

- SUBJECT:** Longevity pay for judges and justices who have served at least 16 years
- COMMITTEE:** Judiciary — favorable, without amendment
- VOTE:** 8 ayes — Hartnett, Homer, Hopson, Alonzo, R. Cook, Gonzales, Goolsby, Hughes
0 nays
1 absent — Krusee
- SENATE VOTE:** On final passage, April 19 — 31-0, on Local and Unconstested Calendar
- WITNESSES:** For — Lynn Nabers, Alliance for Judicial Funding, Inc.; (*Registered, but did not testify*: Linda Thomas, Judiciary Section of the State Bar of Texas)
Against — None
- BACKGROUND:** Government Code, ch. 659, subch. D governs longevity pay for state employees. Government Code, subtitle D governs the Judicial Retirement System of Texas Plan One, and Government Code, subtitle E governs the Judicial Retirement System of Texas Plan Two. Under both systems, a judge who is at least 65 years old and has 12 years of service credit is eligible to retire and receive a service annuity.
- DIGEST:** SB 1519 would establish longevity pay for state judges and justices in Government Code, sec. 659.0445, which would entitle a judge or justice to longevity pay of \$20 a month for each year of service and would be calculated and payable beginning when the judge or justice completed 16 years of service. A judge or justice would not receive longevity pay for more than 16 years of service.
- “State salary,” for purposes of calculating retirement benefits under the Judicial Retirement System of Texas Plan One and Plan Two, would not include the amount of longevity pay for any state judge or justice. In addition, longevity pay would not factor into the calculation of a service retirement annuity for a legislator or other elected state official.
- The bill would take effect September 1, 2007.

SUPPORTERS
SAY:

SB 1519 would help the state attract and retain competent and talented individuals as state judges and justices. Studies show that inadequate salaries are a major factor in a person's decision to leave the judiciary. Almost all judges can make substantially more money in private practice, a fact that continues to draw excellent jurists away from the bench. Serving in the judiciary should be the capstone of a legal career not a stepping stone, and the financial incentives in SB 1519 could convince some of the state's most talented legal minds to remain on the bench.

The bill would encourage judges to serve several terms in order to accrue longevity pay. The average district court judge serves eight years, the average court of appeals justice serves nine years, and most judges stay for two terms or less. This can be especially costly to the state because the learning curve for new judges can be from two to three years. This inevitably impacts the quality of the judiciary and could be mitigated by encouraging experienced judges to continue in office for at least 16 years in order to receive longevity pay.

SB 1519 would not affect the pension or retirement benefits of legislators and other elected state officials. Nor would it count as state salary under either judicial retirement system.

OPPONENTS
SAY:

Judges are adequately compensated because they earn significantly more than most Texans and many other professionals. The private sector is not an appropriate standard by which to compare a judge's salary because pay in a private law firm is vastly higher than most other occupations, even other areas of the legal profession.

Individuals are attracted to the bench not for the salary, but for the desire, prestige, and the privilege of public service. If salary were the issue, it is unlikely that a judge would be swayed by the small incentives offered by SB 1519 when he or she could earn a much higher income with a private firm.

NOTES:

According to the Legislative Budget Board, SB 1519 would have a negative impact to general revenue-related funds of \$806,400 in fiscal 2008-09. The number of eligible judges is estimated to be 109, each of whom would receive \$3,840 per year for 16 or more years of service.