

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 26, 2011

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

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

IN RE: HB3475 by Gallego (relating to the recusal and disqualification of municipal judges.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify procedures for which a party in a hearing trial in a municipal court may file for the recusal or disqualification of a municipal judge. If the municipal judge is the presiding judge, the regional presiding judge would have authority in the process.

The bill would move certain sections specifying the duties of a city secretary from the Local Government Code to the Government Code.

The bill would repeal Section 29.012 of the Government Code and Section 22.073(c) of the Local Government Code.

The Office of Court Administration (OCA) reported the bill would provide that the hearings on motions to recuse or disqualify could be conducted by telephone resulting in a cost savings. The bill would clarify that the municipality in which the case is pending would be responsible for the payment of judges who are assigned to hear these motions and would provide the amount of compensation. However, this cost is not anticipated to be significant because telephone hearings are an option and most hearings would likely be conducted by telephone by the regional presiding judge or by an active judge who is not entitled to additional compensation; therefore, no significant fiscal impact to the State is anticipated.

Local Government Impact

According to the analysis of OCA, in some instances, when a municipal court judge has been recused or disqualified and there is not another municipal court judge in the municipality who can hear the case, a person who is not already on the payroll of the municipality could be assigned to hear a case. However, this is already required under current law; therefore, no additional cost to the municipalities is anticipated.

In addition, there could be a savings if hearings on motions to recuse or disqualify are conducted by telephone, but the amounts would vary and are not anticipated to be significant.

Fort Bend County reported there would be no fiscal impact to implement the provisions of the bill.

The Nacogdoches Municipal Court reported the court would need to hire an additional employee resulting in a moderate fiscal impact.

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

LBB Staff: JOB, JT, TP, TB