

## **BILL ANALYSIS**

Senate Research Center  
77R6952 KLA-D

H.B. 2111  
By: Gallego (Duncan)  
Jurisprudence  
5/4/2001  
Engrossed

### **DIGEST AND PURPOSE**

The Texas Judicial Council (council) was created in 1929 to study and report on the organization and practices of the Texas judicial system. The council is the policymaking body for the state judiciary. The Texas Office of Court Administration (OCA) was created in 1977 to provide administrative support and technical assistance Texas courts. OCA provides staff for the council and helps the council fulfill its duties by collecting and annually publishing information on the docket activities of each court in the state. The Judicial Committee on Information Technology (JCIT) is a separate committee that is responsible for designing, testing, and assisting with the implementation of a uniform and efficient statewide computer and communication network for the judicial system in Texas. The JCIT is also responsible for training and providing technical assistance to the judiciary. H.B. 2111 abolishes OCA and transfers the direction and supervision of JCIT from OCA to the council and makes the council the central state agency responsible for the efficient and uniform administration of the Texas judiciary.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 4 (Section 71.031, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 71.001, Government Code, to define “court” and “executive director.”

SECTION 2. Amends Chapter 71A, Government Code, by adding Section 71.002, as follows:

Sec. 71.002. EFFECT ON JUDICIAL DISCRETION. Provides that this chapter or a rule adopted by the supreme court under Section 74.024 does not authorize an infringement of the judicial discretion of a judge in the trying of a case properly before the judge’s court.

SECTION 3. Amends Chapter 71B, Government Code, by adding Sections 71.021-71.024, as follows:

Sec. 71.002. EXECUTIVE DIRECTOR. Requires the chief justice of the supreme court to appoint the executive director of the Texas Judicial Council (council).

Sec. 71.022. BUDGET; EXPENDITURES. (a) Requires the executive director to prepare and submit an estimated budget for the appropriation of funds necessary for the maintenance and operation of the judicial system.

(b) Requires the executive director to study and recommend expenditures and savings of funds appropriated for the maintenance and operation of the judicial system.

(c) Requires the council to develop funding priorities regarding the various technological needs of the judicial system as determined under Chapter 77 and make distributions to courts from the judicial technology account.

Sec. 71.023. JUDICIAL TECHNOLOGY ACCOUNT. (a) Provides that the judicial technology account is an account in the judicial fund administered by the council.

(b) Authorizes money in the judicial technology account to be used only for the support of programs that are developed under Section 77.031 to provide technological support for the judiciary and that are approved by the council. Authorizes the comptroller to pay money from the account only on vouchers approved by the council.

(c) Requires the council to file a report with the Legislative Budget Board at the end of each fiscal year showing disbursements from the account and the purpose of each disbursement. Provides that all money expended is subject to audit by the comptroller and the state auditor.

(d) Authorizes money available from the judicial technology account to be supplemented by local or federal money and private or public grants.

Sec. 71.024. PERSONNEL. Requires the executive director, with the approval of the chief justice of the supreme court, to employ the personnel needed for the council.

SECTION 4. Amends Chapter 71, Government Code, by amending Subchapter C, as follows:

Sec. 71.031. New heading: CONSULTATION, ASSISTANCE, AND ADMINISTRATION. (a) Requires the executive director to assist the justices and judges in discharging their administrative duties.

(b) Requires the executive director to consult with the regional presiding judges and local administrative judges and assist the judges in discharging duties imposed by law or a rule adopted by the supreme court.

(c) Requires the executive director, in order to provide for the efficient administration of justice, to consult with and assist court clerks, other court officers and employees, and clerks or other officers or employees of offices related to and serving a court.

(d) Requires the executive director, in order to provide for uniform administration of the courts and efficient administration of justice, to consult with and make recommendations to administrators and coordinators of the courts.

(e) Requires the executive director, under the supervision of the chief justice, to implement a rule of administration or other rules adopted by the supreme court for the efficient administration of justice.

Sec. 71.032. Redesignated from Section 71.031 with no changes.

Sec. 71.033. Redesignated from Section 71.032 with no changes.

Sec. 71.034. Redesignated from Section 71.033 with the following changes:

Sec. 71.034. New heading: METHODS FOR IMPROVEMENT; RECOMMENDATIONS. (b) Requires the executive director to examine the judicial dockets, practices, and procedures of the courts and the administrative and business methods or systems used in the office of a clerk of a court or in an office related to and serving a court.

(c) Requires the executive director to make certain recommendations.

(d) Requires the executive director to make certain recommendations to the supreme court regarding the implementation of this chapter.

Sec. 71.035. Redesignated from Section 71.034 with no changes.

Sec. 71.036. Redesignated from Section 71.035 with the following changes:

Sec. 71.036. Requires a certain report to be transmitted to the council, rather than to the Office of Court Administration of the Texas Judicial System, no later than a certain day. Makes conforming and nonsubstantive changes.

Sec. 71.037. Redesignated from Section 71.036 with no substantive changes.

