

BILL ANALYSIS

H.B. 1944
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Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, when a statutory probate court judge (or a former or retired probate judge) serves as a visiting judge in a statutory county court, his or her compensation is paid by the county. On the other hand, if a retired district court judge serves as a visiting judge in a statutory county court, his or her compensation is paid by the state.

Generally, parties to probate matters prefer that their cases be heard by probate judges, as these judges have developed expertise in a specialized area of the law. Since the compensation of visiting district judges is paid by the state, counties now have a dis-incentive to bring probate judges in as visiting judges even on probate matters, since their compensation will be charged to the county.

H.B. 1944 provides that visiting probate judges are to be compensated in the same manner as visiting district judges in certain circumstances.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1944 amends the Government Code to provide that notwithstanding any other law, the salary of a judge or a former or retired judge of a statutory probate court assigned under certain circumstances to serve in a statutory county court or constitutional county court shall be paid by the state in the same manner as the salary of a retired district judge assigned to serve in a district court or statutory county court. The bill also requires that the presiding judge certify to the state a determination of such assigned judges' salaries.

The bill also cleans up numerous mis-numbered sections and redundant provisions.

EFFECTIVE DATE

September 1, 2003.