

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 19, 2009

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

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

IN RE: HB3289 by Berman (Relating to the creation of an additional county court at law in Smith County.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3289, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Judicial Fund</i> 573	Probable Revenue Gain from <i>Judicial Fund</i> 573
2010	(\$75,000)	\$75,000
2011	(\$75,000)	\$75,000
2012	(\$75,000)	\$75,000
2013	(\$75,000)	\$75,000
2014	(\$75,000)	\$75,000

Fiscal Analysis

The bill would amend the Government Code to create a new County Court at Law in Smith County. The court would be created September 1, 2009, and the bill would take effect September 1, 2009.

Methodology

The annual recurring cost to the state would be \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000).

Also, the salary supplement program for county court at law judges is funded from fees and court costs collected by county courts at law statewide and deposited into the Judicial Fund No. 573. This estimate assumes that the County Court at Law in Smith County would generate sufficient revenue to Judicial Fund No. 573 to cover the cost of the salary supplement.

Local governments pay the other operating costs associated with a county court at law.

Local Government Impact

Smith County is currently served by three county courts of law.

Smith County's fiscal year begins October 1. The Smith County Auditor's Office reported that the creation of a County Court at Law No. 4 would require seven new positions: a court reporter, court administrator, court coordinator, deputy clerk, two prosecutors, and a bailiff. Estimated annual base salary and benefits of these court personnel would total \$416,274 in fiscal 2010 and rise to \$466,529 in fiscal 2014 due to a three percent annual increase during this time period.

Due to a three percent annual increase during this time period, operating costs are estimated at \$15,400 in fiscal 2010, and rise to \$17,082 in 2014. Judicial expenses are estimated at \$109,000 in fiscal 2010, and rise to \$122,680 in 2014.

The County Auditor stated that in September 2009 new staff would not yet be on board and start-up expenses would be pending, so there would be no costs or revenues in fiscal 2009. Start-up costs estimated at \$60,000 would be expended during fiscal 2010. The County Auditor's Office estimated total revenues of the new court of \$221,917 in 2010 and increase three percent annually to \$249,769 in 2014. Estimated total expenses are \$600,638 in 2010 (including start-up costs), and \$606,292 in 2014.

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

LBB Staff: JOB, MN, JP