

BILL ANALYSIS

Senate Research Center
2001S0913/1

C.S.S.B. 1379
By: Armbrister
Finance
4/22/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, legislation implementing new court costs and fees or changes to court costs and fees is almost always effective on September 1, the beginning of the state fiscal year. These changes are not usually finally determined until late in the legislative session, and generally signed into law during June of the session year. Time is needed after the bills are signed into law to determine all the resulting changes, summarize them, and disseminate information to the affected entities and groups. Typically, the comptroller sends out information on the session changes in July or August, and this does not give cities, counties, and the comptroller much time to implement required changes. Also, the implementation date of September 1 causes problems in the changes and conversions since most of the funds are reported on a calendar quarter basis and September 1 falls inside a calendar quarter.

Most cities and counties would like to see the effective date moved back to January 1, which would give them more time to make the required changes in systems and forms and would fall at the beginning of a quarter and a calendar year. Moving the implementation date from September 1 to January 1 would give cities, counties, and the comptroller four additional months to implement changes, revise forms, change computer software programs, and train personnel on the changes. It would also fall at the beginning of a calendar quarter, eliminating the reporting problems when an implementation date falls in the middle of a calendar quarter. C.S.S.B. 1379 moves the implementation date of new or amended court costs and fees from September 1 of each year to January 1 of each year.

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 Chapter 51G, Government Code, by adding Section 51.607, as follows:

Sec. 51.607. IMPLEMENTATION OF NEW OR AMENDED COURT COSTS AND FEES. (a) Requires the comptroller, following each regular session of the legislature, to identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of certain state court costs or fees collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case. Provides that this subsection does not apply under certain stated conditions.

(b) Requires the comptroller to prepare a list of each state court cost or fee covered by Subsection (a) to be imposed or changed and publish the list in the Texas Register by a certain date. Requires the comptroller to include with the list a statement describing the operation of this section and stating the date the imposition or change in the amount of the court cost or fee will take effect under Subsection (c).

(c) Provides that, notwithstanding the effective date of the law imposing or changing the

amount of a state court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect.

(d) Provides that this section does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee meets certain requirements.

SECTION 2. (a) Provides that Section 51.607, Government Code, as added by this Act, does not apply to a law that takes effect before August 27, 2001.

(b) Provides that Section 51.607, Government Code, as added by this Act, applies to a law enacted by the 77th Legislature, Regular Session, 2001, that takes effect on or after August 27, 2001, but only if this Act takes effect before July 1, 2001.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Amends As Filed S.B. 1379 as follows:

SECTION 1. Replaces the text “amount of a court cost or fee” with “amount of a state court cost or fee.” Deletes text regarding a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services or to cover the expenses of public official or agency. Makes conforming changes.

SECTIONS 2 - 3. No change.