

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

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

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

IN RE: HJR126 by Lewis (Proposing a constitutional amendment changing the eligibility requirements for and changing the terms of office of certain judicial offices.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HJR126, As Introduced: a negative impact of (\$105,495) 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	(\$105,495)
2013	\$0
2014	\$0
2015	\$0
2016	(\$704,250)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2012	(\$105,495)
2013	\$0
2014	\$0
2015	\$0
2016	(\$704,250)

Fiscal Analysis

The resolution would propose an amendment to Article V of the Texas Constitution for changing the eligibility requirements for and changing the terms of office of certain judicial offices. The joint resolution, if adopted by voters, would change certain eligibility requirements for judges and justices and change the terms from six to eight years for an appellate justice or judge and from four to six years for district judges.

The proposed amendment would be submitted to voters at an election to be held November 8, 2011.

Methodology

The cost to the state for publication of the resolution is \$105,495 in General Revenue for fiscal year 2012.

According to the Secretary of State, the joint resolution would result in a loss of revenue to the General Revenue Fund in fiscal year 2016 for that year's primary season due to less filing fees in district court races. The bill would extend the term for district court judges from four years to six years. Under provisions of the joint resolution, district court judges elected in November 2012 will not be on the ballot again until the 2018 primary, accordingly the state will lose filing fee revenues for the 2016 primary election season. [Assumption/calculation = 144 races x 1.5 candidates x \$2,500 filing fee in higher county population brackets + 73 races x 1.5 candidates x \$1,500 filing fee in lower county population brackets = \$704,250, where 1.5 represents the average number of candidates for a given primary.] The fiscal impact of changing the terms for appellate court judges and justices, from six to eight years, is not expected to be significant and is beyond the timeframe of this analysis.

Local Government Impact

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

Source Agencies: 211 Court of Criminal Appeals, 212 Office of Court Administration, Texas Judicial Council, 229 Ninth Court of Appeals District, Beaumont, 307 Secretary of State

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