

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3153** by Lewis (Relating to the operation and administration of, and practice in courts in, the judicial branch of state government and the composition of certain juvenile boards; imposing a fee.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3153, Committee Report 2nd House, Substituted: a negative impact of (\$471,655) through the biennium ending August 31, 2015.

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
2014	(\$173,084)
2015	(\$298,571)
2016	(\$398,960)
2017	(\$398,960)
2018	(\$398,960)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Judicial Fund 573	Probable Revenue Gain from Judicial Fund 573	Change in Number of State Employees from FY 2013
2014	(\$173,084)	(\$219,678)	\$75,000	2.0
2015	(\$298,571)	(\$390,243)	\$125,000	4.0
2016	(\$398,960)	(\$586,695)	\$225,000	5.0
2017	(\$398,960)	(\$613,362)	\$251,667	5.0
2018	(\$398,960)	(\$626,695)	\$265,000	5.0

Fiscal Analysis

The bill would amend the Government Code to remove Leon County from the 12th Judicial District. Under provisions of the bill the 369th Judicial District would be composed of Anderson, Cherokee, and Leon counties.

The bill would amend the Government Code to where voters in the 369th Judicial District would elect a district attorney to represent the state before the district court. The bill establishes that the district attorney for the 369th Judicial District would be subject to the Professional Prosecutors Act and prohibited from the private practice of law. Leon County would be moved to the 369th Judicial District effective September 1, 2013.

The bill would amend the Government Code to remove Waller County from the 155th Judicial District and move Waller County to the 506th Judicial District. Under provisions of the bill the 155th Judicial District would be composed of Austin and Fayette counties effective January 1, 2014.

The bill would amend the Government Code to remove Bandera County from the 216th Judicial District. Additionally, the bill would remove Edwards, Kimble, McCulloch, Mason, and Menard Counties from the 198th Judicial District.

Under provisions of the bill the 198th Judicial District would be composed of Bandera and Kerr Counties. The bill would create a new judicial district in Edwards, Kimble, McCulloch, Mason, and Menard Counties, the 452nd Judicial District. Additionally, the bill would remove McCulloch and Menard counties from the Seventh Administrative Judicial Region and place both counties in the Sixth Administrative Judicial Region.

The bill would amend the Government Code to authorize voters of the 452nd Judicial District to elect a district attorney to represent the state before the district court. The bill establishes that the district attorney for the 452nd Judicial District would be subject to the Professional Prosecutors Act and prohibited from the private practice of law. The court would be created September 1, 2013.

The bill would amend the Government Code to create a new judicial district in Denton County, the 442nd Judicial District. The court would be created January 1, 2015.

The bill would amend the Government Code to create a new judicial district in Ellis County, the 443rd Judicial District. The court would be created September 1, 2014.

The bill would amend the Government Code to create a new judicial district in Travis County, the 450th Judicial District. The court would be created September 1, 2015, and give preference to criminal matters.

The bill would amend the Government Code to create a new County Court at Law in Atascosa County. The court would be created January 1, 2014, or an earlier date determined by a vote of the Commissioners Court of Atascosa County.

The bill would amend the Government Code to create a new statutory probate court in Cameron County. The court would be created January 1, 2017.

The bill would amend the Government Code to create a new County Court at Law in Jim Wells County. The court would be created January 1, 2015.

The bill would amend the Government Code to create a new County Court at Law in Travis County. The court would be created September 1, 2015, and give preference to criminal matters.

The bill would amend the Government Code to create the 1st 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 Multi-county Court at Law would be created. The court would be created September 1, 2013.

Finally, the bill would amend the Government Code to authorize the Commissioners Court of Guadalupe County to appoint one or more part-time or full-time magistrates.

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 \$22,631 annually. The total annual salary and benefits cost for a district judge is estimated to be \$147,631. Units of local government pay all other associated costs for district court operation. This estimate prorates the fiscal year 2015 salary for the 442nd Judicial District, Denton County, due to the January 1, 2015, court creation date.

For county courts at law, the annual recurring cost to the state would be \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). 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 county courts at law that would be created by the bill 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. This estimate assumes that the County Court at Law of Atascosa County would be created September 1, 2013, because provisions of the bill would allow creation of the Atascosa County Court at Law by a vote of the Commissioners Court of Atascosa County. Additionally, this estimate prorates the fiscal year 2015 salary supplement as well as revenues for the County Court at Law of Jim Wells County, due to the January 1, 2015, court creation date.

