

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 3, 2007**

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

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

**IN RE: SB1305** by Wentworth (Relating to service of process; creating a penalty.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1305, 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>Process Server Account in the JUDICIAL</i> FUND 573	Probable Savings/(Cost) from <i>Process Server Account in the JUDICIAL</i> FUND 573
2008	\$205,050	(\$96,788)
2009	\$111,450	(\$90,990)
2010	\$87,300	(\$90,990)
2011	\$205,050	(\$90,990)
2012	\$111,450	(\$90,990)

Fiscal Year	Change in Number of State Employees from FY 2007
2008	1.5
2009	1.5
2010	1.5
2011	1.5
2012	1.5

## **Fiscal Analysis**

The bill would amend the Civil Practice and Remedies Code, various Acts, the Government Code, and the Penal Code relating to the service of process in civil cases. The bill would set standards as described for process service and authorize the Supreme Court to set fees collected from individuals certified to serve process. Fees would be used to pay expenses necessary to administer certification under the bill and would be deposited to the credit of the Judicial Fund No. 573. The bill would create the Process Server Review Board and members of the board would be entitled to travel expenses incurred for attending board meetings.

The bill would take effect September 1, 2007.

## **Methodology**

According to the Office of Court Administration, it is anticipated that the Supreme Court would set a fee of \$150 per process server to be renewed every three years. An estimated 1,367 individuals would apply for certification in fiscal year 2008 for a total of \$205,050 in collections; 743 in fiscal year 2009 for a total of \$111,450 in collections; and, 582 in fiscal year 2010 for a total of \$87,300 in collections. Beginning in fiscal year 2011, the three-year cycle would repeat. Expenditures for a process server certification program and reimbursement of Process Server Board member travel are not expected to be significant.

This estimate assumes the Office of Court Administration would need 1.5 additional FTEs to implement the provisions of the bill: A program specialist paid \$49,000 and a part-time administrative assistant paid \$14,000 for a total of \$63,000 in salary expenses in fiscal year 2008 and each year thereafter. Related benefit costs for the employees would total \$17,823 in fiscal year 2008 and each year thereafter. Information technology costs for the program would total \$5,798 in the first year of implementation and annual operating costs are estimated to be \$8,500. Finally, this estimate assumes annual travel expenses for Process Service Board members would total \$1,667 in fiscal year 2008 and each year thereafter.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

## **Technology**

Information technology costs for the program would total \$5,798 in the first year of implementation, as noted above.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

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

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