

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 24, 2011

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

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

IN RE: SB680 by Gallegos (relating to a fee collected by a district clerk for certain electronic certified copies.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require a district court clerk to collect a fee for an electronic certified copy not to exceed \$1 per page or for part of a page and a fee of not more than \$5 for archiving court records that would be retained by the county. Under current statute, a fee of \$1 is required to be collected for a certified copy.

The bill would reorganize sections of the Government Code by repealing Sections 101.06111, 101.06113, 101.06114, 101.06115, 101.06116, and 101.06117 and reenacting those under Section 101.0611.

Local Government Impact

There could be a positive fiscal impact from additional revenue resulting from the new fee that would vary depending on the number of electronic copies made and the amount of the fee set by a district court; however, the amount is not anticipated to be significant.

According to the Comptroller of Public Accounts, three of four counties reported a one-time setup expense in fiscal year (FY) 2011, but would receive additional revenue in subsequent fiscal years. The fiscal year (FY) for counties begins October 1, except Harris County's begins on March 1. The revenue estimates for FY 2011 have been prorated accordingly. Moreover, all revenue estimates are based upon the maximum possible fee of \$1 per electronic certified copy of certain documents as defined by the provisions in the bill.

Henderson County estimated a one-time setup expense of \$5,000 and a software maintenance fee of \$1,000 in FY 2011. Henderson County also estimated prorated revenue of \$1,250 for FY 2011, and net annual revenue of \$15,000 in FY 2012 and \$25,000 for each subsequent fiscal year.

Fort Bend County estimated a one-time setup expense of \$5,000 in FY 2011 and prorated revenue of \$2,600 for one month. Fort Bend County also estimated revenue of \$31,200 for FY 2012 and FY 2013, with revenue increasing to \$62,400 in each subsequent fiscal year. Fort Bend County stated that the increase of revenue would be attributable to the momentum gained in the electronic copying program.

Titus County estimated a one-time setup expense of \$500 in FY 2011 for training purposes and prorated revenue of \$167 in FY 2011. Titus County also estimated net annual revenue of \$2,000 for FY 2012 to FY 2016.

Harris County estimated that there would be no setup fee and no impact in FY 2011. Harris County also estimated prorated net revenue of \$80,000 for FY 2012 and \$160,000 for FY 2013. Harris County estimated a 25 percent increase in revenue to \$200,000 per year for FY 2014 to FY 2016 attributable to increased Internet usage.

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

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