SUBJECT:        Compensation paid to visiting retired or former judges in district courts

COMMITTEE:      Judiciary — committee substitute recommended

VOTE:           8 ayes — Hartnett, Homer, Hopson, Alonzo, R. Cook, Gonzales, Goolsby, Hughes

                0 nays

                1 absent — Krusee

WITNESSES:      For — Quay Parker, Retired Senior and Former Judges Association of
                Texas; B.B. Schraub, Conference of Regional Presiding Judges
                (*Registered, but did not testify:* Lynn Nabers, Alliance for Judicial
                Funding, Inc.)

                Against — None

BACKGROUND:     Under Government Code, secs. 74.061(c) and (d), a visiting retired or
                former judge is paid the same amount as the judge in whose court the
                visiting retired or former judge sits. Secs. 74.061(h) and (i) provide
                exceptions for visiting retired or former judges who in sit in district courts.

                Under Government Code, sec. 74.061(h), the salary from the state of a
                visiting retired judge assigned to a district court is determined pro rata on
                the sum of the regular judge's salary from the county plus the greater of:

                • the regular judge's salary from the state on August 31, 1997; or
                • 85 percent of the regular judge's salary from the state — or a
                  greater percentage of that salary, not to exceed 100 percent — as
                  established by the general appropriations act for any fiscal year.

                Under Government Code, sec. 74.061(i), the salary from the state of a
                visiting former judge assigned to a district court is determined pro rata on
                the greater of:

                • the regular judge's salary from the state on August 31, 1997; or
                • 85 percent of the regular judge's salary from the state — or a
                  greater percentage of that salary, not to exceed 100 percent — as
                  established by the general appropriations act for any fiscal year.

DIGEST:    CSHB 3135 would amend Government Code, sec. 74.061 to raise the salary of visiting retired or former judges to the standard full salary amount of regular district court judges. It would amend sec. 74.061(h) by altering the formula for calculating the salary of a visiting retired judge to be the pro rata sum of the regular judge's salary from the county plus the greater of either:

- the regular judge's salary from the state on August 31, 2007; or
- 100 percent of the regular judge's salary from the state, as established by the general appropriations act for any fiscal year.

CSHB 3135 would amend sec. 74.061(i) by altering the formula for calculating the salary of a visiting former judge to be the pro rata sum of the greater of either:

- the regular judge's salary from the state on August 31, 2007; or
- 100 percent of the regular judge's salary from the state, as established by the general appropriations act for any fiscal year.

The bill would take effect September 1, 2007, and would apply only to the assignment of a visiting retired or former judges made on or after that date.

NOTES:    According to the Legislative Budget Board, raising the salaries of visiting retired and former judges in district courts would cost the state $1.3 million in general revenue-related funds in fiscal 2008-09.