

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 31, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3381 by Hilderbran (Relating to the composition of the 198th Judicial District, the creation of a judicial district composed of Edwards, Kimble, McCulloch, Mason, and Menard Counties, and the creation of the office of district attorney for the 444th Judicial District.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3381, As Introduced: a negative impact of (\$346,168) 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	(\$173,084)
2016	(\$173,084)
2017	(\$173,084)
2018	(\$173,084)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2013
2014	(\$173,084)	(\$144,678)	2.0
2015	(\$173,084)	(\$144,678)	2.0
2016	(\$173,084)	(\$144,678)	2.0
2017	(\$173,084)	(\$144,678)	2.0
2018	(\$173,084)	(\$144,678)	2.0

Fiscal Analysis

The bill would amend the Government Code to 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 444th Judicial District. The court would be created September 1, 2013.

The bill would amend the Government Code to where the voters of the 444th 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 444th 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, 2013.

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. Counties would pay all other costs for the court.

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. Finally, district and county attorneys in multi-county jurisdictions in the Professional Prosecutors Act are entitled to \$22,500 per year from the state to defray office expenses, which are paid from General Revenue.

Local Government Impact

According to the Comptroller of Public Accounts (CPA), the Kerr County Auditor's office reported costs of \$1,595 for fiscal year 2014, \$18,239 for fiscal year 2015, \$18,045 for fiscal year 2016, \$18,349 for fiscal year 2017, and \$18,158 for fiscal year 2018. The Kerr County Auditor's office reported no anticipated revenue gain from the court.

CPA reported that McCulloch County Judge's office estimates an additional \$11,000 per year for personnel and operational expenditures associated with the bill. McCulloch County could not determine the start-up costs at this time. The McCulloch County Judge's office also reported no anticipated revenue gain from the court.

Bandera County, Edwards County, Kimble County, Mason County, and Menard County could not determine the fiscal impact of this bill at this time.

Implementing the provisions of the bill would likely have a negative fiscal impact to all of the above counties. All costs associated with the 444th Judicial District would be funded by units of local government with the exception of the salary of the district judge and district attorney. The 444th Judicial District would likely require a court coordinator and court reporter, facilities to house the court, and computer and phone equipment.

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

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