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Senate Bill 676 County Fees *By Senator Lois Wolk As amended July 14, 2009*

Bill Summary

SB 676 gives counties the authority to adjust several existing fees to levels that cover their costs of providing the service. It retains all existing requirements that a fee not exceed the cost of the service and ability-to-pay provisions.

Background and Analysis

Government Code §54986 describes the procedures that counties must follow to change fees otherwise authorized by law. If state law does not prescribe an amount or otherwise limit a fee, GC §54985 allows a board of supervisors to “increase or decrease a fee or charge... in the amount reasonably necessary to recover the cost” of providing a good or service or enforcing a regulation. GC §54985 also excludes a large number of fees from this provision. These fees are set by the state and include, among others, civil fees, county recorder fees and all fees charged by agricultural commissioners.

The fees set by state law, including vital records fees, recording fees and civil fees charged by the Sheriff’s Department, appear to be the most inflexible and costly for counties. Many county fees set by the state do not cover the cost of providing the service. The process to increase these fees is cumbersome and the Legislature does not regularly review these fees to address changes in cost. Some fees have not been updated in 20 – 30 years.

When a fee based service does not recover sufficient funds to cover the cost of providing the service, the difference comes out of the county’s general fund. The cost of these services is supposed to be borne by only those using the services, but ends up being subsidized by all taxpayers – including those who never use a particular service. This in turn puts pressure on other services that are funded by the county general fund, such as indigent health care, libraries, and law enforcement.

Specifically, SB 676 allows counties to make adjustments to the following fees:

<u>Code Section</u>	<u>Explanation of Fee</u>
Section 2103 of the Code of Civil Procedure	Clerk-Recorder – search fee for federal tax or county liens
Section 711.4 of the Fish and Game Code	Clerk-Recorder – Notice of Determination –doc handling fee
Section 27361 of the Government Code	Clerk-Recorder – general recording fees
Section 54985 of the Government Code	General county authority to set fees to cover the cost of services provided
Section 987.5 of the Penal Code	Public Defender– registration fee
Section 1203.1 of the Penal Code	Auditor fee – restitution collection
Section 1203.1b of the Penal Code	Probation Dept– installment payment fee
Section 1203.4 of the Penal Code	Probation Dept– plea change/verdict set-aside fee
Section 1203.45 of the Penal Code	Probation Dept– record sealing order fee
Section 1205 of the Penal Code	Auditor fee – accounts receivable, installment
Section 13300 of the Penal Code	Probation Dept– fingerprint application fee
Section 903 of the Welfare and Institutions Code	Probation Dept – juvenile hall fee
Section 903.3 of the Welfare and Institutions Code	Probation Dept – juvenile record clear fee

Support

Yolo County (sponsor), California State Association of Counties, Humboldt County, Contra Costa County, Placer County, San Mateo County, Santa Barbara County, Santa Clara County, San Joaquin County, California Association of Clerks and Election Officials, Los Angeles County District Attorney’s Office, Sacramento County Deputy Sheriffs' Association, Chief Probation Officers of California, State Coalition of Probation Organizations.

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