

## **BILL ANALYSIS**

Senate Research Center

H.B. 1079  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the comptroller of public accounts of the State of Texas (comptroller) is required to credit the net amount of certain civil penalties or restitution recovered in an action by the attorney general to a judicial fund for approved programs that provide basic civil legal services to the indigent. H.B. 1079 seeks to expand the types of fines, fees, and other collections to be allocated for indigent legal service programs.

H.B. 1079 amends the Government Code, for purposes of the requirement that the comptroller credit to the judicial fund for indigent legal services certain net amounts of a civil penalty or civil restitution recovered in certain actions by the attorney general, to remove the limitation on the types of actions brought by the attorney general from which a civil penalty or civil restitution is recovered and to include a payment recovered in such an action among the net amount funds to be credited by the comptroller to the judicial fund for indigent legal services.

H.B. 1079 amends current law relating to the distribution of certain civil penalties, payments, and civil restitution received by the attorney general.

### **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 402.007(b), Government Code, as follows:

(b) Requires the comptroller of public accounts of the State of Texas (comptroller), subject to Subsection (d) (prohibiting the total amount credited to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent under Subsection (b) from exceeding \$50 million per state fiscal biennium), to credit to the judicial fund for programs approved by the Texas Supreme Court (supreme court) that provide basic civil legal services to the indigent the net amount of:

(1) a civil penalty or payment, excluding attorney's fees or costs, that is recovered in an action by the attorney general in any matter actionable under the Business & Commerce Code, rather than under Subchapter E (Deceptive Trade Practices and Consumer Protection), Chapter 17, Business & Commerce Code, after deducting amounts allocated to or retained by the attorney general as authorized by law, unless:

(A) another law requires that the funds, rather than the penalty, be credited to a different fund or account; or

(B) the judgment awarding the funds requires that the funds be paid to another identifiable recipient, rather than the judgment awarding the penalty requires that the penalty be paid to another named recipient; and

(2) civil restitution recovered by the attorney general in an action brought by the attorney general if, on the hearing of an ex parte motion filed by the attorney general after the entry of a judgment awarding civil restitution, the court determines certain conditions to be the case and enters a certain judgment or order.

Deletes existing text requiring the comptroller, subject to Subsection (d), to credit to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent the net amount of civil restitution recovered by the attorney general in an action brought by the attorney general arising from conduct that violates a consumer protection, public health, or general welfare law, if, on the hearing of an ex parte motion filed by the attorney general after the entry of a judgment awarding civil restitution, the court determines certain conditions to be the case and enters a certain judgment or order.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2015.