

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB497 by Wentworth (Relating to compensation paid to certain judges and justices.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code by making the Judiciary Section, Comptroller's Department, rather than the Texas Judicial Council the entity responsible for the payment of salary supplements for district judges presiding over asbestos- or silica-related multidistrict litigation cases. Funding for the supplements are \$63,250 each fiscal year. Because the bill would transfer statutory authority for paying the salary supplements from one agency to another, no fiscal implication is anticipated for this provision. The bill would also clarify that judicial longevity pay does not constitute additional salary for purposes of determining whether a judge's salary exceeds the statutory maximum. The bill would provide that monthly longevity pay is equal to 3.1 percent of a judge's gross monthly salary, provided the judge has served 16 years rather than \$20 for each year of service. This provision is expected to increase monthly longevity payments from \$320 to an estimated \$322 for eligible judges, and does not represent a significant fiscal implication.

The bill would also amend the Government Code by allowing consideration of certain district court cases by judges of certain constitutional county courts. The bill would allow a district court judge and a county court judge to enter into an agreement to expand the jurisdiction of the county court, allowing the county court judge to hear certain largely uncontested civil cases and guilty pleas in criminal cases. The agreement to hear these cases in county court applies only to counties that have two or more district courts composed of more than one county and no county court at law and where the county court has retained misdemeanor jurisdiction. A county court judge who enters an agreement under the bill must be a licensed Texas attorney. No fiscal implication to the state is estimated from eligible county court judges entering into the agreement with district court judges.

Local Government Impact

The bill would authorize a county commissioners court to provide longevity pay to a judge or justice who would otherwise be eligible for such pay if the service credit the judge or justice earned as a statutory county court judge was established in the retirement system. It is assumed that the bill would not have a significant fiscal implication to local government because county commissioners would only authorize longevity pay if the county had sufficient resources to absorb the costs. Additionally, it is estimated that the bill may result in minimal local savings, from county court judges entering into agreements with district court judges, as additional judicial resources are applied to local court caseloads in lieu of new court creation.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, TP, JP, TB, MN