

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 24, 2005

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: HB2569 by Eiland (Relating to the office of district attorney for the 253rd Judicial District and to the creation of the office of district attorney for the 344th Judicial District.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2569, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2007.

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
2006	\$0
2007	\$0
2008	\$0
2009	(\$101,515)
2010	(\$152,273)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>GENERAL REVENUE FUND 1</i>	Probable (Cost) from <i>Chambers County</i>	Probable (Cost) from <i>Liberty County</i>
2006	\$0	\$0	\$0
2007	\$0	\$0	\$0
2008	\$0	\$0	\$0
2009	(\$101,515)	(\$23,600)	(\$1,800)
2010	(\$152,273)	(\$3,600)	(\$2,400)

Fiscal Analysis

The bill would amend the Government Code to allow Liberty County voters to elect a district attorney for the 253rd Judicial District to represent the state attorney in that district only in that county and in all cases before the 75th District Court. The Liberty County commissioners court would be authorized to supplement the state salary of the district attorney by an amount not to exceed \$5,000 per year.

The bill would create the 344th Judicial District in Chambers County and provide for the voters to elect a district attorney to represent the state in cases before the district courts of the county. The Chambers County Commissioners Court would be authorized to supplement the state salary of the district attorney by an amount not to exceed \$5,000 per year.

The bill would take effect on January 1, 2009.

Methodology

Under current statute, the 253rd Judicial District includes Chambers and Liberty counties. Chambers County is required to pay 40 percent of the \$5,000 annual supplemental salary of the district attorney, and Liberty County is required to pay 60 percent. The bill would require Liberty County to pay 100 percent of the \$5,000 supplement after January 1, 2009.

The district attorney offices would be created on January 1, 2009 and it is assumed that the governor would appoint district attorneys to fill the positions on that date. The state would be responsible for the costs of a new district attorney serving Chambers County, which includes the following annual expenses: salary, \$101,700; benefits, \$16,943; and an apportionment for expenses of office, \$33,630. Costs for the new district attorney expenses would total \$101,515 in fiscal year 2009 (for 8 months of the state's fiscal year) and \$152,273 for fiscal year 2010 (full state fiscal year).

Chambers County's fiscal year begins January 1. The district attorney's office would be created on January 1, 2009 and it is assumed that the governor would appoint a district attorney to fill the position beginning that date. The cost to Chambers County in 2009 is therefore shown as being for a full year. In the county's fiscal year 2009, the county's expenses would include \$20,000 in start-up costs, \$1,000 in operating expenses, and \$5,000 in supplemental pay to the district attorney. Expenses for the county's fiscal year 2010 would include \$1,000 in operating expenses and \$5,000 in supplemental pay. Although the county would pay \$5,000 in supplemental pay each year, the county currently pays \$2,400 as a portion of the 253rd judicial district attorney's supplemental pay; therefore, the county would see an increase in the cost of supplemental pay of only \$2,600.

Liberty County's fiscal year begins October 1. Since the district attorney's office would be created on January 1, 2009 and assuming the governor would appoint a district attorney to fill the position beginning that date, the fiscal impact to the state for the state's fiscal year 2009 reflects nine months. The district attorney's office is currently set up in Liberty County, therefore the county would pay no start-up costs. The supplemental salary that Liberty County would pay is \$6,000 per year, an amount that supersedes the proposed bill due to the Professional Prosecutors Act, which states that the district attorney's supplemental pay cannot be less than the district judge. Liberty County's district judge currently receives \$6,000 a year in supplemental pay. Because Liberty County currently pays \$3,600 as its portion of the supplemental pay for the 253rd judicial district attorney, the actual increase in this cost would be \$2,400.

Local Government Impact

Costs to the counties are reflected in the tables above.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, SD, TB, DLBa