

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 24, 2007**

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

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

**IN RE: SB1951** by Wentworth (Relating to the creation of judicial districts, the creation of the office of district attorney in certain counties, and the election and duties of certain district attorneys in certain counties.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1951, Committee Report 1st House, Substituted: a negative impact of (\$1,299,588) 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	(\$494,086)
2009	(\$805,502)
2010	(\$926,389)
2011	(\$926,389)
2012	(\$926,389)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>GENERAL REVENUE FUND 1</i>	Probable Revenue Gain/ (Loss) from <i>JUDICIAL FUND 573</i>	Change in Number of State Employees from FY 2007
2008	(\$494,086)	(\$225,000)	5.0
2009	(\$805,502)	(\$315,400)	8.1
2010	(\$926,389)	(\$360,600)	9.0
2011	(\$926,389)	(\$360,600)	9.0
2012	(\$926,389)	(\$360,600)	9.0

**Fiscal Analysis**

The bill would amend Chapter 24, Government Code, to create two new judicial districts in Montgomery County, the 418th and 435th Judicial Districts. The bill would also amend Chapter 24, Government Code, to create two new judicial districts in Cameron County, the 444th and 445th Judicial Districts. The four districts would be created September 1, 2007.

The bill would also amend Chapter 24, Government Code, to create a new judicial district in Bastrop, Burleson, Lee, and Washington Counties, the 423rd Judicial District. The bill would amend Chapter 24, Government Code, to create a new judicial district in Collin County, the 429th Judicial District.

The two additional districts would be created January 1, 2009.

The bill would amend Chapters 43 and 46, Government Code, providing for the election of a district attorney for Nueces County and the election of a district attorney to serve Kleberg and Kenedy Counties. The bill would result in all three counties not being served by the same district attorney and would result in one new district attorney for Kleberg and Kenedy Counties. The new district attorney would be added January 1, 2009.

The bill would take effect September 1, 2007, unless otherwise noted.

### **Methodology**

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and to the Judicial Retirement System) which are estimated to be \$33,223 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,223. Because the 423rd and 429th Judicial Districts would not be effective until January 1, 2009, these amounts (and the related FTEs) are prorated to eight months in fiscal year 2009.

The bill would also require the state to pay salaries and expenses for a court reporter and court coordinator for the 435th Judicial District. According to Montgomery County officials, the 435th Judicial District should be able to operate the first year with a court reporter only, with the state incurring the expense of \$86,194 for salary and benefits. Beginning in fiscal 2009 and in subsequent fiscal years, in addition to the state expense for the court reporter position, the 435th Judicial District would require a court coordinator at an annual salary and benefits of \$69,642. Montgomery County officials estimate that beginning in fiscal 2009, expenses for the 435th Judicial District would total \$155,836. Because the bill does not specify which state fund(s) would be used to pay for court personnel for the 435th Judicial District, these expenses are shown as costs to the General Revenue Fund.

The annual salary provided by the state for a district attorney is \$125,000, in addition to benefits (state contributions for group insurance and retirement) which are estimated to be \$19,685. The total annual salary and benefits cost for a district attorney is estimated to be \$144,685. In addition to this cost the state would also pay \$33,630 for office expenses and \$3,500 for travel expenses. Because the new professional prosecutor position would not be added until January 1, 2009, these amounts (and the related FTE) are prorated to eight months in fiscal year 2009.

### **Local Government Impact**

Montgomery County is currently served by the 9th, 221st, 284th, 359th and 410th judicial districts. This bill would create two additional judicial districts, the 418th and 435th, effective September 1, 2007. According to information provided by Montgomery County officials, no additional courtroom would be required to start the proposed 435th Judicial District.

For the proposed 418th Judicial District, Montgomery County would be responsible for paying the salary and benefits for court personnel. According to the Montgomery County Budget Office, the estimated annual cost of court personnel would be \$606,135 (\$403,207 salary plus \$202,928 benefits). There would be an estimated one-time expenditure of \$205,143 in fiscal 2008, which would include \$125,000 for court build out, \$62,693 for furniture and equipment, \$12,000 for courtroom technology and \$5,450 for initial training of new employees.

