

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 24, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2116 by King, Susan (Relating to the creation of the 1st Multicounty Court at Law composed of Fisher, Mitchell, and Nolan Counties and the abolishment of the County Court at Law of Nolan County; imposing a stenographer's fee.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to create a Multicounty Court at Law composed of Fisher, Mitchell, and Nolan Counties. The bill would also abolish the current County Court at Law in Nolan County on the date the Multicounty Court at Law would be created. The court would be created September 1, 2013, or an earlier date determined by a vote of the Commissioners Courts of Fisher, Mitchell, and Nolan Counties.

Due to the abolishment of the Nolan County Court at Law on the effective creation date of the Multicounty Court at Law composed of Fisher, Mitchell, and Nolan Counties, this estimate assumes no significant fiscal impact to the state. Under current law, the state provides a county-court-at-law judge a salary supplement of an amount equal to 60 percent of the state salary of a district judge (\$75,000). Also, the salary supplement program for county court at law judges is funded from fees and court costs collected by county courts at law statewide and deposited into Judicial Fund No. 573. This estimate assumes that the Multicounty Court at Law composed of Fisher, Mitchell, and Nolan Counties would generate sufficient revenue to Judicial Fund No. 573 to cover costs of the salary supplement. Local governments pay the other operating costs associated with a county court at law.

Additionally, the bill would require the clerk of the court to collect a \$25 stenographer fee in civil or probate cases or criminal cases in which a record of any part of the evidence is made by the court reporter of the court. Under provisions of the bill the stenographer fee would be deposited to the general fund of the counties, accordingly the section of the bill concerning the stenographer fee would have no significant fiscal implication to the state.

The bill would take effect immediately if it receives a two-thirds vote in each house. Otherwise the bill would take effect September 1, 2013.

Local Government Impact

This bill would apply only to Fisher, Mitchell and Nolan Counties. The fiscal year for all three counties begins October 1. According to the county auditors of these counties, the anticipated cost of the new court would be \$137,897 in fiscal year 2014, approximately the same cost as the existing Nolan County Court at Law. The cost of the new court would be allocated to the impacted counties as follows: \$72,947 to Nolan County, \$44,817 to Mitchell County, and \$20,133 to Fisher

County. Nolan County would realize a cost savings as the cost of the existing Nolan County Court at Law will be eliminated and the cost of the new court would be shared with Mitchell and Fisher counties.

Revenue from the \$25 stenographer fee for filing each civil and probate case would be deposited to the general fund of the county in which the case is filed. Nolan County reported 975 applicable cases which would result in \$24,375 of additional revenue for the county each year. Mitchell County reported 338 applicable cases and Fisher County reported 82 applicable cases, which would generate \$8,450 and \$2,050 of addition income for the counties, respectively.

The Multicounty Court at Law would replace the existing Nolan County Court at Law resulting in minimal start-up costs for the new court. Nolan County stated that these transition costs could not be estimated but could be paid with existing resources.

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

LBB Staff: UP, CL, ZS, JP, KKR, JJO