

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

TO: Honorable Ron Wilson, Chair, House Committee on Ways & Means

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB321 by Wolens (Relating to additional court filing fees to pay operating expenses of the courts of appeals.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB321, As Introduced: an impact of \$0 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$0
2005	\$0
2006	\$0
2007	\$0
2008	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>JUD & COURT TRAINING FD 540</i>	Probable Revenue Gain from <i>JUDICIAL FUND 573</i>	Probable Revenue Gain from <i>APPROPRIATED RECEIPTS 666</i>
2004	\$60,963	\$60,963	\$243,850
2005	\$60,963	\$60,963	\$243,850
2006	\$60,963	\$60,963	\$243,850
2007	\$60,963	\$60,963	\$243,850
2008	\$60,963	\$60,963	\$243,850

Fiscal Analysis

The bill would amend Government Code, Chapters 51 and 56 relating to additional court filing fees to pay operating expenses of the courts of appeals. The bill would amend Government Code, Section 51.207(b)(1) to increase the filing fee from \$100 to \$175. Of this amount, \$125 would be deposited in the state treasury, with one-half to the credit of Judicial Fund No. 573 and one-half to the credit of Judicial and Court Personnel Training Fund No. 540. A total of \$50 of the \$175 fee would be retained by the clerk for use by the court of appeals in which the case was filed.

Additionally, the bill would allow the justices of a court of appeals to increase the fee collected under Government Code, Section 51.207(b)(1) by up to an additional \$75 at the discretion of each

court. Any additional increase would be retained by the clerk for use by the court of appeals in which the case was filed.

Methodology

The Office of Court Administration indicates that 4,877 cases were filed in the courts of appeals in fiscal year 2002. The bill would increase the filing fee from \$100 to \$175. Of this amount, \$25 would be new revenue deposited in the state treasury, with one-half to the credit of Judicial Fund No. 573 and one-half to the credit of Judicial and Court Personnel Training Fund No. 540. [4,877 cases x \$25 filing fee increase = \$121,925; and, 1/2 x \$121,925 = \$60,963]. Under current law, \$100 of the filing fee already is deposited to the state treasury, credited to the two different funds mentioned here.

A total of \$50 of the \$175 fee would be retained by the clerk for use by the court of appeals in which the case was filed in the form of appropriated receipts. [4,877 cases x \$50 = \$243,850].

The bill would also allow an increase in the filing fee of up to an additional \$75 (as determined by the discretion of the court) to be retained by the clerk for use by the court of appeals in which the case was filed, in the form of appropriated receipts. [4,877 cases x \$75 = \$365,775]. This discretionary filing fee is not shown in the above table.

The amount of appropriated receipts that may be collected by the 14 courts of appeals under the bill would range from \$243,850 to \$609,625 per year [\$243,850 + \$365,775].

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 221 First Court of Appeals District, Houston, 222 Second Court of Appeals District, Fort Worth, 223 Third Court of Appeals District, Austin, 227 Seventh Court of Appeals District, Amarillo, 229 Ninth Court of Appeals District, Beaumont

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