,000 from receiving any distribution of excess funds. This bill also requires the state to pay \$5,000 of the salary of a presiding judge of an administrative judicial region from the judicial fund.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.00212(a), Government Code, as follows:

(a) Requires the comptroller of public accounts, at the end of each state fiscal year, to determine the amounts deposited in the judicial fund and the sum of the amount paid under Section 25.0022(e) (relating to compensation for a presiding judge of an administrative judicial region) and the total amounts paid to the counties under Section 25.00211. Requires the state, if the total amount deposited, rather than paid, under Section 51.704 (Additional Fees in Certain Statutory Probate Courts) by all counties exceeds that sum, rather than the total amount paid to counties under Section 25.00211 (State Contribution), to remit the excess funds proportionately to each county that deposited a greater amount in the judicial fund under Section 51.704 than the amount the county was paid under Section 25.00211, as adjusted in an equitable manner to reflect the differences in the total amount paid to the counties under Section 25.00211. Deletes existing text requiring the state to remit the excess funds to the counties proportionately based on the percentage of the total paid by each county.

SECTION 2. Amends Section 25.0022(e), Government Code, as follows:

(e) Sets forth the required compensation for a presiding judge of an administrative judicial region. Requires the state to pay \$5,000 of the salary in equal monthly installments from amounts deposited in the judicial fund under Section 51.704 and appropriated for that purpose. Provides that the remainder of the salary and expenses is paid by certain counties in a certain manner.

SECTION 3. Amends the heading to Section 51.704, Government Code, to read as follows:

Sec. 51.704. ADDITIONAL FEES IN STATUTORY PROBATE COURTS.

SECTION 4. Amends Section 51.704(a), Government Code, to delete existing text providing an exception under Subsection (f) (relating to the collection of fees by the adoption of a resolution by the commissioners court).

SECTION 5. Amends Section 101.101, Government Code, as follows:

Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. Provides for the collection of certain fees by the clerk of a statutory probate court. Deletes existing text requiring that a filing fees for certain cases to be used for court-related purposes for support of the judiciary be authorized by the county commissioners court.

SECTION 6. Amends Section 133.004, Local Government Code, to make a conforming change.

SECTION 7. Repealer: Sections 51.704(e), (f), (g), and (h) (relating to the adoption of a resolution by the county commissioners court to collect certain fees), Government Code.

SECTION 8. Makes application of Section 25.00212, Government Code, as amended by this Act, prospective to the end of state fiscal year 2008.

SECTION 9. Effective date: September 1, 2007.