

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 14, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3807 by Springer (Relating to the creation of the office of criminal district attorney of Cooke County, the abolition of the office of county attorney in Cooke County, the application of the professional prosecutors law to the district attorney for the 235th Judicial District, and the compensation of a county auditor in certain counties.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3807, As Introduced: a negative impact of (\$328,961) through the biennium ending August 31, 2021.

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
2020	(\$131,584)
2021	(\$197,377)
2022	(\$197,377)
2023	(\$197,377)
2024	(\$197,377)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2019
2020	(\$131,584)	1.0
2021	(\$197,377)	1.0
2022	(\$197,377)	1.0
2023	(\$197,377)	1.0
2024	(\$197,377)	1.0

Fiscal Analysis

The bill would amend the Government Code to create the Cooke County criminal district attorney's office and provide that the position be compensated the annual salary provided by the state for a district judge (\$140,000). The bill would also abolish the county attorney's office in Cooke County.

The bill would take effect January 1, 2020.

Methodology

The annual salary for a district attorney listed in the Professional Prosecutors Act is \$140,000 from the state plus benefits which are estimated to be \$29,877 each fiscal year, or \$169,877 in total. District attorneys are entitled to receive a supplement of \$27,500 from the state for office expenses each fiscal year. ($\$169,877 + \$27,500 = \$197,377$ each fiscal year or \$16,448 each month). The new criminal district attorney would take office on the effective date of the bill; therefore only 8 months of salary and office expenses would be needed in fiscal year 2020 ($\$16,448 \times 8 \text{ months} = \$131,584$).

These costs are traditionally met through a mix of General Revenue Fund and Judicial Fund No. 573 funding, however for the past several fiscal years Judicial Fund No. 573 revenues have not been sufficient to meet all judicial salary obligations. Due to this, General Revenue funding has been used to meet the remaining obligations. Therefore, this estimate assumes General Revenue funding would be needed to cover the full state obligations to meet the provisions of the bill.

Local Government Impact

The bill would establish a new court, which would require annual costs for personnel and operating expenses and may require one-time costs, such as furniture, to establish.

The bill would amend the Local Government Code to permit Cooke County to set the salary of the county auditor to an amount that exceeds the amount received from all sources by the highest paid elected county officer if approved by the commissioners court.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: WP, SLE, MW, DA