

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

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

IN RE: HB3485 by Coleman (Relating to the administration of certain county services and duties, including the administration of county assistance districts.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure, Election Code, Government Code, Health and Safety Code, Local Government Code, and Occupations Code relating to administration of various county services and duties.

Included in amendments to the Code of Criminal Procedure would be changes relating to the use of video teleconferencing systems in certain criminal proceedings. The bill would permit a peace officer to provide testimony to a grand jury and allow certain defendants to waive the right of trial by jury from a remote site by means of a teleconferencing system.

The bill would amend Section 157 of the Local Government Code to authorize an intergovernmental pool operating under Chapter 119 or its successor, pursuant to certain policies, to require reimbursement for the provision of punitive damage coverage from a person to whom the pool provides coverage.

Additionally, the bill would amend Section 387 of the Local Government Code to authorize the creation of more than one county assistance district in a county and sets out procedures for creating more than one district. The bill would also amend statutes regarding powers, duties, operations, elections, and sales and use tax change of a county assistance district. Under current statute, if an election is held and the vote is against the creation of a district, another election may not be held prior to the first anniversary of the most recent election concerning the creation. Under the proposed change in statute, one or more elections may be held, and the limit on when the election could be held would be removed.

The bill would add Section 51.0022 to the Property Code to require, beginning with a sale on or after January 1, 2010, a person filing a notice of sale of foreclosed residential property to submit to the county clerk a completed form that provides the zip code of the property. On completion of the sale of real property, the trustee or sheriff would be required to submit a form to the county clerk that contains certain information. Not later than the 30th day after receipt of a form under the section, the county clerk would be required to transmit the form to the Texas Department of Housing and Community Affairs (TDHCA). By not later than January 1, 2010, TDHCA would be required to prescribe the forms required under the section and to report the information received from the county clerks to the legislature on a quarterly basis.

The bill would take effect September 1, 2009.

Based on analysis by TDHCA, it is anticipated that any costs associated with implementing provisions of the bill could be absorbed within existing resources.

Local Government Impact

It is anticipated that the proposed changes in the Code of Criminal Procedure, Election Code, Government Code, Health and Safety Code, Local Government Code, and Occupations Code relating to administration of various county services and duties would provide a positive fiscal impact for counties that would vary by county.

It is anticipated that the proposed amendments to the Code of Criminal Procedure regarding video conferencing systems would create a savings related to court proceedings if a system is already in place.

It is anticipated that the proposed addition to Chapter 157, Local Government Code, would provide a positive fiscal impact that would depend on the costs associated with punitive damage coverage.

Based on analysis provided from the Texas Association of Counties (TAC), the costs to implement the changes in Section 387 of the Local Government Code would vary by county depending on if an associated election coincides with other elections previously determined to take place in the county or if an election is held alone. As an example, TAC cited special election costs for Waller County at \$20,920 and Kaufman County at \$35,000. (Election costs vary depending not only on the type of election, but also on the number of eligible voters and number of precincts.)

Costs associated with requirements for gathering and submitting foreclosure data would vary by county and would depend on the number of foreclosures; however, based on information provided by TAC, those costs are not expected to be significant.

Source Agencies: 332 Department of Housing and Community Affairs

LBB Staff: JOB, DB, NV, KJG, TP