

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

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

**April 27, 2011**

**TO:** Honorable Steve Ogden, Chair, Senate Committee on Finance

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

**IN RE: SB1085** by Wentworth (Relating to the fees collected by district court clerks on the filing of certain civil actions or proceedings to fund basic civil legal services.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1085, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain from <i>Judicial Fund</i> 573</b>
2012	\$1,612,000
2013	\$3,668,000
2014	\$3,485,000
2015	\$3,327,000
2016	\$3,160,000

**Fiscal Analysis**

The bill would amend the Local Government Code, Section 133.152(a) to increase existing filing fees charged in district courts that support basic civil legal services for indigents. The bill would increase a filing fee for family court cases from \$5 to \$15 and a filing fee for all other cases from \$10 per filing to \$20.

The changes made by the bill would be exempt from the Government Code, Section 51.607, which makes the increase in the filing fees applicable on the effective date of the bill.

The bill would be effective September 1, 2011.

## **Methodology**

For fiscal year 2010, the Office of Court Administration (OCA) reported, for district courts statewide, 243,528 family filings and 219,917 other filings for a total of 463,445 filings. For its revenue estimate, the Comptroller of Public Accounts (CPA) reviewed the number of filings for fiscal years 2005 to 2010 and adjusted 2011 and beyond to reflect average year-to-year changes. The CPA assumes a 100 percent collection rate for the filing fees and a base year filings of 429,940 for fiscal year 2011. These assumptions result in an estimate of \$1.6 million in revenue gain for fiscal year 2012 (adjusted for an implementation lag) and gains ranging from \$3.2 million to \$3.6 million for subsequent years.

## **Local Government Impact**

The Office of Court Administration (OCA) anticipates that the five percent retention of filing fees by counties to support basic civil legal services for indigents would increase local collections by \$251,176 per year. Currently the statewide retention by counties totals \$190,904 per year and under the bill it is estimated this would increase to \$442,080 per year.

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

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