

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 6, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3822 by Schaefer (Relating to the creation of an additional judicial district composed of Smith County.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3822, As Introduced : a negative impact of (\$397,144) through the biennium ending August 31, 2023.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$198,572)
2023	(\$198,572)
2024	(\$198,572)
2025	(\$198,572)
2026	(\$217,335)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$198,572)	1.0
2023	(\$198,572)	1.0
2024	(\$198,572)	1.0
2025	(\$198,572)	1.0
2026	(\$217,335)	1.0

Fiscal Analysis

The bill would amend the Government Code to create the 475th District Court in Smith County. The bill provides that the initial judge vacancy would be filled by election and that any vacancy after the initial vacancy will be filled under Section 28, Article V, Texas Constitution. The court would become effective and be created on September 1, 2021

Methodology

According to the Office of Court Administration, an annual cost of \$198,572 would be required to pay the salary and benefits for one full-time equivalent position, a district judge, and costs associated with a visiting judge.

Personnel costs are based on the current salary for a district judge with 0-4 years of experience, as set forth in the General Appropriations Act, Article IV. The method of financing distribution is based on information provided by the Judiciary Section, Comptroller's Department. Visiting judge costs were determined using the daily rate of \$608 x 18 days. Despite the fact that the bill indicates that the initial vacancy would be filled by election and thus not be filled under January 1, 2023, under the provisions of the bill, this analysis assumes a vacancy would be created on September 1, 2022, and filled by the Governor under Article V, Section 28, of the Texas Constitution.

The cost estimate for FY 2026 increases due to the anticipated pay grade increase of the district judge, as the judge would have accrued more than four years of experience.

Local Government Impact

The fiscal impact of the bill on units of local government cannot be determined at this time, however according to OCA, local governments pay other operating costs associated with a district court, such as office space, equipment, furniture, and court staff.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, CMA, DPE