

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 14, 2007

TO: Honorable Bill Callegari, Chair, House Committee on Government Reform

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

IN RE: HB3299 by Callegari (Relating to revenue collection and expenditure efficiencies for county government.), **As Introduced**

The Comptroller of Public Accounts estimates the provisions of the bill could result in an indeterminate amount of revenue for the state.

This bill would amend Chapter 319 of the Government Code to require the indexing of all statutory civil and criminal court fees to reflect increases in service costs.

Under the bill, the Comptroller would develop an annual uniform fee escalator for statutory civil and criminal court fees after considering workload, capacity, technology, and labor increases. Absent the identification of an annual uniform fee escalator, the bill would compel the Comptroller, no later than July 1 of each year, to calculate a fee increase factor by adding the percent increase in the state's population to the consumer price index for the most recent available calendar year. Each year, the Comptroller would publish a list of adjusted fees as formulated by multiplying the fees by the fee increase factor. The list would be posted on the Comptroller's Internet website no later than July 31 of each year.

As the bill's fee escalator formula is worded, an adjustment of fees by the fee increase factor could result in extremely large fee amounts, due to the use of the consumer price index per se, instead of the percentage change in the consumer price index. Although the bill would establish a time frame for the Comptroller's Office, there is no corresponding time frame for local governmental entities to impose the adjusted fees. This could create enforcement and audit problems.

This bill would take effect immediately if it received two-thirds majority votes in both houses of the Legislature. Otherwise, the bill would take effect September 1, 2007.

Local Government Impact

Court fee indexing could result in some revenue gains to local courts, depending on the fee increase factor/ratio developed each year by the comptroller.

There would be no significant fiscal impact for counties to request written directives from the comptroller or the commissioners court about collection of questioned state fines or fees. It is assumed that a commissioners court would approve refunding of money collected or received through mistake of fact or law only if sufficient funds were available. There would be some costs to administer protests or refund claims; these costs are not expected to be significant.

Costs to counties to obtain information relating to the location of a delinquent debtor from state agency databases would depend on the fee charged, if any, to access the information.

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

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