

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

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

IN RE: HB1118 by Madden (Relating to the appointment of an administrative judge for drug court programs in this state.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1118, Committee Report 1st House, Substituted: a negative impact of (\$384,131) through the biennium ending August 31, 2011.

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
2010	(\$136,980)
2011	(\$247,151)
2012	(\$247,151)
2013	(\$247,151)
2014	(\$247,151)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2009
2010	(\$136,980)	(\$37,568)	1.7
2011	(\$247,151)	(\$56,347)	2.0
2012	(\$247,151)	(\$56,347)	2.0
2013	(\$247,151)	(\$56,347)	2.0
2014	(\$247,151)	(\$56,347)	2.0

Fiscal Analysis

The bill would amend the Health and Safety Code relating to the appointment of an administrative judge for drug court programs. The bill would require the Governor, with the advice and consent of the Senate, to appoint an administrative judge for drug court programs statewide. Under the bill's provisions, the State would pay the annual salary, retirement and expenses of the administrative judge at the same rate as the state pays a district judge.

The committee substitute to this bill also provides that the Office of Court Administration (OCA) would arrange for the administrative judge to have office space to carry out the duties required by the new legislation and may contract with the county to provide office space for the administrative judge. There would be a fiscal implication to OCA should a chosen county were to require compensation for the use of office space; however, this analysis assumes a county could be found to

accommodate the judge's office needs at no additional cost to the state.

Expenses for an administrative assistant and other necessary support staff may be paid by (1) the state, (2) county funds as authorized by the Commissioners court of the county of the judge's residence, or by any public or private grant. This analysis assumes the costs related to an administrative assistant would be paid by the state and other necessary support staff and operating expenses would be paid by the county.

The judge would be appointed by the Governor, not later than December 1, 2009 for a four year term that begins on January 1, 2010.

Methodology

The administrative judge would receive a base salary of \$125,000 and benefits of \$33,500 from the state for a total of \$105,672 in fiscal year 2010 (an amount prorated for 10 months), \$168,500 in fiscal year 2011 and each year thereafter. Costs would be split between the General Revenue Fund and the Judicial Fund No. 573 which are the sources of funding for district judge salaries. Section 469.033(b) (1) provides that the administrative judge "be a former judge, retired judge, or senior judge of a district court or county court at law." Because a district judge is also entitled to a local supplement of up to \$15,000 for a total salary of \$140,000 from state and local sources, an additional expense which is not included in the tables above could be up to \$16,335 in additional salaries and benefits, which would be paid by the State if the judge appointed is a retired judge. Otherwise, the \$15,000 supplement and related benefits would be paid by the county, if the judge appointed is a former judge.

It is assumed that the administrative judge will employ an administrative assistant that would be paid from state funds, with other staff and operating expenses provided by the county. The salary for an administrative assistant is based upon the salary ranges identified in the Schedule A Classification Salary Schedule in the General Appropriations Act. The salary for group Administrative Assistant IV, group A15 is set at a maximum of \$45,618. Applying a 28.57 percent benefits assumption brings the total to \$48,876 in fiscal year 2010 (prorated for 10 months) and \$58,651 in fiscal year 2012 and each year thereafter.

The bill provides that the administrative judge is entitled to travel and other necessary expenses to perform duties and responsibilities provided in the bill. This estimate assumes the administrative judge and administrative assistant together will incur annual travel costs of \$20,000 to oversee drug courts throughout the State, with all other necessary expenses being provided by the county.

Local Government Impact

The bill would create the position of an administrative judge for drug courts. The Office of Court Administration (OCA) would arrange for the administrative judge to have office space to carry out the duties required by the new legislation and may contract with the county to provide office space for the administrative judge. Expenses for an administrative assistant and other necessary support staff may be paid by the state, county funds as authorized by the commissioners court of the county of the judge's residence, or by any public or private grant.

As an example, Collin County was contacted and the auditor estimated the costs to the county for fiscal year 2010 would include costs associated with the following: legal secretary salary, \$30,787; legal secretary benefits, \$15,496; and \$23,000 in maintenance and operations, which would include \$13,000 for office space and computer equipment. These costs would be adjusted by 3 percent increases for each fiscal year from 2011 through 2014.

Other counties would incur similar costs associated with expenses related to implementing the provisions of the bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts

LBB Staff: JOB, TB, ESi, TP