For a county statutory probate court, the annual recurring cost to the state would be \$40,000 from Judicial Fund No. 573. Local governments pay the other operating costs associated with a statutory probate court. The salary supplement program for statutory probate court judges is funded from fees and court costs collected by county courts statewide and deposited to Judicial Fund No. 573. This estimate assumes that the Statutory County Probate Court No. 1 of Cameron County would generate sufficient revenue to Judicial Fund No. 573 to cover the costs of the salary supplement. This estimate prorates the fiscal year 2017 salary supplement as well as revenues for the probate court due to the court creation date of January 1, 2017.

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 \$22,631 annually. Additionally, district and county attorneys in multicounty jurisdictions and listed in the Professional Prosecutors Act are entitled to \$22,500 per year from the state to defray office expenses. These "office apportionments" are funded by appropriations out of the General Revenue Fund. This estimate assumes no significant fiscal impact for the district attorney for the 369th Judicial District as the bill removes the district attorney for the 12th Judicial District and includes the 369th Judicial

District in the Professional Prosecutors Act.

Due to the abolishment of the Nolan County Court at Law on the effective creation date of the 1st Multicounty Court at Law composed of Fisher, Mitchell, and Nolan Counties, this estimate assumes no significant fiscal impact to the state. Additionally, the bill would require the clerk of the court of the 1st Multicounty Court at Law to collect a \$25 stenographer fee in civil, probate 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 and accordingly have no fiscal implications to the state.

Finally, the magistrate positions that could be authorized by the Commissioners Court of Guadalupe County would have no fiscal impact to the state and be an expense to Guadalupe County.

Local Government Impact

The bill would establish multiple courts, which would require annual costs for personnel and operating expenses and in some cases would also require one-time costs to establish.

For the 12th and 369th Judicial Districts, Grimes, Madison, Walker, Anderson, Cherokee, and Leon counties were unable to determine an estimated fiscal impact.

For the 155th and 506th Judicial Districts, Waller County currently spends \$80,478 per fiscal year on the 155th Judicial District, and Waller County estimates costs of \$20,268 per year for the 506th Judicial District. Austin County currently spends \$25,192 on the 155th Judicial District and estimates costs of \$46,946 under realignment of the 155th Judicial District. Fayette County currently spends \$21,353 per fiscal year and estimates costs of approximately \$36,353 per year under provisions of the bill.

For the 198th, 216th, and 452nd Judicial Districts, Kerr County anticipates annual costs of \$18,000 and McCulloch County reported annual costs of \$11,000. Start-up costs could not be determined. Gillespie, Kendall, Bandera, Edwards, Kimble, Mason, and Menard counties were unable to determine an estimated fiscal impact.

For the 442nd Judicial District, Denton County anticipates \$97,000 in start-up costs and \$1,953,000 in annual costs. Denton County anticipates \$165,000 in new revenue through improved caseload management.

For the 443rd Judicial District, Ellis County anticipates annual costs of \$216,000 and no start-up costs.

For the 450th Judicial District, Travis County anticipates start-up costs of \$361,000 and \$2,408,000 in annual costs.

For the Atascosa County Court at Law, Atascosa County anticipates start-up costs of \$10,000 and \$334,000 in annual costs.

For the Probate Court No. 1 of Cameron County, Cameron County anticipates start-up costs of \$1,650,000 for construction and technology and \$582,000 in annual costs.

For the Jim Wells County Court at Law, Jim Wells County anticipates start-up costs of \$10,000 and \$244,000 in annual costs.

For the County Court at Law No. 9 of Travis County, Travis County anticipates start-up costs of \$356,000 and \$2,524,000 in annual costs.

For the 1st Multicounty Court at Law, annual costs are estimated to be \$138,000. This would replace the Nolan County Court at Law; Nolan County would see savings of \$65,000 annually because these costs would be split with Mitchell County and Fisher County, who would pay \$45,000 and \$20,000, respectively.

The bill would also establish a \$25 stenographer's fee in the 1st Multicounty Court at Law to be retained by the counties. Nolan County estimates that this will generate \$24,000 in new revenue for the county each year, Mitchell County anticipates \$8,000 in new revenue, and Fisher County anticipates \$2,000 in new revenue.

According to Guadalupe County, the fiscal impact of the bill cannot be determined at this time.

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

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