

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 26, 2009**

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

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

**IN RE: HB3710** by Homer (Relating to consideration of district court cases by judges of certain constitutional county courts.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3710, As Introduced: a negative impact of (\$480,000) 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)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2010        | (\$240,000)  |
| 2011        | (\$240,000)  |
| 2012        | (\$240,000)  |
| 2013        | (\$240,000)  |
| 2014        | (\$240,000)  |

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

| Fiscal Year | Probable (Cost) from<br><i>General Revenue Fund</i><br>1 |
|-------------|--|
| 2010        | (\$240,000)  |
| 2011        | (\$240,000)  |
| 2012        | (\$240,000)  |
| 2013        | (\$240,000)  |
| 2014        | (\$240,000)  |

**Fiscal Analysis**

The bill would amend the Government Code relating to consideration of district court cases by judges of certain constitutional county courts. The bill would allow a district court judge and a county court judge to enter into an agreement to expand the jurisdiction of the county court, allowing the county court judge to hear certain largely uncontested civil cases and guilty pleas in criminal cases. The agreement to hear these cases in county court applies only to counties that have two or more district courts composed of more than one county and no county court at law and where the county court has retained misdemeanor jurisdiction.

A county court judge who enters an agreement under the bill must be a licensed Texas attorney. The bill provides for a \$30,000 per year state salary supplement for county judges hearing cases under the agreement. In order to receive the supplement, the county court judge must file a copy of the agreement and an affidavit indicating that the judge is performing services under the agreement with the Office of Court Administration. The bill would take effect September 1, 2009.

**Methodology**

This analysis assumes all eligible county judges would enter into agreements authorized by the bill, resulting in an annual cost of \$240,000 in fiscal year 2010 and each year thereafter.

Currently, there are 31 county judges in Texas who are attorneys. Of these, 13 are in counties where there is a county court at law and 10 are in counties where there is only one district court, leaving a balance of 8 county judges who are attorneys [31 attorney judges - (13+10=23) = 8 remaining county judges who are attorneys].

Accordingly, there are eight county judges who are attorneys in counties where there is no county court at law and where there is more than one district court. These counties are: Dimmit, Freestone, Jackson, Karnes, Limestone, San Jacinto, Titus, Zavala. On the assumption that all eight counties would enter into an agreement as specified in the bill, the cost to the state per year would be \$240,000 (8 x \$30,000 = \$240,000). The Office of Court Administration anticipates no fiscal impact as a result of the requirement to receive and forward agreements and affidavits required under the bill.

**Local Government Impact**

The bill prohibits a county from reducing a county court judge's salary as a result of a salary supplement received under the bill. The bill may result in minimal local savings as additional judicial resources are applied to local court caseloads in lieu of new court creation. To the extent the bill would amend court procedures or affect judicial salaries, no significant fiscal implication to units of local government is anticipated.

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

**LBB Staff:** JOB, MN, ZS, TB, DB