

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 21, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB352 by Rodriguez, Eddie (Relating to a cost-benefit analysis of rules adopted or amended by the supreme court.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB352, As Introduced: a negative impact of (\$206,580) through the biennium ending August 31, 2013.

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
2012	(\$104,890)
2013	(\$101,690)
2014	(\$101,690)
2015	(\$101,690)
2016	(\$101,690)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2011
2012	(\$104,890)	2.0
2013	(\$101,690)	2.0
2014	(\$101,690)	2.0
2015	(\$101,690)	2.0
2016	(\$101,690)	2.0

Fiscal Analysis

The bill would amend the Government Code relating to a cost-benefit analysis of rules adopted or amended by the Supreme Court. The bill would require the Supreme Court to perform a cost-benefit analysis on rules and rule amendments adopted by the Court. The analysis required on each rule would need to identify the problem the proposed rule or rule amendment is intended to address; determine whether a new rule or rule amendment is necessary to address the problem; and consider the benefits and costs of the proposed rule or rule amendment in relation to this state’s legal profession, attorney disciplinary system, and court system along with the public. The bill would also require the Court to draft an analysis, publish it for public comment, review and consider all public comments, and file a copy of the rule amendment with the Governor’s Office, the Legislative Budget Board, and the presiding officer of each Legislative standing committee with subject matter jurisdiction over the state

judicial system.

The bill would take effect immediately if it received a two-thirds vote in each house, otherwise the bill would take effect September 1, 2011.

Methodology

According to the Office of Court Administration, the Supreme Court issued 28 orders creating or amending rules in fiscal year 2010 and 31 orders in fiscal year 2009. This analysis assumes that additional staff time would be needed to research and draft a cost-benefit analysis on each rule or rule change as well as meeting the other requirements of the bill.

This analysis also assumes that costs include one Economist (paid an annual salary of \$56,775, together with benefits of \$15,818). Costs also include one Clerk I position (paid an annual salary of \$22,757, together with benefits of \$6,340). This analysis also assumes costs of \$3,200 in fiscal year 2012 for computer workstations.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, JT, ZS, JP