

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 14, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB41 by Zaffirini (Relating to the consolidation and allocation of state civil court costs; increasing certain civil court costs.), **As Introduced**

The fiscal impact to the state cannot be determined because the additional fees on counterclaims, cross actions, interventions, interpleaders, and third-party actions is unknown.

The bill would amend the Government Code, Local Government Code, and Human Resources Code to consolidate various civil filing fees, repeal various court fees and costs, and make conforming changes.

The bill would amend Local Government Code Section 133.151 related to the consolidated civil filing fee in district courts and makes conforming changes for the amendments across various statutes. For all civil actions requiring a filing fee and for any responsive filing requiring a filing fee in district courts, the bill would expand the application of the consolidated court cost for the support of the judiciary and civil legal services from the current filing of suits to also include counterclaims, cross actions, interventions, interpleaders, and third-party actions requiring a fee. The bill would eliminate the lower fee currently applicable to family law cases and make them subject to the same consolidated fee applicable to other filings. The bill would amend the Local Government Code to consolidate certain civil fees on filing civil suits in a statutory county court, statutory probate courts, county court, and justice court and makes conforming changes for this addition across various statutes.

The bill would amend the Government Code to require the commissioners court of each county in the Tenth Court of Appeals District to establish an appellate judicial system to assist the court of appeals for the county in the processing of appeals from lower courts and to defray the costs and expenses incurred in the operation of the court of appeals. The bill would require the commissioners courts to fund the system with the court costs fee collected for each civil suit filed in county-level or district-level courts in the county, with the fee to be taxed and paid as other court costs in a suit. Fee revenues would be deposited in a separate appellate judicial system fund for the court of appeals district, and the funds could not be used for any other purpose. The bill would require the funds be forwarded monthly to the court of appeals for expenditure by the court of appeals, and the bill would make the chief justice of the court of appeals responsible for the management of the funds.

The bill would amend various statutes to reflect the consolidation of the fees, and the bill would repeal the Comal County juvenile placement special fund cost found in Government Code Section 101.0813, 102.042, 102.062, and 102.10; the Comal County Juvenile Placement fund and its uses, as found in Human Resources Code Section 152.0522; the Montague County adoption suit fee, as found in Human Resources Code Section 152.1752(d); the Orange County adoption suit fee, as found in Human Resources Code Section 152.1874; and the Wichita County adoption suit fee, as found in Human Resources Code Section 152.2496.

The bill would also repeal the following provisions and provide for the fees in other provisions of the bill: the additional judicial support fees found in Government Code Sections 51.702(a), 51.703(a), and 51.704(a); the statewide e-filing fee found in Government Code Section 51.851(b); the additional fee for judicial and court personnel training found in Government Code Sections 101.06111, 101.08111, 101.10111, 101.12121, and 101.1411; the Indigent Legal Services Fees found in Local Government Code Sections 133.152(a) and 133.153(a); and the Judicial Support fee found in Local Government Code Section 133.154(a).

The bill would make conforming changes to reflect the repealed provisions.

Based on analysis provided by the Office of Court Administration, it is assumed that additional fees on counterclaims, cross actions, interventions, interpleaders, and third-party actions would result in increased revenue to the state, but the amount of the increase cannot be determined.

According to OCA's analysis, this analysis assumes that the provisions of the bill that would require clerks in the 10th Court of Appeals to begin charging filing fees on cases would result in an increase in revenue that would be kept outside the treasury as Chapter 22 funds to the 10th Court of Appeals. However, the amount of the impact due to this change cannot be determined.

The bill would take effect on September 1, 2021.

Local Government Impact

The bill's provisions that allow the charging of certain fees on counterclaims, cross actions, interventions, interpleaders, and third-party actions requiring a fee will result in an increase in revenue to counties, but the amount is indeterminate.

The bill would eliminate certain fees set in statute for certain counties. Based on information provided to OCA by the counties at issue, the counties would not be negatively impacted as the eliminated fees are not currently collected.

According to the County and District Clerks Association of Texas, no significant fiscal impact on counties is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH, AF