

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 17, 2003**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

**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 Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1945, As Introduced: a negative impact of (\$540,000) through the biennium ending August 31, 2005.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$270,000)
2005	(\$270,000)
2006	(\$270,000)
2007	(\$270,000)
2008	(\$270,000)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1
2004	(\$270,000)
2005	(\$270,000)
2006	(\$270,000)
2007	(\$270,000)
2008	(\$270,000)

**Fiscal Analysis**

The bill would require the clerk of each statutory county court and each constitutional county court to collect a fee of \$40 for each civil case filed. Provisions of the bill would also result in all statutory county court judges and qualifying constitutional county court judges becoming eligible to participate in the state's salary supplement program. The bill would become effective September 1, 2003 and apply only to civil cases filed or court costs imposed on conviction of an offense committed on or after the effective date.

Under current statute, only county court judges in counties in which the commissioners court passes a resolution, may the court collect the \$40 fee for civil cases filed. Consequently, only the judges of courts collecting the fee may participate in the state's salary supplement program. There are currently 148 out of 202 eligible judges receiving a salary supplement from the state in the amount of \$35,000 annually. Of that supplement, \$30,000 is generated by the \$40 fee collected (the fee is sent to the state and the state disburses appropriate amounts to the counties to pay the judges) and \$5,000 is paid by the state.

## **Methodology**

If the state were to pay the supplemental \$5,000 per year to each of the judges not currently receiving the supplement, the state would experience an additional revenue loss of \$270,000 per year (54 judges X \$5,000 = \$270,000).

## **Local Government Impact**

Counties newly added to the provision requiring the \$40 fee collection would experience an insignificant cost for administration. The \$30,000 annual salary increase for each judge would be offset by the fees collected.

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

**LBB Staff:** JK, GO, JB, DLBa