

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**April 26, 2003**

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

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB3167** by Goolsby (Relating to filing fees for certain types of actions.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Government Code, Chapter 51 relating to local filing fees for certain types of actions. According to the Comptroller of Public Accounts, the agency would incur certain administrative costs to notify municipalities and counties of legislative changes related to implementation of the bill. To the extent the Comptroller would incur such costs, the fiscal implication is not anticipated to be significant. The bill would take effect September 1, 2003.

**Local Government Impact**

According to the most recent *Annual Report of the Texas Judicial System*, 525,119 new civil cases were filed in fiscal year 2002. Using a filing fee of \$60 rather than \$45 and assuming that the number of civil cases filed remains stable, an additional \$7,876,785 for counties could result from the increased fees. (This estimate does not include increases from appeals filed from inferior courts.) Bexar County (44,272 new civil cases) would see an additional \$664,080 in revenue, while Borden County (3 new civil cases) would see an additional \$45.

The Brazos County Clerk's Office anticipates the increased fee would generate about \$27,000 per year. Also, Brazos County does not usually charge the fee for a petition for preconviction writ of habeas corpus because the people involved are usually indigent; therefore, this provision of the bill would not have a fiscal impact.

The Panola County District Clerk's Office estimated an increase of approximately \$7,200 each year from the increased fee and expects to lose \$255 per year from the removal of the fee for filing a petition for preconviction writ of habeas corpus.

The sliding scale fee table for cases with multiple plaintiffs included in this bill would also result in additional revenues to the counties.

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

**LBB Staff:** JK, GO, VDS, TB, KG