

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION
Revision 1

May 7, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2359 by Hartnett (Relating to the collection of certain filing fees by statutory probate courts for deposit in the judicial fund, the use of those deposits, and the remittance of the excess of those deposits.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2359, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

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
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from JUDICIAL FUND 573	Probable Savings/(Cost) from JUDICIAL FUND 573
2008	\$332,000	(\$332,000)
2009	\$332,000	(\$332,000)
2010	\$332,000	(\$332,000)
2011	\$332,000	(\$332,000)
2012	\$332,000	(\$332,000)

Fiscal Analysis

The bill would amend the Government Code to require all statutory probate courts to participate in the Statutory Probate Court Salary Supplement Program to fund the \$40,000 salary supplement that is paid by the state under current law. The bill would direct the Comptroller to return the program's excess revenues to those counties whose deposits exceeded their payments from the state under the program. Under the bill, the state would pay an additional \$5,000 per year, in equal installments, towards the maximum salary of a the presiding judge of the statutory probate courts.

The bill would make conforming repeals and would take effect September 1, 2007.

Methodology

According to the Comptroller of Public Accounts, there are 17 statutory probate courts in Texas, but the four courts in Harris County do not participate in the Statutory Probate Salary Supplement Program. Adding the Harris County courts would increase state revenue in Judicial Fund 0573 by \$332,000, based on the 8,297 civil filings and the required \$40 civil suit filing fee.

Offsetting the above revenue gain, the Judiciary Section of Comptroller's Office would require an increase in appropriations to pay for the additional \$5,000 salary supplement to the presiding judge of the statutory probate courts and the excess contributions returned to the participating counties. For each fiscal year, the estimated additional salary expense would be \$165,000 (4 additional statutory probate courts at \$40,000 per year and 1 presiding judges at \$5,000 per year); and the excess contribution returned to participating counties would be \$167,000.

Local Government Impact

The fiscal impact would vary by county. If a county would have under current statute received a higher amount than under the proposed change in formula, that county would experience a reduction in revenue. If a county would have under current statute received a lower amount than under the proposed change in formula, that county would experience an increase in revenue. The dollar amounts of these differences would depend on how much excess exists in the judicial fund each year and how much each county paid into the fund.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, TB, MN, ZS, DB