

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 17, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB2481 by Pena (Relating to the payment and distribution of consumer assistance funds in an action by the attorney general.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Civil Practice and Remedies Code to add new Chapter 67 regarding the payment and distribution of consumer assistance funds in an action by the Office of the Attorney General.

The bill would create the Consumer Assistance Account in the departmental suspense account held in the state treasury. The account would consist of proceeds from judgment or orders for payment of restitution in actions brought by the Office of the Attorney General (OAG) arising from conduct that violates a consumer protection, public health, or general welfare law. The OAG would distribute money in the fund to charitable entities to fund programs that provide assistance to consumers. The OAG indicates that the bill may result in new complaints and investigations within the Consumer Protection and Public Health Division. However, it is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

The Comptroller of Public Accounts (CPA) indicates that the number of actions brought by the OAG and the restitution amounts that would be eligible for deposit to the new account are unknown, and therefore the fiscal impact cannot be estimated. However, this analysis assumes that these amounts would not be significant.

The CPA also indicates that the bill would create the Consumer Assistance Account in the departmental suspense account held in the state treasury; however, the suspense account cannot be used in this manner. Instead, the new account would be created as an account or trust fund in General Revenue Fund 0001 consisting of consumer assistance funds paid under a court order or judgment.

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. Legislative policy, implemented as Government Code 403.094, consolidated special funds (except those affected by constitutional, federal, or other restrictions) into the General Revenue Fund as of August 31, 1993 and eliminated all applicable statutory revenue dedications as of August 31, 1995. Each subsequent Legislature has reviewed bills that affect funds consolidation. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

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