

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 16, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB1689 by Castro (Relating to the creation of additional judicial districts in Bexar County.),
As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB1689, As Introduced: a negative impact of (\$421,350) 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 | (\$145,557) |
| 2011 | (\$275,793) |
| 2012 | (\$275,793) |
| 2013 | (\$275,793) |
| 2014 | (\$275,793) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from <i>General Revenue Fund</i> 1 | Probable Savings/(Cost) from <i>Judicial Fund</i> 573 | Change in Number of State Employees from FY 2009 |
|-------------|---|--|---|
| 2010 | (\$145,557) | (\$105,403) | 2.0 |
| 2011 | (\$275,793) | (\$199,710) | 3.0 |
| 2012 | (\$275,793) | (\$199,710) | 3.0 |
| 2013 | (\$275,793) | (\$199,710) | 3.0 |
| 2014 | (\$275,793) | (\$199,710) | 3.0 |

Fiscal Analysis

The bill would amend Chapter 24, Government Code, to create three new judicial districts in Bexar County. The 432nd Judicial District would give preference to civil matters and be created September 1, 2010. The 436th Judicial District would give preference to criminal matters, and the court would be created January 1, 2010. The 437th Judicial District would give preference to juvenile matters and be created October 1, 2009.

The bill would take effect September 1, 2009.

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 the Judicial Retirement System) which are estimated to be \$33,501 annually. The total annual salary and benefits cost for a district judge is estimated to be \$158,501.

This estimate prorates the salary of the district judges in fiscal year 2010 due to the dates the courts would be established. The estimate for the 437th Judicial District assumes 11 out of 12 months, and the 436th assumes 8 out of 12 months.

Local Government Impact

Bexar County's fiscal year begins on October 1. The Bexar County Auditor's Office provided the following facts and figures for the creation of the three district courts.

The 432nd Judicial District civil court's start-up expense in fiscal 2010 is estimated at \$24,000. Capital outlay expenses in year 2 are \$300,000 and \$1,360,000 in year 3. The County expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$37,547, which includes \$18,131 for salary and benefits and \$19,417 for operating costs. The estimated average annual cost of court functions for fiscal years 2011-2014 for the Civil Court is \$477,251. This total is comprised of \$231,251 for salary and benefits and \$246,000 for operating costs. In addition to the district judge, the creation of the 432nd Judicial District would create 3 positions: Bailiff, Court Reporter and Court Clerk. The Bexar County Auditor's Office estimates average annual revenue of \$244,000 beginning in 2011.

For the 436th Judicial District serving as a criminal court, start-up expenses in fiscal 2010 are estimated at \$24,000. Capital outlay expenses in year 2 are \$300,000 and \$1,444,000 in year 3. The County expects to use existing courthouse space until a new space is available in the Justice Center. Start-up expenses include furniture and fixtures, moving expenses, facility renovation, and technology enhancements. Annual operating costs in fiscal 2010 are estimated at \$995,522, which includes \$597,272 for salary and benefits and \$398,250 for operating costs. The estimated average annual cost of court functions for fiscal years 2011-2014 for the Criminal Court is \$1,411,691. This total is comprised of \$846,441 for salary and benefits, and \$565,250 for operating costs. In addition to the district judge, the creation of the 436th Judicial District would create 10 positions: Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Court Coordinator, Bailiff, Court Reporter, Court Clerk, Investigator, Advocate, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$101,500 beginning in 2011.

The 437th Judicial District operating as a juvenile court's start-up expense in fiscal 2010 is estimated at \$603,800. This total is for furniture and fixtures (\$102,000), facility renovation (\$301,800), and technology enhancements (\$200,000). Capital outlay expense in fiscal year 2010 is estimated at \$5,000. The County expects to use existing space for the Juvenile Court. Annual operating costs in fiscal 2010 are estimated at \$1,504,142, which includes \$1,094,642 for salary and benefits and \$409,500 for operating costs. The estimated average annual cost of court functions for fiscal years 2011-2014 for the Juvenile Court is \$1,744,977. This total is comprised of \$1,163,477 for salary and benefits, and \$581,500 for operating costs. In addition to the district judge, the creation of the 437th Judicial District would create 11 positions: Associate Judge, Third Chair Prosecutor, Second Chair Prosecutor, First Chair Prosecutor, Bailiff, Investigator, Advocate, Court Coordinator, Court Reporter, Court Clerk, and an Office Assistant. The Bexar County Auditor's Office estimates average annual revenue of \$181,250 beginning in 2010.

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

LBB Staff: JOB, JP, MN