

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 25, 2007

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

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

IN RE: HB1126 by Creighton (Relating to the operation of the Ninth Court of Appeals District and to the creation of an appellate judicial system for that court of appeals district.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Government Code, Chapter 22, to create an appellate judicial system for the Ninth Court of Appeals. The bill would require counties of the Ninth Court of Appeals district to collect and forward filing fees to a fund for the assistance of the court. According to the Office of Court Administration, 50,410 civil cases were filed in the appellate district in fiscal year 2006 in the county court, county courts at law, probate courts, and district courts in the district. Assuming 50,410 civil case filings per fiscal year at \$5 per filing, the counties within the district would contribute an estimated \$252,050 per fiscal year to the appellate justice system.

The bill would require the commissioner courts to vest management of the system in the chief justice of the Ninth Court of Appeals. To the extent that the Ninth Court of Appeals uses local collections to defray expenses previously paid with state appropriations, the fiscal implication to the state is not anticipated to be significant. The bill would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

The bill would amend the Government Code to add the City of Conroe to the locations in which the Ninth Court of Appeals is required to hold court. Montgomery County would be required to furnish and equip suitable rooms in the City of Conroe. Under current statute, only Jefferson County is required to furnish and equip rooms on behalf of the court in the City of Beaumont.

Jefferson County currently furnishes and equips rooms for the Ninth Court of Appeals and pays the supplemental salaries, therefore, the county would not incur new costs as a result of the bill; however, the county would experience an annual revenue savings of \$52,000 because supplemental salaries would be paid initially by Montgomery County and then reimbursed from the appellate judicial system fund. Montgomery County anticipates a significant cost for providing and equipping rooms, although an exact amount is not known.

The 10 counties in the Ninth Court of Appeals District would incur slight costs to establish a separate appellate justice system fund, but these costs are expected to be minimal. To the extent local government would incur a savings from having a new source of revenue to pay the approximately \$52,000 per year of the supplemental salaries and benefits to justices of the court, the fiscal implication to units of local government is not anticipated to be significant.

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

LBB Staff: JOB, MN, ZS, TB, DB