

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 7, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: SB497 by Duncan (Relating to the application of the professional prosecutors law to the state prosecuting attorney.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB497, As Introduced: a negative impact of (\$72,216) 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	(\$36,108)
2009	(\$36,108)
2010	(\$36,108)
2011	(\$36,108)
2012	(\$36,108)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1
2008	(\$36,108)
2009	(\$36,108)
2010	(\$36,108)
2011	(\$36,108)
2012	(\$36,108)

Fiscal Analysis

The bill would amend Chapter 46, Government Code, to make the state prosecuting attorney subject to the professional prosecutors law. The bill would link the state prosecuting attorney's salary to that of a professional prosecutor, which is equal to the compensation provided for a district judge. The bill would take effect September 1, 2007.

Methodology

The bill would require the state to pay the maximum allowable salary—currently \$125,000 per year—to the State Prosecuting Attorney. This would represent a yearly increase in state expense of \$33,718 for the salary and \$2,390 in state contributions for retirement and other benefits compared to the salary appropriated in the General Appropriation Act (GAA).

This bill would present some issues with respect to appropriations made to the Office of State Prosecuting Attorney from the GAA and requirements under the professional prosecutors law. Specifically, GAA appropriations are made directly to the Office of State Prosecuting Attorney for salaries and administration, while professional prosecutor appropriations, including \$22,500 in office apportionment, are made to the Comptroller's Judiciary Section for distribution to eligible prosecutors. Under the bill as written the state would meet its obligation for office apportionment under the agency's regular appropriations.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 213 Office of the State Prosecuting Attorney, 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, ZS, JP