

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 11, 2003

TO: Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3274 by Gallego (Relating to the office of county attorney of Pecos County, to the office of district attorney for the 83rd Judicial District and to the office of district attorney for the 112th Judicial District.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would establish an office of county attorney in Pecos County to perform the duties of district and county attorney, removing Pecos County from the 83rd and 112th Judicial Districts. Additionally, the bill would specify that the voters of Crockett, Reagan, Sutton, and Upton counties would elect a district attorney for the 112th Judicial District. The county attorney of Pecos County would continue to receive the supplemental salary paid by the state. The bill would take effect January 1, 2005.

Under current statute, Pecos County is served by a district attorney elected in the 83rd Judicial District, which is composed of Brewster, Jeff Davis, Pecos, Presidio, and Upton counties. The state, in addition to paying the supplemental salary, pays \$1,750 in travel allowance annually to each of the district attorneys of the 83rd and 112th Judicial Districts for traveling to Pecos County. The state would, therefore, realize a savings of \$3,500 annually from the General Revenue Fund.

Although the bill would not make an appropriation, it would establish the basis for an appropriation.

Pecos County currently pays for four assistant district attorneys, office assistants, travel expenses, continuing education, and other operating expenses for the two district attorney offices. The county would experience a savings by no longer incurring those expenses. The costs to Pecos County would be costs associated with an increased caseload and expenses for a county attorney's office. Pecos County estimates that there would be a net savings of \$100,000 the first year of implementation and \$150,000 each of the next three years thereafter.

The other counties affected estimate that having to fully support the 83rd and 112th judicial districts would have a significant negative fiscal impact for those counties. The county judge in Reagan County estimates that the county's associated expenses would increase 25 percent annually. The district attorney for the 112th Judicial District stated that Pecos County is responsible for providing approximately 53 percent of the district's budget; therefore, removing Pecos County from the district would place a burden of \$300,000 annually to be made up by the remaining, smaller counties.

Local Government Impact

Pecos County would experience an overall positive fiscal impact of approximately \$150,000 annually, while the other counties in the 83rd and 112th Judicial District would incur significant additional annual costs.

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

LBB Staff: JK, GO, DLBa