

Gary Monico

From: Mike Brown
Sent: Thursday, July 28, 2011 11:00
To: Gary Monico; Elizabeth McGill
Subject: RE: Commissioners' Court August 2nd, 2011

The bill I was referring to is HB1426:

H.B. No. 1426

AN ACT

relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 103.003, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) The commissioners court of a county that has implemented a collection improvement program under Article 103.0033 may collect money payable under this title or under other law.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

provided by Section 39, Article III, Texas Constitution. If this

Act does not receive the vote necessary for immediate effect, this

Act takes effect September 1, 2011.

President of the Senate Speaker of the House
I certify that H.B. No. 1426 was passed by the House on April 14, 2011, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House
I certify that H.B. No. 1426 was passed by the Senate on May 19, 2011, by the following vote: Yeas 31, Nays 0

Secretary of the Senate
APPROVED: _____
Date

Governor

From: Gary Monico
Sent: Thursday, July 28, 2011 10:05 AM
To: Agenda
Subject: Commissioners' Court August 2nd, 2011

Consent Agenda:

1. Consider Adoption of Policy & Procedures regarding Trustee Sales
2. Consider Acknowledgement of County Clerk's Court Collections for July, 2011.
3. Consider acknowledgment of input regarding SB 737.

BILL ANALYSIS

Senate Research Center
82R5180 NAJ-D

H.B. 1426
By: Farias (Wentworth)
Jurisprudence
5/2/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legislation enacted several years ago required certain counties to implement a collections improvement program in accordance with the model program developed by the Office of Court Administration of the Texas Judicial System. Bexar County created such a program under its Planning and Resource Management Department, which houses the Bexar County Budget Office and answers directly to the commissioners court.

Under current law, however, a commissioners court is not listed as an entity authorized to collect certain court costs, fees, and fines associated with the program. Current law also requires that any employee who handles the collected money must be an employee of an entity allowed to collect money under the collection improvement program. This causes administrative problems, as these court costs, fees, and fines must be collected by the sheriff's office first rather than directly by the commissioners court.

H.B. 1426 seeks to address these problems by allowing the commissioners court of a county in which the collection improvement program has been implemented to collect applicable court costs, fees, and fines, thereby rendering Bexar County's administration more efficient and preventing similar problems from arising in other counties.

H.B. 1426 amends current law relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 103.003, Code of Criminal Procedure, by adding Subsection (b-1), as follows:

(b-1) Authorizes the commissioners court of a county that has implemented a collection improvement program under Article 103.0033 (Collection Improvement Program) to collect money payable under this title or under other law.

SECTION 2. Effective date: upon passage or September 1, 2011.

LEGISLATIVE BUDGET BOARD**Austin, Texas****FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION****May 6, 2011****TO:** Honorable Chris Harris, Chair, Senate Committee on Jurisprudence**FROM:** John S O'Brien, Director, Legislative Budget Board**IN RE: HB1426** by Farias (Relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize the commissioners court of a county that has implemented a collection improvement program under Article 103.0033 to directly collect money payable under this title or under other law. Currently, the statute only applies to a county with a population of at least 50,000 or a municipality with a population of at least 100,000. According to the Office of Court Administration, the bill would apply to approximately 62 counties.

Local Government Impact

There could be an increase in collection of court costs, fees and fines to a county that has established a collection improvement program with the removal of the population criteria; however, those amounts would vary and is not anticipated to be significant.

According to the Comptroller of Public Accounts (CPA), three counties provided fiscal impact information.

Bexar County reported the bill would authorize the county commissioners to create a centralized collection system that would be simpler to administer and more convenient to the public, who could then pay any fees owed to the county, including criminal court costs, at one centralized location. Bexar County stated that they would incur no fiscal impact.

Lubbock County stated that centralizing court collections could potentially eliminate three FTEs at an estimated annual savings of \$150,000. The fiscal impact on Lubbock County is based on the assumption that the bill would become effective on September 1, 2011 and be implemented by Lubbock County at the beginning of their fiscal year, October 1, 2011.

San Patricio County reported that if the county centralized court cost collections; it would

involve only moving staff from other departments. San Patricio County stated there would be no fiscal impact.

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

LBB Staff: JOB, JT, KKR, TP, TB, JJO