

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 13, 2007

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

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

IN RE: SB1814 by Lucio (Relating to the creation of the office of district attorney for Kenedy and Kleberg Counties and the district attorney for the 105th Judicial District.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1814, Committee Report 1st House, Substituted: a negative impact of (\$264,525) 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	(\$105,810)
2009	(\$158,715)
2010	(\$158,715)
2011	(\$158,715)
2012	(\$158,715)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND 1</i>	Probable Savings/(Cost) from <i>JUDICIAL FUND 573</i>	Change in Number of State Employees from FY 2007
2008	(\$105,810)	(\$15,400)	0.7
2009	(\$158,715)	(\$23,100)	1.0
2010	(\$158,715)	(\$23,100)	1.0
2011	(\$158,715)	(\$23,100)	1.0
2012	(\$158,715)	(\$23,100)	1.0

Fiscal Analysis

The bill would amend the Government Code to create the office of district attorney for Kenedy and Kleberg counties. The district attorney would be elected by voters in these counties, while the voters in Nueces County would continue to elect a district attorney who would serve Nueces County only. The bill would also include the district attorney for Kenedy and Kleberg counties to the professional prosecutor provisions of Chapter 46, Government Code, beginning January 1, 2009, and the district attorney position serving Nueces County would continue to be included in Chapter 46. The bill would take effect September 1, 2007.

Methodology

Each year the State would be responsible for paying the salary (\$125,000), benefits (\$19,685), office apportionment expense (\$33,630) and travel allowance (\$3,500) for the district attorney who would serve Kenedy and Kleberg counties. The total annual expense to the State would be \$181,815 in fiscal year 2009 and each year thereafter. Because the new position would not be effective until January 1, 2009, this amount (and the related FTE position) is prorated to 8 months in fiscal year 2008.

Local Government Impact

The Kleberg County Judge said that the county would provide an office for the district attorney at an annual expense of approximately \$103,125. The county judge indicated that because the majority of cases arise from Kleberg County, Kenedy County would not be expected to share the \$103,125 cost. Kleberg County is not considering paying any supplemental compensation, which would be proportionally shared with Kenedy County based on population, to the district attorney.

Since Kenedy County's fiscal year begins on October, the amount that the county would be responsible for would be prorated for 11 months or \$94,531.

The Kenedy County Judge stated that the bill would have no fiscal impact on the county. The Nueces County Auditor and the judge for the 105th Judicial District stated that the bill would have no fiscal impact on Nueces County.

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

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