

BILL ANALYSIS

Senate Research Center

S.B. 497
By: Wentworth
Jurisprudence
8/12/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 80th Legislature authorized longevity pay for district judges and appellate justices who have completed at least 16 years of service. Despite provisions that expressly exclude longevity pay from the definition of state salary, the Office of the Comptroller of Public Accounts (comptroller) has recommended that the exclusion of longevity pay with regard to judicial salary limitations be more clearly stated in statute. The Texas Judicial Council has expressed its agreement with that recommendation.

The 75th Legislature authorized an annual salary supplement for a district judge who presides over multidistrict litigation involving claims for asbestos-related or silica-related injuries. To receive the supplement, the judge is required to file an affidavit with the Office of Court Administration (OCA). OCA merely forwards the affidavit to the comptroller's office for payment, but has no other role in the salary supplement payment process.

S.B. 497 relates to compensation paid to certain judges and justices.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.006(b), Government Code, to require a county judge, to receive a supplement under Subsection (a) (related to a county judge's annual salary supplement from the state), to file with the Judiciary Section, Comptroller's Department, rather than with the Office of Court Administration of the Texas Judicial System (OCA), an affidavit stating that at least 40 percent of the functions that the judge performs are judicial functions. Deletes existing text requiring OCA to send the affidavit to the comptroller.

SECTION 2. Amends Section 659.0125(a), Government Code, to require that the annual amount be apportioned over 12 equal monthly payments and be paid to the judge by the Judiciary Section, Comptroller's Department, rather than by the Texas Judicial Council, for each month during which the judge retains jurisdiction over the claims.

SECTION 3. Amends Section 659.0445, Government Code, by amending Subsection (b) and adding Subsections (d) and (e), as follows:

(b) Provides that the monthly amount of longevity pay under this section to which a judge or justice described by Subsection (a) is entitled:

(1) is equal to the product of .031 multiplied by the amount of the judge's or justice's current monthly state salary, rather than \$20 for each year of service credited in the applicable retirement system, subject to Subsection (c); and

(2) becomes, rather than is calculated and becomes, payable beginning with the month following the month in which the judge or justice completes 16 years of service for which credit is established in the applicable retirement system.

(d) Authorizes the commissioners court of a county to provide longevity pay calculated in accordance with this section to a judge or justice described by Subsection (a) (related to a judge or justice who is entitled to longevity pay) who previously served as a statutory county court judge in the county, is not otherwise eligible for longevity pay under Subsection (b) (related to the monthly amount of longevity pay to which a judge or justice is entitled), and would be entitled to longevity pay under this section if the service credit the judge or justice earned as a statutory county court judge was established in the applicable retirement system.

(e) Provides that longevity pay that is paid to a judge or justice under this section, notwithstanding any other law, is not included as part of the judge's or justice's combined salary from state and county sources for purposes of the salary limitations provided by Section 659.012 (Judicial Salaries).

SECTION 4. Repealer: Section 659.0445(c) (prohibiting a judge or justice from receiving longevity pay for more than 16 years of service credited in the applicable retirement system), Government Code.

SECTION 5. Provides that the changes in law made by this Act apply to longevity pay payable to a judge or justice after the effective date of this Act, regardless of the date the judge or justice first becomes entitled to longevity pay.

SECTION 6. Effective date: September 1, 2009.