

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 20, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB200 by Leach (Relating to the reestablishment of the Prosecuting Attorneys Coordinating Council.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB200, As Introduced : a negative impact of (\$1,526,391) through the biennium ending August 31, 2025.

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:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2024	(\$772,202)
2025	(\$754,189)
2026	(\$754,634)
2027	(\$769,541)
2028	(\$786,496)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$772,202)	5.0
2025	(\$754,189)	5.0
2026	(\$754,634)	5.0
2027	(\$769,541)	5.0
2028	(\$786,496)	5.0

Fiscal Analysis

The bill would amend the Government Code to establish the Prosecuting Attorneys Coordinating Council, which would be administratively attached to the Supreme Court of Texas (SCOT). The bill would outline Council membership composition and require the SCOT to establish processes for member selection as required by the bill no later than November 1, 2023.

The bill would require the SCOT to provide administrative support services, including human resources, budgetary, accounting, purchasing, payroll, IT, and legal support to the Council. The bill would require the Council to review and resolve complaints involving incompetency and misconduct by prosecuting attorneys (as

defined), to provide certain notice to a prosecuting attorney who is the subject of an investigation, to coordinate with statewide district and county attorneys associations, and to provide an annual report to certain state leaders detailing proceedings, funding and staffing needs, and other legislative recommendations.

The bill would detail prosecuting attorney disqualification, suspension, or removal from office under the new chapter. The bill would require appointing officials to appoint members to the Council no later than January 1, 2024, and would require the Council to adopt rules to implement the new chapter no later than April 1, 2024.

The bill would take effect September 1, 2023.

**Methodology**

Costs and Full-Time Equivalent positions reflected in the table above are based on analysis provided by the Office of Court Administration (OCA). OCA used comparable positions established at the Commission on Judicial Conduct to determine what positions would be needed to support the Prosecuting Attorneys Coordinating Council.

This analysis assumes the following personnel costs and operating expenses would be necessary for the SCOT to provide administrative support services to the Prosecuting Attorneys Coordinating Council required by the bill.

Personnel costs include salary and related benefit costs for a director, an investigator, two attorneys, and an administrative assistant to support the Council. Salary, benefit, and payroll contribution expenses would total \$632,498 in fiscal year 2024; \$682,795 in fiscal year 2025; \$682,795 in fiscal year 2026; \$682,795 in fiscal year 2027; and \$682,795 in fiscal year 2028.

Operating expenses would total \$139,705 in fiscal year 2024; \$71,394 in fiscal year 2025; \$71,839 in fiscal year 2026; 71,289 in fiscal year 2027; and \$89,244 in fiscal year 2028. Fiscal year 2024 includes one-time costs associated with setting up computer and operating expenses.

**Technology**

Costs for the purchase of laptops, monitors, printers, and software, which would be replaced in the fourth year, would be at the OCA, which provides technology services to the judicial branch.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor

**LBB Staff:** JMc, KDw, MW, BH