

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 13, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB3312 by Gonzales (Relating to the creation of a district court records technology fund.),
As Introduced

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a county commissioners court to adopt as a part of the county's annual budget a district court records archive fee of not more than \$5 for the filing of a court suit, including an appeal from an inferior court, or cross action, counterclaim, intervention, contempt action, motion for a new trial, or third-party petition. The bill would require that the fee be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee would be used for preservation and restoration services performed by the district clerk in connection with maintaining a district court records archive. The bill would require the commissioners court to discontinue imposing a fee after the district court records archive preservation and restoration project is complete.

Local Government Impact

The Comptroller of Public Accounts provided examples of possible fiscal impact to a sampling of counties:

According to the Williamson County Auditor's Office, there were 763 court cases filed in fiscal year 2008. Those cases are estimated to increase each year, from 1,009 in fiscal year 2010 to 1,765 in fiscal year 2014. With the fee at \$5, the total revenue for fiscal years 2010-2014 would be estimated at \$34,015. Williamson County's fiscal year begins October 1.

According to the Hidalgo County District Clerk's Office, there were 1,677 court cases filed in fiscal year 2008. Those cases are estimated to increase each year, from 1,761 in fiscal year 2010 to 2,140 in fiscal year 2014. With the fee at \$5, the total revenue for fiscal years 2010-2014 would be estimated at \$48,645. Hidalgo County's fiscal year begins January 1.

According to the Victoria County District Clerk's Office, there were 839 cases filed in fiscal year 2008. Those cases are estimated to increase each year, from 881 in fiscal year 2010 to 1,070 in fiscal year 2014. With the fee at \$5, the total revenue for fiscal years 2010-2014 would be estimated at \$24,330. Victoria County's fiscal year begins January 1.

The fiscal impact would vary by district court and county, depending on what amount up to \$5 the county commissioners court sets the fee and how many cases are filed annually.

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

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