

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

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

IN RE: SB1233 by West (Relating to the promotion of efficiencies in and the administration of certain district court and county services and functions.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Agriculture Code, Code of Criminal Procedure, the Election Code, the Agriculture Code, the Government Code and the Local Government Code relating to the administration of certain county services and functions.

The bill would allow the county clerk to accept electronic filings or rerecordings of an earmark, brand, tattoo, electronic device or other type of mark for which a recording is required.

The bill would allow a licensed jailer to execute a lawful process issued by any magistrate or court on a person confined in the jail in which the jailer is employed. The bill would allow for videoconferencing in various court proceedings.

The bill would allow a medical examiner to charge a reasonable fee that is approved by the commissioners court for services provided by the medical examiner office including cremation approvals, court testimonies, consultations and depositions. The fee may not exceed the amount necessary to provide the services and it may not be assessed against the county's district attorney or a county office.

The bill would allow for the suspension with or without pay of a county elections administrator for good and sufficient cause upon approval of four-fifths of the county election commission and approval of the commissioners court.

The bill would allow the Secretary of State to increase the number of counties participating in a countywide polling place program by increasing the number of participating counties with a population more than 100,000 from three to six and it would increase the number of counties below 100,000 from two to four.

The bill allows a court in a county to appoint a language interpreter who is not a licensed court interpreter.

The bill would allow the clerk of a district court to collect up to \$1 per page for a certified copy of a record, judgment, order, pleading, or paper on file.

The bill would authorize counties to allow staff or a member of the governing body to make a report about items of community interest during a meeting without having given notice of the subject. The bill would repeal the county population requirement of 400,000 or more that would be allowed to conduct a closed meeting to deliberate business and financial issues relating to a contract.

The bill would allow for a county to authorize a county or precinct officer to accept payment by the electronic processing of checks.

The bill would enable a self-insuring county or the intergovernmental pool to require reimbursement for the provision of punitive damage coverage from a person to whom the county or intergovernmental pool provides coverage.

The bill would allow a county to negotiate with a purchaser or licensee including another governmental entity to sell or license software.

The bill would allow more than one county assistance district to be created in a county but not more than one could be created in a commissioner's precinct. The bill would clarify the language on an election ballot that must be printed with the approved ballot language.

The bill would empower a county commissioners court to appoint the governing body or a county assistance district.

The bill would allow county assistance district to enter into agreements with municipalities.

The bill would limit the tax rate increments available to a county assistance district to only one-eighth of one percent.

The bill would require a county to provide additional data to the Texas Department of Housing and Community Affairs (TDHCA) on the sale of foreclosed property in the county and would require TDHCA to prescribe the required forms. The Texas Department of Housing and Community Affairs indicated it could absorb the costs associated with the bill within current resources.

The bill would repeal Local Government Code, Sections 86.022, 112.008, and 387.010(d).

To the extent the bill would amend court and/or county procedures, no significant impact to state judicial workloads or fiscal implication to the state is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

To the extent the bill would amend court procedures, no significant impact to judicial workloads or fiscal implication to the state is anticipated. To the extent the bill would amend court procedures, no significant impact to judicial workloads or fiscal implication to the state is anticipated.

Local Government Impact

One local government, Guadalupe County, provided information as to the potential impact of the bill. Guadalupe County indicated that they could incur a cost for fees charged by an outside medical examiner but the amount is unknown. The county currently is charging for electronic filing and certified copies in the District Clerk's office, thus this would have no fiscal impact on the county. The county would incur potential costs for hiring non-licensed court interpreters but the amount is unknown. The county would incur a positive fiscal impact by being allowed to accept electronic checks but the amount is unknown.

The bill would allow for the use of videoconferencing in various proceedings and allow the clerk of a district court to collect up to \$1 per page for a certified copy of a record, judgment, order, pleading, or paper on file.

Use of videoconferencing would be a potential cost-saving measure for counties who would otherwise have to pay for transportation for officers and inmates. The \$1 fee for a certified copy of a record would generate revenue for the county. However, the fiscal impact of these provisions is not anticipated to be significant.

Source Agencies: 332 Department of Housing and Community Affairs, 304 Comptroller of Public Accounts, 307 Secretary of State, 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

LBB Staff: JOB, KKR, TP, TB, AI