

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3572 by Chisum (Relating to the duties and salary of the county attorney in Swisher County and the duties of the district attorney for the 64th Judicial District.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3572, As Introduced: a negative impact of (\$104,954) 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	(\$52,477)
2005	(\$52,477)
2006	(\$52,477)
2007	(\$52,477)
2008	(\$52,477)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2003
2004	(\$52,477)	1.0
2005	(\$52,477)	1.0
2006	(\$52,477)	1.0
2007	(\$52,477)	1.0
2008	(\$52,477)	1.0

Fiscal Analysis

The bill would amend Government Code, Chapter 43 to remove Swisher County from being represented by the district attorney in the 64th Judicial District. The bill also would amend Government Code, Chapter 45 to allow the county attorney of Swisher County to represent the state in district court. The bill would assign felony prosecution authority to the county attorney and entitle the office holder to receive the annual salary from the state in the amount of \$81,360. The bill would require Swisher County to pay \$28,000 of the county attorney's salary and the state would pay the remainder. The bill would take effect September 1, 2003.

Methodology

The state currently pays the district attorney in the 64th Judicial District \$3,500 for travel expenses.

The state also pays a salary supplement of \$25,425 to the county attorney of Swisher County. Under the bill, the state would no longer incur these expenses.

Under the bill, the state would have to pay the remainder of the county attorney's salary [\$81,360-\$28,000 = \$53,360]; benefits [\$10,962] and an allowance for office expenses [\$17,050]. The bill would make the Swisher County Attorney a state prosecutor and employee.

Local Government Impact

Swisher County (population 8,171, annual budget \$3.4 million) reported that it would pay \$28,000 of the county attorney's new salary and would incur some costs for personnel in the county attorney's office to handle additional caseloads. However, implementing the provisions of the bill would not result in a significant fiscal impact to the county budget.

Hale County (population 36,602, annual budget \$11.6 million) reported that without Swisher County as a part of the 64th Judicial District, it would implement a reduction in personnel and a ten percent reduction in operating expenses. Implementing the provisions of the bill would result in an approximate savings of \$42,000 per fiscal year to Hale County.

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

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