

BILL ANALYSIS

C.S.H.B. 3299
By: Callegari
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although county governments collect fees and fines that fund both state and local services, county elected officials have limited authority to set those fees and fines. When a fee or fine should be collected, whether a fee or fine is adequately covering the cost of service, who should refund a fee or fine, and many other administrative questions cannot be unilaterally decided by county officials. Since such officials are responsible for implementing legislative fee or fine requirements, questions frequently arise on the local level that can create confusion in the implementation process. This bill addresses several points in the fee or fine assessment and collection process to provide for a more consistent application throughout the state.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends the Government Code and Local Government Code to provide for the indexing of civil and criminal court fees or fines to annual cost drivers. The comptroller is required to develop an escalator that adjusts the cost of court services, and will annually calculate and post the increased fees or fines. The bill allows a county treasurer to impose a fee or fine for debt collection efforts before the county or district attorney has initiated a legal proceeding to collect that debt. The bill authorizes certain officials to request information from state agency databases regarding the location of delinquent debtors.

The bill authorizes a county officer to request a written directive from the comptroller regarding the legality of a questioned state fee or fine. The comptroller shall accept the fee or fine collections until the comptroller publishes a directive on the legality of the questioned fee or fine, and provides a copy of the directive to the county officer. In addition, if the collection of a county fee or fine is contingent on the collection of a state fee or fine, then the county official requesting clarification from the comptroller may request a written directive from their respective county commissioners regarding the legality of the county fee or fine. The bill provides that requesting a directive absolves the requesting official from claims of overcharging or improper collection, unless action is taken that violates the directive.

The bill clarifies the process for requesting a refund of a state fee or fine, once it has been transferred to the comptroller. It also provides a process for protesting a fee or fine, and makes the protest a prerequisite for filing a fee or fine lawsuit.

EFFECTIVE DATE

The Act takes effect on 1 September 2007, with the exception of SECTION 1, which takes effect on 1 January 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill was filed as a non-legislative council draft; whereas the substitute is a legislative council draft of the bill, and has several technical changes to allow the bill to conform to current law and existing state codes.

Additionally, the heading for the original bill is relating to revenue collection and expenditure efficiencies for county government; whereas the heading for the substitute is relating to the amount, collection, and refund of certain local fines and fees.

Lastly, the original bill has the effective date of upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007; whereas the substitute as the effective date of 1 September 2007, with the exception of SECTION 1, which takes effect on 1 January 2008.