

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 4, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

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

IN RE: **SB1728** by Huffman (relating to an interim study by the Texas Commission on Judicial Selection regarding the method by which certain trial and appellate judges are selected.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB1728, Committee Report 1st House, Substituted: a negative impact of (\$289,589) 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	(\$204,937)
2021	(\$84,652)
2022	\$0
2023	\$0
2024	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund	Change in Number of State Employees from FY 2019
	1	
2020	(\$204,937)	2.0
2021	(\$84,652)	2.0
2022	\$0	0.0
2023	\$0	0.0
2024	\$0	0.0

Fiscal Analysis

The bill would establish the Texas Commission on Judicial Selection, comprised of four members appointed by the Lieutenant Governor, four members appointed by the Speaker of the House, one member appointed by the Chief Justice of the Supreme Court, one member appointed by the Presiding Judge of the Court of Criminal Appeals, and one member appointed by the State Bar of Texas Board of Directors. The commission would be tasked with studying and reviewing the methods by which statutory county court judges, district judges, and appellate justices and judges are selected for office. The bill would require the commission to provide a report of its findings and recommendations to the lieutenant governor, speaker of the house, and the governor no later than December 31, 2020.

The committee would be abolished on January 2, 2021.

The Office of Court Administration would provide legal and policy research, statistical analysis, and administrative services to the committee.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, or on September 1, 2019.

Methodology

According to the Office of Court Administration (OCA), the work to be completed by the commission under the provisions of the bill will require a researcher position and a judicial information specialist position to write reports, coordinate meetings, analyze data, and provide other resources and support to the commission from September 1, 2019 until it is abolished on January 2, 2021 (17 months). This analysis includes \$184,051 in fiscal year 2020 and \$76,688 in fiscal year 2021 for salaries and benefits. In addition, it is assumed that equipment and other operating costs would total \$6,836 for fiscal year 2020 and \$2,344 in fiscal year 2021.

Under provisions of the bill, appointed members would not be entitled to compensation while serving on the commission but may be reimbursed for actual and necessary travel and lodging expenses. Based on OCA's historical expenses incurred while providing support to similar commissions, the average travel and lodging cost per member per day is anticipated to be \$281. OCA anticipates approximately 10 members will request reimbursement for travel and lodging expenses while participating in an estimated 7 commission meetings over a two year period. ($\$281 \times 10 \text{ members} \times 7 \text{ meetings} = \$19,670$).

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, CMa, MW, DA