

## **BILL ANALYSIS**

C.S.S.B. 497  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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 multi-district 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). The OCA merely forwards the affidavit to the comptroller's office for payment, but has no other role in the salary supplement payment process.

C.S.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, requires a county judge to take certain actions to receive a supplement under Subsection (a) (relating to a county judge's annual salary supplement from the state) and authorizes a commissioner's court of a county to provide longevity pay to certain judges or justices who meet certain requirements. The bill also requires that the Judiciary Section of the comptroller's office pay the annual supplement for a district judge who presides over multi-district litigation involving claims for asbestos-related or silica-related injuries.

### **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**

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 the Office of Court Administration of the Texas Judicial System, an affidavit stating that at least 40 percent of the functions that the judge performs are judicial functions. Deletes existing text requiring the office of court administration 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 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 adding Subsections (d) and (e), as follows:

(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. Effective date: September 1, 2009.

**EFFECTIVE DATE**

September 1, 2009

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute changes the fixed rate for a judge or justice's longevity pay from a fixed rate to a percentage. The current law provides that a judge with 16 years of service can receive \$20 for each year of service in addition to their regular salary. The substitute would change the fixed rate to a percentage rate so that when the judge received a future pay raise, the longevity would go up automatically as a percentage of the judge's salary. The Legislative Council determined that the percentage, which would equal the fixed rate currently being paid, should be .031 percent times the current salary.