

BILL ANALYSIS

C.S.H.B. 2869
By: Ortega
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that any increase in the salaries of bailiffs in certain counties must be uniform and contend that this requirement precludes any adjustment based on length of service and other factors. C.S.H.B. 2869 addresses this problem by revising and updating statutory provisions governing the compensation of certain bailiffs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 2869 amends the Government Code to revise and update statutory provisions governing the compensation of bailiffs appointed by the judges of the district courts having jurisdiction in El Paso County and the judges of the county courts at law in that county to require each such bailiff to be paid an annual salary out of the general fund of El Paso County unless another source of funding is approved by the commissioners court. The bill requires the El Paso Council of Judges to set the salary in writing consistent with pay scales adopted by the commissioners court that are comparable to other positions within El Paso County. The bill entitles bailiffs so appointed who hold office as bailiffs on June 30, 2017, to receive at least the same annual salary or compensation as they received on that date. The bill establishes that a person appointed to succeed a bailiff so appointed who held office as bailiff is not entitled to be paid the same annual salary paid to the bailiff the person succeeds but that such a person is entitled to receive an annual salary either out of the general fund or as approved by the commissioners court.

C.S.H.B. 2869 repeals Sections 53.0091(c) and (e), Government Code.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2869 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 53.0091(a), (b), and (d), Government Code, are amended to read as follows:

(a) Each bailiff appointed under Section 53.002(c) shall be paid an annual salary out of the general fund of El Paso County, unless another source of funding is approved by the commissioners court. The salary must be consistent with other comparable positions in El Paso County as set by the commissioners court and must be approved by a majority vote of the El Paso Council of Judges. ~~[The appointing judge shall set the salary in writing, but except as otherwise provided by this section, the annual salary shall be set at \$18,000 on August 26, 1985, and thereafter the \$18,000 annual salary shall increase as provided by Subsection (e).]~~

(b) Bailiffs appointed under Section 53.002(c) who held office as bailiffs under that section ~~[Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292i, Vernon's Texas Civil Statutes), or under Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes),]~~ on June 30, 2017 ~~[August 25, 1985],~~ are entitled to receive at least the same annual salary or compensation under this section as they received ~~[under those Acts]~~ on that date ~~[August 26, 1985].~~

(d) A person appointed to succeed a bailiff who held office as bailiff under Section 53.002(c) ~~[Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292i, Vernon's Texas Civil Statutes), or under Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes),]~~ is not entitled to be paid the same annual salary paid to the bailiff the person ~~[he]~~ succeeds, but is entitled to receive an annual salary as provided by Subsection (a) ~~[the annual salary as provided by this section so that the bailiffs' salaries under this section will become uniform with the passage of time. A person appointed to succeed any bailiff before October 1, 1986, is entitled to the \$18,000 annual salary set by Subsection (a). A person appointed to succeed any bailiff on or after October 1, 1986, is~~

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 53.0091(a), (b), and (d), Government Code, are amended to read as follows:

(a) Each bailiff appointed under Section 53.002(c) shall be paid an annual salary out of the general fund of El Paso County, unless another source of funding is approved by the commissioners court. The council of judges shall set the salary in writing consistent with pay scales adopted by the commissioners court that are comparable to other positions within El Paso County. ~~[The appointing judge shall set the salary in writing, but except as otherwise provided by this section, the annual salary shall be set at \$18,000 on August 26, 1985, and thereafter the \$18,000 annual salary shall increase as provided by Subsection (e).]~~

(b) Bailiffs appointed under Section 53.002(c) who held office as bailiffs under that section ~~[Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292i, Vernon's Texas Civil Statutes), or under Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes),]~~ on June 30, 2017 ~~[August 25, 1985],~~ are entitled to receive at least the same annual salary or compensation under this section as they received ~~[under those Acts]~~ on that date ~~[August 26, 1985].~~

(d) A person appointed to succeed a bailiff who held office as bailiff under Section 53.002(c) ~~[Chapter 817, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2292i, Vernon's Texas Civil Statutes), or under Chapter 532, Acts of the 67th Legislature, Regular Session, 1981 (Article 2292o, Vernon's Texas Civil Statutes),]~~ is not entitled to be paid the same annual salary paid to the bailiff the person ~~[he]~~ succeeds, but is entitled to receive an annual salary as provided by Subsection (a) ~~[the annual salary as provided by this section so that the bailiffs' salaries under this section will become uniform with the passage of time. A person appointed to succeed any bailiff before October 1, 1986, is entitled to the \$18,000 annual salary set by Subsection (a). A person appointed to succeed any bailiff on or after October 1, 1986, is~~

~~entitled to the \$18,000 annual salary set by Subsection (a) or the salary set on the date the bailiff is appointed for a Grade 20 of the El Paso County Job Guide Designation for a new employee under Grade 20, whichever is greater. A bailiff whose annual salary is set on September 30, 1986, at \$18,000 under this section is on October 1, 1986, entitled to any salary increase provided for under Subsection (c) or the salary set on October 1, 1986, for a Grade 20 of the El Paso County Job Guide Designation for a new employee under Grade 20, whichever is greater. After October 1, 1986, all salary increases for bailiffs shall be uniform as provided for in Subsection (c). If a substantial number of those job titles or positions listed on the effective date of this section under Grade 20 of the El Paso County Job Guide Designation are removed from Grade 20 or the El Paso County Job Guide Designation is replaced with some other system for setting employees' salaries under those job titles or positions listed under Grade 20 of the El Paso County Job Guide Designation, on the date a new bailiff is appointed, the starting salary being paid at that time by El Paso County to the functional equivalent of Grade 20 of the El Paso County Job Guide Designation shall be used in place of Grade 20. In determining the functional equivalent of Grade 20 under this section, the job titles, positions, or their equivalent listed under Grade 20 on August 26, 1985, shall be considered as the only factors].~~

SECTION 2. Sections 53.0091(c) and (e), Government Code, are repealed.

SECTION 3. This Act takes effect September 1, 2017.

~~entitled to the \$18,000 annual salary set by Subsection (a) or the salary set on the date the bailiff is appointed for a Grade 20 of the El Paso County Job Guide Designation for a new employee under Grade 20, whichever is greater. A bailiff whose annual salary is set on September 30, 1986, at \$18,000 under this section is on October 1, 1986, entitled to any salary increase provided for under Subsection (c) or the salary set on October 1, 1986, for a Grade 20 of the El Paso County Job Guide Designation for a new employee under Grade 20, whichever is greater. After October 1, 1986, all salary increases for bailiffs shall be uniform as provided for in Subsection (c). If a substantial number of those job titles or positions listed on the effective date of this section under Grade 20 of the El Paso County Job Guide Designation are removed from Grade 20 or the El Paso County Job Guide Designation is replaced with some other system for setting employees' salaries under those job titles or positions listed under Grade 20 of the El Paso County Job Guide Designation, on the date a new bailiff is appointed, the starting salary being paid at that time by El Paso County to the functional equivalent of Grade 20 of the El Paso County Job Guide Designation shall be used in place of Grade 20. In determining the functional equivalent of Grade 20 under this section, the job titles, positions, or their equivalent listed under Grade 20 on August 26, 1985, shall be considered as the only factors].~~

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.