

# THE SENATE OF THE STATE OF TEXAS

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RECEIVED

March 8, 2011

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OPINION COMMITTEE

FILE # ML-46682-11  
I.D. # 46682

RQ-0951-GA

The Honorable Greg Abbott  
Attorney General of the State of Texas  
Attn: Nancy Fuller  
Opinions Committee  
P. O. Box 12548  
Austin, Texas 78711

Dear Attorney General Abbott:

I would like to take this opportunity to request an Attorney General's opinion regarding the use of the judicial fund outlined by the Texas Government Code, Section 21.006.

According to the statute, "the judicial fund is created in a separate fund in the state treasury to be administered by the comptroller. The fund shall be used only for court-related purposes for the support of the judicial branch of this state."

Specifically, the Harris County Civil Courts would like to know if the judicial maintenance fund can be used to offset a statutory probate court's reduction in funding by the county commissioners' court.

Your attention to this matter is greatly appreciated. Please do not hesitate to contact Holly Deshields in my Capitol Office if you have any questions regarding this request.

Sincerely,

Mike Jackson  
State Senator  
District 11

Enclosure

cc: Judge Rory Olsen, Harris County Probate Judge Court Three

## PEARLAND DISTRICT OFFICE

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**RORY R. OLSEN**  
**JUDGE**

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Senator Mike Jackson  
P.O. Box 12068  
Capitol Station  
Austin, Texas 78711

Dear Senator Jackson,

Judge Rory Olsen is requesting an opinion from the Attorney General's office. Here is the question that he would like to be asked of them:

A judicial maintenance fund for the statutory probate courts is created by § 21.006 of the Texas Government Code, which states "The judicial fund is created in a separate fund in the state treasury to be administered by the comptroller. The fund shall be used only for court-related purposes for the support of the judicial branch of this state".

The following sections of the Texas Government Code deal with the sources of the judicial funds: § 25.0016- Excess Contributions, § 51.702- Additional Fees and Costs in Certain Statutory County Courts, and § 51.704- Additional Fees in Statutory County Courts.

If the commissioners court of a county in which there is a statutory probate court reduce the statutory probate court's budget, may funds from the judicial maintenance fund be used to offset the reduction in funding?

Please let me know if you need anything further. Judge Olsen greatly appreciates your time and efforts.

Sincerely,

Amy R. Parsons

Staff Attorney