

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 10, 2011**

**TO:** Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

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

**IN RE: HB2717** by Darby (Relating to the duties and responsibilities of certain county officials and the functions of county government.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend the Government Code to authorize a commissioners court to adopt a district court records archive fee of not more than \$5 for the filing of a suit in a statutory county court if the court exercises concurrent jurisdiction over the suit with a district court, or a statutory probate court. The fees collected would be paid to the county treasurer, or to an official who discharges the duties commonly delegated to the county treasurer, for deposit to the district court records technology fund.

The bill also would permit a person qualified to serve as a petit juror to establish an exemption from jury service if the person has legal custody of a child under 12; the current exemption is for persons with legal custody of a child under 15.

The bill would amend the Health and Safety Code to authorize a local registrar or a county clerk that currently collects a fee not to exceed \$1 to be used to pay for training a registrar or a county clerk regarding vital statistics records and ensuring the safety and security of vital statistics records.

The bill would amend the Local Government Code to permit a county commissioners court to authorize officers who collect fees, fines, court costs, or other charges to accept a payment by a check verified electronically. A state agency would not be required to remit the district court records fee imposed under Chapter 118 of the Local Government Code.

The bill would repeal Section 191.030 of the Health and Safety Code.

**Local Government Impact**

According to the Comptroller of Public Accounts (CPA), based on the information provided by three sample counties, the bill would have a positive fiscal impact on units of local government. However, the impact would vary depending on whether the fee is adopted by a county commissioners court, the amount of the fee and the number of eligible defendants in each county's statutory and probate courts. In addition, the amount of the impact on other units of local government may differ from the sample counties based on the characteristics of each county. It is assumed that a commissioners court would adopt the maximum allowable fee of \$5.

Dallas County reported that there were 11,500 cases filed in statutory county court and 12,000 cases filed in probate county court in fiscal year (FY) 2010 and anticipate an increase to 11,600 per year in FY 2011 to 2016 in statutory county court, but no increase in probate county court. The statutory county court fee would generate an additional revenue gain of \$58,000 and the statutory probate court fee would generate an additional revenue gain of \$60,000 per year in FY 2011 to 2016. Dallas County also stated they currently collect the \$1 preserving vital statistic fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Dallas County does not anticipate any start-up or technology costs.

Rockwall County reported that there were 515 cases filed in statutory county court and 151 cases filed in probate county court in 2010 and anticipate approximately a 10 percent increase per year for FY 2011 to 2016. The statutory county court fee would generate an additional revenue gain of \$3,125 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. The statutory probate court fee would generate additional revenue gain of \$900 in FY 2012 and increase by approximately 10 percent in FY 2013 to 2016. Rockwall County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Rockwall County does not anticipate any start-up or technology costs.

Bee County reported that there were 250 cases filed in statutory county court and 85 cases filed in probate county court in FY 2010 and do not anticipate an increase in FY 2011 to 2016. The statutory county court fee would generate additional revenue gain of \$1,250 per year in FY 2012 to 2016. The statutory probate court fee would generate an additional revenue gain of \$425 per year in FY 2012 to 2016. Bee County also stated they currently collect the \$1 preserving vital statistics fee; therefore, the fee would not generate new revenue in FY 2011 to 2016. Bee County anticipates a start-up cost of \$3,200 for equipment and technology. Bee County also estimates a need for an additional full-time employee with an annual salary and benefits of \$29,000.

**Source Agencies:**

**LBB Staff:** JOB, JT, KKR, TP