

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 6, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3793** by Coleman (relating to powers, duties, and services of counties and entities serving counties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend sections of the Government Code to provide that statutory county court judges and courts of appeals justices could be paid in equal biweekly installments; and district court judges could be paid in monthly or biweekly installments if authorized by the commissioners court. The Commissioners Court of Harris County would be required to pay the district attorney in equal biweekly installments.

The bill would amend Section 61.036 of the Health and Safety Code to authorize a county to credit an intergovernmental transfer (IGT) for waiver payments granted under Section 1315 or 1396n or as part of the state share for the disproportionate share hospital program. A county may not credit more than six percent of the county's general revenue levy in any state fiscal year.

The bill would amend the Local Government Code to require that the Commissioners Court of Harris County shall pay the county judge in equal biweekly installments.

The bill would amend the Property Code to require the county clerk of each county to record a management certificate in the real property records and index the document as a "Property Owners' Association Management Certificate."

The Office of Court Administration indicated no significant fiscal impact on the state court system is anticipated.

The Health and Human Services Commission (HHSC) indicated the commission would need to process IGTs from the counties and that those costs could be absorbed within existing resources; therefore, no fiscal impact to HHSC is anticipated.

Current statute directs the Department of State Health Services (DSHS) to distribute state assistance funds to counties that provide certain services under Sections 61.028 and 61.0285 to eligible county residents who qualify for assistance. The funds are limited to specific services for a specific eligible population whose income is under 50 percent of the federal poverty level.

According to the analysis by DSHS, it is assumed that no additional counties will be eligible for state assistance funds due to no change in Section 61.037 that directs the state to provide funds to counties who provide specific health care services. In Section 61.036 (d), it is assumed that the

methodology for reimbursing counties for state assistance will be based on the same methodology that is currently used. It is also assumed that DSHS will continue to conduct quality assurance eligibility reviews for counties receiving state assistance; and that current DSHS staff will be able to perform functions associated with the provisions of the bill; therefore, no significant fiscal impact is anticipated.

Local Government Impact

There could be costs to a county to modify payroll systems and processes if the commissioners court authorized payments in equal biweekly installments to applicable judges and justices; however, those amounts would vary depending on whether a county chose to change the payment from monthly to biweekly installments. It is assumed that a county would only chose to change the payments if sufficient resources were available.

Local governmental entities that have IGTs would not have to use application, documentation, and verification procedures, or eligibility standards to be eligible for state assistance; therefore, no significant fiscal impact is anticipated. In addition, there could be costs to counties that do not provide IGTs and would be required to go by application processes and eligibility standards to credit their expenditures for state assistance.

Bell County indicated that the county expended its entire 8 percent general revenue tax levy (GRTL) prior to the end of the fiscal year (August 31, 2012). Although eight percent would be the preferred amount toward the county's Indigent Health Care obligation, six percent would be acceptable if no upward change is agreed upon. The assumption is based on the expectation that the county will offer up less than the full eight percent for an estimated maximum of six percent GRTL, but possibly less, and that the amount the county agrees for IGTs will draw down sufficient funds to pay for services for eligible persons in the county Indigent Health Care Program, as well as others who do not qualify for the program, but meet the charity definitions of local hospital providers.

There could be costs to a county clerk that would be required to record a management certificate in the real property records and index the document; however, those amounts would vary depending on current processes and systems used in a county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 409 Commission on Jail Standards, 529 Health and Human Services Commission, 537 State Health Services, Department of

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