

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 14, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: SB1553 by Wentworth (Relating to the creation of district courts in certain counties.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB1553, Committee Report 1st House, Substituted: a negative impact of (\$681,821) 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	(\$245,149)
2011	(\$436,672)
2012	(\$459,655)
2013	(\$459,655)
2014	(\$459,655)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Judicial Fund 573	Change in Number of State Employees from FY 2009
2010	(\$245,149)	(\$177,520)	3.0
2011	(\$436,672)	(\$316,208)	5.0
2012	(\$459,655)	(\$332,850)	5.0
2013	(\$459,655)	(\$332,850)	5.0
2014	(\$459,655)	(\$332,850)	5.0

Fiscal Analysis

The bill would amend Chapter 24, Government Code, to create a new judicial district in Denton County, the 431st Judicial District. The district would be created January 1, 2011.

The bill would amend Chapter 24, Government Code, to create a new judicial district in Tarrant County, the 432nd Judicial District. The district would be created October 1, 2009.

The bill would amend Chapter 24, Government Code, to create three new judicial districts in Bexar County. The 436th Judicial District would give preference to juvenile matters and be created October 1, 2009. The 437th Judicial District would give preference to criminal matters, and the court would be created January 1, 2010. The 438th Judicial District would give preference to civil matters and be created September 1, 2010.

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 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.

Local Government Impact

The Denton County Auditor indicated that the annual cost of the district court for fiscal year 2011 is estimated at \$1,702,316 which includes \$1,107,558 for court personnel and benefits, \$509,758 for office operation expenditures plus \$85,000 for initial office start-up costs. The annual operating cost would increase four percent for fiscal years 2012-2014. The County Auditor estimated revenue of \$260,000 starting fiscal year 2011 with a four percent increase each year thereafter. Fiscal 2011 estimates would be pro-rated for nine months. Denton County's fiscal year starts October 1.

The Tarrant County Auditor indicated that the annual cost of the district court for fiscal year 2010 is estimated at \$3,287,845, which includes \$1,520,454 for court personnel and benefits, \$1,145,391 for office operation expenditures plus \$622,000 for initial office start-up and capital outlay costs. Fiscal 2009 would be pro-rated for one-month. The annual operating cost would increase four percent for fiscal years 2011-2014. The County Auditor estimated revenue of \$130,000 starting fiscal year 2010 with a \$10,000 increase each year thereafter except for the fiscal year 2014 which is a \$5,000 increase. Tarrant County's fiscal year starts October 1.

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 436th 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 436th 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.

For the 437th 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 438th 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.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, JP