

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 11, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

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

IN RE: **SB491** by Fraser (Relating to the composition of the 198th Judicial District, the creation of a judicial district composed of Kimble, McCulloch, Mason, and Menard Counties, and the creation of the office of district attorney for the 440th Judicial District.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB491, As Introduced: a negative impact of (\$493,104) 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	(\$246,552)
2013	(\$246,552)
2014	(\$246,552)
2015	(\$246,552)
2016	(\$246,552)

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 2011
2012	(\$246,552)	(\$84,468)	2.0
2013	(\$246,552)	(\$84,468)	2.0
2014	(\$246,552)	(\$84,468)	2.0
2015	(\$246,552)	(\$84,468)	2.0
2016	(\$246,552)	(\$84,468)	2.0

Fiscal Analysis

The bill would amend Chapter 24, Government Code, to make the 198th Judicial District composed solely of Kerr County. Additionally, the bill would amend Chapter 24, Government Code, to create a new judicial district in Kimble, McCulloch, Mason, and Menard Counties, 440th Judicial District. The court would be created September 1, 2011.

The bill would amend the Government Code to where the voters of the 440th Judicial District would elect a district attorney to represent the state before the district court. Additionally, the bill establishes that the district attorney for the 440th Judicial District would be subject to the Professional Prosecutors Act and prohibited from the private practice of law.

The bill would take effect September 1, 2011.

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 Judicial Retirement System) which are estimated to be \$34,431 annually. The total annual salary and benefits cost for a district judge is estimated to be \$159,431. Counties would pay all other costs.

The annual salary for a district attorney listed in the Professional Prosecutors Act is \$125,000 from the state plus benefits which are estimated to be \$20,893 annually. Finally, district and county attorneys in multi-county jurisdictions 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

The estimated annual budget for the 440th Judicial District is \$123,633 which will be split among the four counties making up the district (Kimble, Mason, McCulloch and Menard). Of the \$123,633 annual budget, \$99,000 is a county supplement to the district judge's salary plus the salary and benefits for two new positions, a court coordinator and a court reporter. The remaining \$24,633 would be general operating expenses. Start-up costs for the court would be minimal because the court would be located in Kimble County or McCulloch County where they have available office space and all of the counties have available furnishings.

Kerr County reported their fiscal 2011 expenditures for the 198th Judicial District were \$268,817, of which \$81,915 was reimbursed by the other counties, for a net cost to Kerr County of \$186,902. Without the contributions from the other counties, Kerr County will have to pay all of the expenses and salaries for the 198th Judicial District. In fiscal 2012 that expense will be \$310,337 and will rise approximately 2 percent each year. Kerr County's fiscal year begins October 1.

Kimble County reported their fiscal 2011 expenditures for the 198th Judicial District were \$56,794. Kimble County cannot estimate their expenses for the 440th Judicial District. Their fiscal year begins January 1.

Mason County reported their fiscal 2011 expenditures for the 198th Judicial District were \$38,523. Mason County cannot estimate their expenses for the 440th Judicial District. Their fiscal year begins January 1.

McCulloch County reported their fiscal 2011 expenditures for the 198th Judicial District were \$64,152. McCulloch County cannot estimate their expenses for the 440th Judicial District. Their fiscal year begins October 1.

Menard County reported their fiscal 2011 expenditures for the 198th Judicial District were \$24,060. Menard County cannot estimate their expenses for the 440th Judicial District. Their fiscal year begins October 1.

The fiscal impact on Kerr County of creating the 440th Judicial District will be negative. The fiscal impact on Kimble, Mason, McCulloch, and Menard counties of creating the 440th Judicial District cannot be determined.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, JT, ZS, JP, KKR