

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION
Revision 1

April 9, 2009

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

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

IN RE: SB1754 by Wentworth (Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1754, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573	Probable Revenue Gain/(Loss) from <i>Counties</i>
2010	\$1,037,819	\$51,891
2011	\$1,556,728	\$81,933
2012	\$1,556,728	\$81,933
2013	\$1,556,728	\$81,933
2014	\$1,556,728	\$81,933

Fiscal Analysis

The bill would amend numerous sections of the Local Government Code and the Government Code increasing the additional filing fees for the filing of any civil action or proceedings requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee, to fund civil legal services for the indigent in a district, county, justice or small claims court.

A county may retain 5 percent of the money collected as a service fee on the basic civil legal service for indigents filing fee. This fee would increase from \$5 to \$10 for statutory and county courts. This fee would increase from \$2 to \$6 for justice courts.

The other portions of the bill would make conforming changes and would have no fiscal impact to the state or to units of local government.

The effective date of this bill is September 1, 2009.

Methodology

The Office of Court Administration expects that the bill would result in an annual increase of \$1,556,728 to the State's basic civil legal services account. (In the first year of the increased filing fee, OCA anticipates 8/12 of the annual amount would be realized - \$1,037,819).

The anticipated increase is the sum of \$1,147,419 from the justice courts and \$409,309 from the county-level courts.

The anticipated increase from the justice courts is determined as follows:

- (1) 464,542 justice court cases filed in FY 2008 x \$4 filing fee increase = \$1,858,168
- (2) x 65% collection rate = \$1,207,809
- (3) x 95% sent to State =
- (4) \$1,147,419.

The anticipated increase from the county-level courts is determined as follows:

- (1) 215,426 county-level court cases filed in FY 2008 x \$5 filing fee increase = \$1,077,130
- (2) x 40% collection rate = \$430,852
- (3) x 95% sent to State =
- (4) \$409,309

Local Government Impact

The revenue gain to each county would vary depending on the number of cases filed. The table above shows the estimated increase in the county's portion of the fees in the statewide aggregate.

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

LBB Staff: JOB, MN, DB, SD