

BILL ANALYSIS

Senate Research Center

S.B. 812
By: Hegar
Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is an inequity in the law with regard to reimbursement calculation methods for court reporters in multi-county district courts.

Section 52.055 (Expenses of District Court Reporters), Government Code, provides the reimbursement rates and calculation methods for districts with two or more counties. The provision limits reimbursement to \$.25 per mile with a maximum of \$400 per year for districts with two counties. However, Section 52.057 (Expenses of Court Reporters In Certain Enumerated Districts), Government Code, provides that court reporters in certain enumerated multi-county districts are to receive other amounts for expenses and that reimbursement is to be calculated by other methods. This provision often results in a more accurate reimbursement rate for court reporters and other officers of the court in certain circumstances. Neither of these statutes affects expenditures by the State of Texas because those expenditures are paid by the counties making up the districts.

Waller and Grimes counties, which make up the 506th Judicial District, are currently operating under an inter-local agreement through which staff salaries, supplies, and other expenses are shared proportionately according to the respective populations of the two counties. Waller County is the managing county because it is the current home county of the district court. It is anticipated that this situation will continue in the foreseeable future.

The 506th Judicial District is currently operating under the general reimbursement statute, Section 52.055, Government Code. Waller and Grimes counties, however, are located in a rural part of the state and travel between the two counties is more onerous than in other parts of Texas. As a result, the current reimbursement rate under Section 52.055 is insufficient and only covers about 10 days of court reporter travel, which is less than half of the current travel rate. Therefore, the 506th Judicial District should be included in the list of enumerated districts under Section 52.057 and be entitled to receive other amounts for expenses and use other methods to calculate reimbursement.

S.B. 812 includes the 506th Judicial District in the list of enumerated districts and requires that official court reporters receive reimbursement for actual and necessary expenses, including travel expenses. S.B. 812 requires the counties of the district to pay a portion of the reimbursement in proportion to the respective populations of the counties.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 52.057, Government Code, by adding Subsection (f), as follows:

(f) Requires that in lieu of the reimbursements authorized by Section 52.055 (Expenses of District Court Reporters), the official court reporters for the 506th Judicial District receive reimbursement for actual and necessary expenses, including travel expenses, in an amount equal to the amount of reimbursement that would be provided to a public servant of the county in which the court is sitting at the time the court reporter incurs the expenses if the public servant had incurred the expenses. Requires each county in the

district to pay a portion of the reimbursement authorized by this subsection in the proportion that the county's population bears to the total population of the district. Defines "public servant."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.