

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

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

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

IN RE: HB3095 by Van Arsdale (Relating to the periods for disposing of certain actions and petitions by appellate courts in this state.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3095, As Introduced: a negative impact of (\$6,835,211) through the biennium ending August 31, 2009.

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
2008	(\$3,486,105)
2009	(\$3,349,106)
2010	(\$3,349,106)
2011	(\$3,349,106)
2012	(\$3,349,106)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2007
2008	(\$3,486,105)	44.0
2009	(\$3,349,106)	44.0
2010	(\$3,349,106)	44.0
2011	(\$3,349,106)	44.0
2012	(\$3,349,106)	44.0

Fiscal Analysis

The bill would amend the Government Code relating to the periods for disposing of certain actions and petitions by the appellate courts. The bill would direct the Supreme Court and the Court of Criminal Appeals to rule on a regular cause within one year of the date the court agreed to grant review of the cause and to rule on a petition within six months of the date the petition was filed. The bill would also direct the 14 Courts of Appeals to rule on a case within 18 months of the date the case was filed.

The bill would take immediate effect if the bill receives two-thirds the vote of all members; otherwise, the bill would take effect September 1, 2007.

Methodology

In fiscal year 2006, the aggregate average processing time of all cases disposed by the appellate courts was within the guidelines proposed by the bill. Also, the courts of appeals currently have a performance measure which gives the courts a goal of 24 months in which to dispose of cases from the time the cases were filed. The bill would direct the courts of appeals to reduce case disposition rates by an average of six additional months in order to comply with the bill's guidelines. Accordingly, to ensure that each case of a court's docket is disposed within the policy guidelines, the Supreme Court and the 14 Courts of Appeals report the bill would require additional staff to process cases. The Court of Criminal Appeals reported the court can comply with the bill's policy guidelines within existing resources.

The 14 Courts of Appeals would need an additional 42.0 FTEs and the Supreme Court would need an additional 2.0 FTEs for a total of 44.0 FTEs to dispose of approximately 1,276 more cases per fiscal year, or an additional 15 percent of an aggregate average pending caseload of 8,500. (The number of cases disposed per FTE at the courts of appeals in fiscal year 2006 was 29: 29 cases x 44.0 FTEs = 1,276 cases.) Salaries and wages for 44.0 additional FTEs (staff attorneys, deputy clerks, and legal assistants) would cost \$2,605,000 each fiscal year with another \$736,955 each fiscal year for employee benefits. Also, related equipment and operating expenses for the new FTEs would be \$144,150 in fiscal year 2008 and \$7,151 in fiscal year 2009 and each year thereafter for a total expense of \$3,486,105 in fiscal year 2008 and \$3,349,106 in fiscal year 2009 and each year thereafter.

Local Government Impact

Adding staff would require the Tenth Court of Appeals in Waco to relocate to a larger facility at a cost of \$750,000 in fiscal year 2008 (to purchase and remodel facilities for the courts' use) and \$84,000 in fiscal year 2009 and each year thereafter for utilities and expenses. Under current law, the City of Waco is directed to furnish and equip suitable rooms for the court without expense to the state, so this estimate assumes the costs of moving the court to a larger facility would be a local expense.

Other than expenses to the City of Waco, no significant fiscal implication to other units of local government are anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

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