

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 21, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1107 by Duncan (Relating to the assignment of certain justices or judges as visiting judges.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1107, Committee Report 1st House, Substituted: a positive impact of \$4,232,400 through the biennium ending August 31, 2005.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$2,116,200
2005	\$2,116,200
2006	\$2,116,200
2007	\$2,116,200
2008	\$2,116,200

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2004	\$2,116,200
2005	\$2,116,200
2006	\$2,116,200
2007	\$2,116,200
2008	\$2,116,200

Fiscal Analysis

The bill would amend Government Code, Chapters 74 and 75 relating to the assignment of certain active, retired or former justices or judges as visiting judges. The bill would set certain requirements for persons eligible to serve as visiting judges and would amend procedures relating to objections to the assignment of a visiting judge. The bill would allow the state to compensate visiting judges serving for a half day or less in an amount equal to one-half of the amount the judge would be entitled for serving a full day. The bill would provide that no visiting judge serving in a statutory county court would receive compensation from the state. The bill would take effect September 1, 2003.

Methodology

According to the Judiciary Section, Comptroller's Department, visiting judges served 3,708 days in courts of appeals in fiscal year 2002. Of this amount, 21% (778.7 days) were served by former judges or justices who received an average of \$414 pay per day. Assuming 20% of these days were half days,

which under the bill would be compensated at a rate of \$207 per day, the state would realize a savings of \$32,237 in each fiscal year: [20% of 778.7 days = 155.7 days; 155.7 days x \$207/day = \$32,237.]

Additionally, 79% of the total 3,708 days served in fiscal year 2002 (2929.3 days) were served by retired judges or justices who received an average of \$431 pay per day. Assuming 20% of these days were half days, which under the bill would be compensated at a rate of \$215.5 per day, the state would realize a savings of \$126,254 in each fiscal year: [20% of 2929.32 days = 585.9 days; 585.9 days x \$215.5/day = \$126,254.]

Also according to the Judiciary Section, Comptroller's Department, visiting judges served 21,031 days in district courts in fiscal year 2002. Of this amount, 15% (3,154.6 days) were served by former judges who received an average of \$333 pay per day. Assuming 20% of these days were half days, which under the bill would be compensated at a rate of \$166.50 per day, the state would realize a savings of \$105,050 in each fiscal year: [20% of 3154.6 days = 630.9 days; 630.9 days x \$166.50/day = \$105,050.]

Additionally, 85% of the total 21,031 days served in fiscal year 2002 (17,876.4 days) were served by retired judges who received an average of \$365 pay per day. Assuming 20% of these days were half days, which under the bill would be compensated at a rate of \$184 per day, the state would realize a savings of \$657,850 in each fiscal year: [20% of 17,876.4 days = 3,575.3 days; 3,575.3 days x \$184/day = \$657,850.]

Finally, the Judiciary Section, Comptroller's Office indicates during fiscal year 2002 visiting judges served 2,893 days in statutory county courts at an average of \$413 pay per day. Eliminating state compensation for visiting judge assignments in statutory county courts would result in potential savings of \$1,194,809 per fiscal year. [2,893 days x \$413/day = \$1,194,809.]

This estimate does not include possible savings to the state for assignments of active judges as visiting judges. An active judge, as a state employee receiving a state salary, would serve as a visiting judge in addition to the judge's regular duties, and would receive no extra compensation.

Local Government Impact

To the extent that counties may pay compensation for visiting judges assigned in statutory county courts, the fiscal implication of such compensation paid statewide is not anticipated to be significant.

Source Agencies: 201 Supreme Court of Texas, 212 Office of Court Administration, Texas Judicial Council, 242 State Commission on Judicial Conduct, 304 Comptroller of Public Accounts

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