

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 20, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1945 by Hartnett (Relating to certain fees collected by clerks of county courts and statutory county courts.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize clerks of county courts and statutory county courts (county courts at law) to collect certain filing fees. The bill would take effect September 1, 2003 and would apply only to a civil case filed or court costs imposed on conviction of an offense committed on or after the effective date.

Under current law, a commissioners court must pass a resolution before a statutory county court is authorized to collect a \$40 filing fee for civil cases and a \$15 filing fee for criminal cases. The fees are deposited into the state's Judicial Fund 0573. Counties that have adopted and filed the resolution with the Comptroller's office before September 1, 2003 receive the state's annual salary supplement of \$35,000 for statutory county court judges, of which \$30,000 is paid from the state's Judicial Fund 0573 and \$5,000 is paid from the state's General Revenue Fund 0001. Currently, 148 judges receive the state's annual salary supplement.

Under provisions of the bill, counties that file the resolution with the Comptroller on or after September 1, 2003 would receive the \$35,000 salary supplement for the county court judges, paid entirely from the Judicial Fund 0573. The court filing fees that the counties would collect and send to the state for deposit into the Judicial Fund 0573 would provide the monies to pay the salary supplements.

Regardless of when the resolution is filed, counties that adopt the resolution could realize a revenue gain because after the salary supplements are allocated back to the participating counties, any remaining money in the state's salary supplement program fund would be equally dispersed back to participating counties for court-related purposes.

The bill would require counties that have not adopted the resolution to collect the \$15 filing fee for criminal cases. The fee revenue would be deposited into the county's treasury.

It is estimated that any administrative costs at the state and the local level related to implementation of the bill could be absorbed using existing resources.

Local Government Impact

The positive fiscal impact would vary by county depending on the amount of fees remaining in the state Judicial Fund 0573 after supplemental salaries are paid to judges to be disbursed back to the counties.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

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