Sec. 71.038. ADDITIONAL DUTIES. Authorizes the supreme court or the chief justice of the supreme court to assign the executive director duties in addition to those imposed by this chapter.

Sec. 71.039. GIFTS, GRANTS, AND DONATIONS. Authorizes the council to request, accept, and administer gifts, grants, and donations from any source to carry out the purposes of this chapter.

SECTION 5. Amends the heading to Chapter 72, Government Code, to read as follows:

#### CHAPTER 72. RECRUITMENT AND COURT PERFORMANCE STANDARDS

SECTION 6. Amends Section 72.001, Government Code, to redefine “office” and to delete the definitions of “director” and “trial court.”

SECTION 7. Amends Section 77.011(a), Government Code, to provide that the Judicial Committee on Information Technology operates under the direction and supervision of the council as well as the chief justice of the supreme court.

SECTION 8. Amends Section 77.012(b), Government Code, to make a conforming change.

SECTION 9. Amends Section 77.014, Government Code, to make a conforming change.

SECTION 10. Amends Section 77.031, Government Code, to delete requirements and duties of the Judicial Committee on Information Technology.

SECTION 11. Amends Section 11.104, Civil Practice and Remedies Code, as follows:

Sec. 11.104. New heading: NOTICE TO TEXAS JUDICIAL COUNCIL;  
DISSEMINATION OF LIST. Makes conforming changes.

SECTION 12. Amends Section 4, Article 42.01, Code of Criminal Procedure, to make a conforming change.

SECTION 13. Amends Section 201.1065, Family Code, to require the council to assist the presiding judges of the administrative judicial regions in monitoring the compliance of the masters appointed under this subchapter with certain standards, laws, and policies. Deletes text regarding a plan to improve the efficiency of the masters appointed under this subchapter and the masters’ participation in the child support enforcement program in the state.

SECTION 14. Amends Section 201.107(a), Family Code, to make a conforming change.

SECTION 15. Amends Sections 201.109(e) and (f), Family Code, to make conforming changes.

SECTION 16. Amends Sections 201.207(a) and (c), Family Code, to make conforming changes.

SECTION 17. Amends Section 231.0011(a), Family Code, to delete a reference to the Office of Court Administration of the Texas Judicial system.

SECTION 18. Amends Section 263.404, Family Code, to make a conforming change.

SECTION 19. Amends Sections 21.007(c), (d), and (f), Government Code, to make conforming changes.

SECTION 20. Amends Sections 21.008(a) and (e), Government Code, to make conforming changes.

SECTION 21. Amends Section 26.006(b), Government Code, to make conforming changes.

SECTION 22. Amends Sections 62.0131(a) and (d), Government Code, to make conforming changes.

SECTION 23. Amends Sections 62.0132(a) and (e), Government Code, to make conforming changes.

SECTION 24. Amends Section 74.046, Government Code, to make a conforming change.

SECTION 25. Amends Section 74.092, Government Code, to make a conforming change.

SECTION 26. Amends Section 403.013(a), Government Code, to redefine “state agency.”

SECTION 27. Amends Section 403.241(4), Government Code, to make a conforming change.

SECTION 28. Amends Section 572.003(b), Government Code, to redefine “appointed officer of a major state agency.”

SECTION 29. Amends Section 2054.060(a), Government Code, to make a conforming change.

SECTION 30. Amends Section 2165.104(c), Government Code, to make a conforming change.

SECTION 31. Amends Section 574.014(a), Health and Safety Code, to make conforming changes.

SECTION 32. Provides that on September 1, 2001:

(1) the Office of Court Administration of the Texas Judicial System is abolished;

(2) the powers, duties, functions, programs, activities, funds, obligations, contracts, property, and records of the Office of Court Administration of the Texas Judicial System are transferred to the council;

(3) all employees of the Office of Court Administration of the Texas Judicial System become employees of the council, to be assigned duties by the executive director of the council with the approval of the chair of the council;

(4) a rule, policy, procedure, decision, or form adopted by the Office of Court Administration of the Texas Judicial System is a rule, policy, procedure, decision, or form of the council and remains in effect until altered by the council; and

(5) a reference in law to the Office of Court Administration of the Texas Judicial System or the director of the Office of Court Administration of the Texas Judicial System means the council or the executive director of the council, as appropriate.

SECTION 33. (a) Provides that the transfer of powers, duties, functions, programs, activities, funds, obligations, contracts, property, and records under this Act does not affect or impair any act done, any obligation, right, order, rule, policy, procedure, decision, or requirement existing under former law, and that law remains in effect for any action concerning those matters.

(b) Provides that an action brought or proceeding commenced before the effective date of this Act is governed by the law and rules applicable to the action or proceeding before the effective date of this Act.

SECTION 34. Repealers:

(1) Section 72.002 (Effect on Judicial Discretion), Government Code;

(2) Subchapters B (Administrative Provisions) and C (Powers and Duties), Chapter 72, Government Code; and

(3) Sections 74.004 (Supervision of Office of Court Administration), 74.023 (Director of Office of Court Administration), and 77.032 (Judicial Technology Account), Government Code.

SECTION 35. Effective date: September 1, 2001.