

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1091 by Schofield (Relating to special three-judge district courts convened to hear certain cases.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1091, Committee Report 1st House, Substituted: a negative impact of (\$59,000) through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$29,500)
2017	(\$29,500)
2018	(\$29,500)
2019	(\$29,500)
2020	(\$29,500)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2016	(\$29,500)
2017	(\$29,500)
2018	(\$29,500)
2019	(\$29,500)
2020	(\$29,500)

Fiscal Analysis

The bill would amend the Government Code to permit the Attorney General to petition the Chief Justice of the Supreme Court for the formation of a special three judge court to preside over lawsuits involving claims challenging the finances and operations of the State's public school system and claims involving the apportionment of districts for the Texas House, Senate, Congress, State Board of Education, or state judicial districts for which creation of the special court would be mandatory.

The bill would also authorize the Attorney General to petition the Chief Justice of the Supreme Court for formation of a special three judge court to preside over cases having the potential to significantly impact the finances or operations of the state or having "exceptional statewide importance" for which creation of the special court would be discretionary.

Under the provisions of the bill, the court would consist of the district judge to whom the case was assigned at the time of the petition, a district judge chosen by the Chief Justice that is not from the same county as the other district judge chosen for this special court, and a justice of a court of appeals chosen by the Chief Justice whose court of appeals district does not contain the judicial districts for the two district judges appointed to this panel.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2015.

Methodology

Based on information provided by the Office of Court Administration, this analysis assumes that the three judge panel would hear one case each year which would require eight weeks of travel for the two selected judges not residing in the district where the case was originally filed. Based on estimated travel costs of \$3,500 per week and an estimated \$1,500 annually for incidental expenses of the court, it is assumed that total costs would be \$29,500 each year.

Local Government Impact

Local governments would be required to provide facilities, courtroom, and administrative support in the county where the case was originally filed. According to the Office of Court Administration, no significant fiscal impact to local governments is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: UP, FR, MW, GDz, TBo, KVe