

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 25, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

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

IN RE: SB441 by Madla (Relating to application of the professional prosecutors law to the district attorney for the 112th Judicial District.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 46.002 (1) of the Government Code to add the district attorney of the 112th Judicial District to the professional prosecutors law. The bill would also repeal Section 43.152 (b) of the Government Code, which allows the counties comprising the 112th Judicial District to supplement the salary of the district attorney. The bill would take effect September 1, 2005.

District attorneys are classified in one of two ways. If a district attorney falls under the Professional Prosecutor's Act (PPA), they may not operate a private practice, but are paid a higher salary by the state. District attorneys under the PPA receive \$101,700 annual salary plus \$16,944 in benefits and \$33,630 for office apportionment expenses. District attorneys who are not under the PPA may operate a private practice and therefore, receive a lesser salary from the state. These attorneys receive \$81,360 in annual salary plus \$14,893 in benefits and \$16,650 for office apportionment expenses. The provisions of the bill would reclassify the sitting 112th district attorney to fall under the PPA and would require the state to begin paying the greater salary amount and expenses starting in September 2005.

Although the bill does not make an appropriation, it would establish the basis for an appropriation. According to the Comptroller of Public Accounts, the state would incur an annual increase in costs of \$39,371 from the General Revenue Fund to increase the salary paid to the district attorney of the 112th Judicial District.

Local Government Impact

The 112th Judicial District is comprised of five counties: Crockett, Pecos, Reagan, Sutton, and Upton. Currently, one or more of the counties comprising the district may supplement the state salary of the district attorney by an additional \$4,800 per year. While each of the counties has the option of supplementing the district attorney's salary, none of the county commissioners courts have chosen to do so. Therefore, there would be no savings from the repeal of the supplement. The bill would have no fiscal impact on local governments.

Source Agencies: 304 Comptroller of Public Accounts

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