BILL ANALYSIS

BACKGROUND AND PURPOSE

Currently the State of Texas pays benefit replacement pay to district court judges who have served since August 31, 1995. This amount is approximately $1,000 per year. New judges do not receive the replacement benefit pay. Most counties pay a statutory probate court judge who has been serving on the court for as long a similar amount, but a few counties do not. These counties claim that benefit replacement pay should be considered part of a judge's salary, making it subject to taxation. Additionally, most counties pay a statutory probate judge longevity pay, but a few do not.

H.B. 765 requires a commissioners court to pay a judge of a statutory probate court replacement benefit pay and longevity pay under the same conditions and in the same amount as a district judge is entitled to receive from the state.

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

H.B. 765 amends the Government Code to require the commissioners court to annually pay a judge of a statutory probate court who has served continuously as a statutory probate court judge or a statutory county court judge since August 31, 1995, an additional amount equal to the amount of benefit replacement pay a district judge is entitled to receive from the state for equivalent continuous service. The bill requires the commissioners court to pay to a statutory probate court judge who has served on a statutory probate court or statutory county court for at least 16 years monthly longevity pay in an amount equal to the amount of longevity pay a district judge is entitled to receive for equivalent years of service. The bill specifies that the required annual payment is in addition to the judge's annual salary and that the required longevity pay is in addition to the judge's monthly salary.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.