Montgomery County's fiscal year begins October 1. For fiscal 2008, it is assumed that the proposed 418th and 435th judicial districts would be in a start-up mode and would generate no additional revenue to offset the cost of the additional judicial districts. In the future, however, it is assumed that improved caseload management brought about by the creation of the new judicial districts could result in higher revenue; however, the amount of increased revenues cannot be estimated.

Bastrop County is currently served by the 21st and 335th judicial districts, which have jurisdiction in Bastrop, Washington, Burleson and Lee counties. Bastrop County is currently constructing a new jail

facility, which will include a new courtroom. Courthouse security personnel positions for the proposed 423rd Judicial District currently are included in the county budget. According to Bastrop County officials, the cost for the new district would total \$273,050 annually for salaries, benefits, transportation, equipment and furniture. There would also be one-time start-up costs of \$8,000 in fiscal 2009.

According to Lee County officials, the county's annual recurring costs for the new judicial district would total \$287,800, including \$30,000 for one court clerk; \$256,000 for other court staff and \$1,800 for the judge's expenses. There would also be one-time start-up costs of \$5,000.

According to Washington County officials, the county would pay salaries and benefits of \$77,500 for an additional assistant district attorney; \$37,640 for a court clerk; \$51,500 for an investigator; \$37,640 for a deputy district clerk; and \$20,000 for additional court staff. Total recurring expenses would be \$224,280 annually. There would also be one-time start-up costs of \$15,000.

There was no information made available by Burleson County.

Bastrop and Lee counties' fiscal year begins on October 1. Washington County's fiscal year begins January 1. For fiscal 2009, it is assumed that the proposed 423rd Judicial District would be in start-up mode and would generate no additional revenue to offset the cost of the additional judicial district. In the future, it is assumed that improved caseload management brought about by the creation of a new judicial district could result in higher revenues; however, the amount of increased revenues cannot be estimated.

Collin County is currently served by the 199th, 219th, 296th, 366th, 380th, 401st, 416th and 417th judicial districts. According to the Collin County Auditor, the annual cost for the new judicial district would total \$654,418, and would include \$607,055 for salaries and benefits for court staff and \$47,363 for operating and maintenance costs. One-time start-up costs for capital expenses would total \$122,222 in fiscal 2009.

Collin County's fiscal year begins October 1. For fiscal 2009, it is assumed that the proposed 429th Judicial District would be in start-up mode and would generate no additional revenue to offset the cost of the additional judicial district. In the future, it is assumed that improved caseload management brought about by the creation of the new judicial districts could result in higher revenues; however, the amount of the increased revenues cannot be estimated.

According to information provided by Cameron County, the new 444th Judicial District would cost the county \$318,372 annually in operating expenses, including salaries and benefits for court personnel. The county currently has a family court under existing district courts. Since a family court already exists, no start-up costs would be incurred through the establishment of a new district court. The family court master's salary of \$127,500 would be redirected to payroll for the new district court staff since the district judge's salary is paid by the state, and the above cost reflects this adjustment. The proposed 445th Judicial District would cost Cameron County \$393,395 annually in operating expenses, including salaries and benefits for court personnel. The county would not incur start-up costs because it would not need to build new facilities to accommodate the new district court. Surplus computers and office equipment would be used for the new district court.

Cameron County's fiscal year begins October 1. For fiscal 2008, it is assumed that the proposed 444th and 445th judicial districts would be in start-up mode and would not generate the same amount of revenue that each of the other district courts generate for the county; therefore, no additional revenue would be available to offset the cost of the additional judicial district. In the future, it is assumed that improved caseload management brought about by the creation of the new judicial districts could result in higher revenues; however, the amount of the increased revenues cannot be estimated.

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 cost. Kleberg County is not considering paying any supplemental compensation to the district attorney, which would be proportionally shared with Kenedy County based on population. Kleberg County's fiscal year

begins October 1. 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:** 304 Comptroller of Public Accounts

**LBB Staff:** JOB, MN, ZS, JP