

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 12, 2003**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB1940** by Luna (Relating to longevity pay for assistant prosecutors.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1940, As Engrossed: an impact of \$0 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$0
2005	\$0
2006	\$0
2007	\$0
2008	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain from <i>Felony Prosecutor Supplement Fund</i>	Probable (Cost) from <i>Felony Prosecutor Supplement Fund</i>
2004	\$1,006,000	(\$1,006,000)
2005	\$2,164,000	(\$2,164,000)
2006	\$2,134,000	(\$2,134,000)
2007	\$2,103,000	(\$2,103,000)
2008	\$2,074,000	(\$2,074,000)

**Fiscal Analysis**

The bill would amend Government Code, Chapter 41 relating to longevity pay for assistant prosecutors. The bill would create a funding mechanism for assistant prosecutor longevity pay by creating the Felony Prosecutor Supplement Fund and imposing a new court fee of \$10 on each bail bond.

The fee would be collected by a court officer and deposited into the county treasury. Each quarter, the county would remit fee revenue, less 10 percent as a collection fee, to the comptroller for deposit into the Felony Prosecutor Supplement Fund. The Comptroller would use the fund to reimburse counties for longevity pay supplements to assistant prosecutors. The county would only be obligated to pay longevity pay supplements to the extent that funds have become available through collections. To the extent the Comptroller would incur costs associated with administering the new fee, such costs are not anticipated to have a significant fiscal impact.

The bill would take effect January 1, 2004, except for the fee collections provision in Section 4 which would take effect September 1, 2003.

### **Methodology**

Based upon information provided by the Comptroller, estimates were based upon US Department of Justice data relating to bail bonds on felony arrests and Texas Department of Public Safety reports on arrests across the state. State revenue in fiscal year 2004 is adjusted to reflect two quarterly payments.

### **Local Government Impact**

Section 1 of the bill would provide a positive fiscal impact to local governments. Under the current law counties pay the assistant prosecutors' longevity pay authorized under Sec. 41.252, Government Code, but the counties are not reimbursed by the state. This bill would require the state to reimburse the counties from the Felony Prosecutor Supplement Fund and would provide that the counties are not required to pay longevity if it exceeds the amount available to the counties from the Felony Prosecutor Supplement Fund.

Section 2 of the bill would also provide a positive fiscal impact for counties. The Comptroller of Public Accounts, using information from the Texas Department of Public Safety and the U.S. Department of Justice, estimated that in fiscal year 2004, there would be a gain to local governments of \$224,000. In fiscal year 2005, the gain would be \$240,000. In fiscal year 2006, the gain would be \$237,000. In fiscal year 2007, the gain would be \$234,000. In fiscal year 2008, the gain would be \$231,000.

Individual counties would see gains in revenue proportional to the number of bonds issued in the county. In fiscal year 2004, Harris County would see a gain of \$52,409, while Oldham County would see a gain of \$51.

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

**LBB Staff:** JK, WK, JO, GO, VDS, TB, KG