

BILL ANALYSIS

Senate Research Center
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S.B. 497
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Jurisprudence
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As Filed

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.

As proposed, S.B. 497 clarifies that longevity pay is not considered part of a judge's or justice's salary with respect to certain salary limitations. S.B. 497 also requires that the Judiciary Section of the comptroller's office pay the annual salary supplement for a district judge who presides over multidistrict litigation involving claims for asbestos-related or silica-related injuries.

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 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 the Texas Judicial Council, for each month during which the judge retains jurisdiction over the claims.

SECTION 2. Amends Section 659.0445, Government Code, by adding Subsection (d), as follows:

(d) 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 3. Effective date: September 1, 2009.