

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

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

**May 15, 2009**

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

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

**IN RE: SB1166** by Duncan (Relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1166, As Engrossed: a negative impact of (\$243,910) 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	(\$121,955)
2011	(\$121,955)
2012	(\$121,955)
2013	(\$121,955)
2014	(\$121,955)

**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	(\$121,955)	(\$26,771)	1.0
2011	(\$121,955)	(\$26,771)	1.0
2012	(\$121,955)	(\$26,771)	1.0
2013	(\$121,955)	(\$26,771)	1.0
2014	(\$121,955)	(\$26,771)	1.0

**Fiscal Analysis**

The bill would amend the Government Code relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District. The Swisher County Attorney would become subject to the Professional Prosecutors Act and prohibited from the private practice of law. The bill would take effect September 1, 2009.

**Methodology**

In this new capacity, the Swisher County Attorney would be entitled to a salary of \$125,000 from the state plus benefits (\$20,526) from General Revenue and the Judicial Fund No. 573. However, the Swisher County Attorney would also forgo the annual \$31,250 state salary supplement the county

attorney receives, which is also paid from these two funding sources. Therefore, the net cost to the state due to the salary increase would be \$114,276. Finally, district and county attorneys in the Professional Prosecutors Act are entitled to \$34,450 per year from the state to defray office expenses, which are paid from General Revenue.

### **Local Government Impact**

No 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, TB, DB