

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 18, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

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 and the remittance of the excess of those deposits.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2359, As Introduced: 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 <i>JUDICIAL FUND</i> 573	Probable Savings/(Cost) from <i>JUDICIAL FUND</i> 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 change the formula for disbursing to counties excess amounts paid into Judicial Fund No. 573. Under current statute, at the end of each state fiscal year, the Comptroller of Public Accounts remits excess funds to the counties in amounts proportionate to the percentage of the total paid into the fund by each county. The proposed change in statute would require the amounts to be dispersed to the counties in an equal amount to each county.

The bill would also remove the exceptions to collecting fees for the Judicial Fund No. 573, instead requiring all statutory county courts to collect the fee.

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. According to the Office of Court Administration, adding the Harris County courts would increase state revenue in Judicial Fund No. 573 by \$332,000, based on the 8,297 civil filings in fiscal year 2006 and the required \$40 civil suit filing fee.

Offsetting the above revenue gain, the Judiciary Section of the Comptroller's Office would require an increase in appropriations to pay for the additional salary supplements and the excess contributions returned to the participating counties. For each fiscal year, the estimated additional salary expense would be \$160,000; and the excess contribution returned to participating counties would be \$172,000.

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, MN, ZS, DB