

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 6, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB455** by Creighton (Relating to special three-judge district courts convened to hear certain cases.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB455, As Engrossed: an impact of \$0 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	\$0
2017	\$0
2018	\$0
2019	\$0
2020	(\$158,000)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	(\$158,000)

**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 any claim challenging the finances and operations of the State's public school system and any claim involving the apportionment of districts for the Texas House, Senate, Congress, State Board of Education, or state judicial districts. The bill would require consolidation of all related pending cases in another district or inferior court in Texas with the cause of action before the three-judge court.

This court shall consist of the district judge to whom the case was assigned at the time of the petition, a district judge from a different judicial district and court of appeals justice from a court of appeals district in which the appointed district judges court this court reside. The Office of Court Administration (OCA) would be required to pay the travel expenses and other incidental costs related to convening this special three-judge court.

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 OCA, this analysis assumes that the three judge panel would hear one case once every five years (beginning in fiscal year 2020) and that this case would require 16 weeks of travel for the two selected judges not residing in the district where the case was originally filed. This time length estimate is based on the duration of previous school finance cases. Based on estimated travel costs of \$3,500 per week and an estimated \$1,000 annually for incidental expenses of the court, it is assumed that these costs would be \$57,000 each year.

In addition, OCA estimates that the trial court that provides a justice for the special 3-judge court would need a visiting judge to handle the ongoing cases for that trial court. The daily rate for a visiting trial court judge for 16 weeks would be approximately \$50,000. In addition, the court of appeals that provides a justice for the special 3-judge court would need a visiting judge to handle the ongoing appeals caseload at the court of appeals. The cost of a visiting judge at the intermediate appellate level for 16 weeks would be approximately \$51,000.

### **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, AG, GDz, FR, MW, TBo, KVe