

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB1259 by Hegar (Relating to the storage of records by the clerks of the supreme court and the courts of appeals.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to the electronic or microfilm storage of records by the clerks of the Supreme Court and the courts of appeals. The bill would authorize the clerk of the Supreme Court as well as the clerks of the fourteen intermediate courts of appeals to maintain records and documents in an electronic or microfilm format. If the clerk chooses to do so, the original records may be destroyed with the electronic or microfilm record being considered an original record or document. The bill would also allow the clerk of the court of criminal appeals to accept documents and digital media evidence. The bill would allow district and county clerks to accept documents and digital media evidence, as defined in the bill, in criminal cases. The bill would require the Supreme Court to adopt rules to protect personal information stored electronically by appellate courts. The clerk of the Supreme Court indicates any costs related to the bill's implementation could be absorbed within the court's existing resources. Similarly, this analysis assumes existing resources for the Court of Criminal Appeals and the 14 Courts of Appeals will be sufficient to implement bill provisions. Accordingly, no significant fiscal implication to the State is anticipated from these provisions.

The bill would amend Government Code, Chapter 22, to create an appellate judicial system for the Seventh Court of Appeals. The bill would require counties of the Seventh Court of Appeals district to collect and forward filing fees to a fund for the assistance of the court. According to the Office of Court Administration, 25,827 civil cases were filed in the appellate district in fiscal year 2008 in the county court, county courts at law, probate courts, and district courts in the district. Assuming 25,827 civil case filings per fiscal year at \$5 per filing, the counties within the district would contribute an estimated \$129,135 per fiscal year into the appellate justice system.

The bill would require the commissioners courts to vest management of the system in the chief justice of the Seventh Court of Appeals. To the extent that the Seventh Court of Appeals uses local collections to defray expenses previously paid with state appropriations, the fiscal implication to the State is not anticipated to be significant. The bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. The 46 counties in the Seventh Court of Appeals District would incur slight costs to establish a separate appellate judicial system fund, but these costs are expected to be minimal. To the extent local government would incur a savings from having a new source of revenue to pay the approximately \$30,000 per year of the supplemental salaries and benefits to justices of the court, the fiscal implication to units of local government is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

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