

BILL ANALYSIS

C.S.H.B. 1710
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that, because state judicial salaries are set by statute, state district judge salaries can be increased only by the legislature but can be supplemented by counties for extrajudicial services performed by the judges. The parties assert that state district judges should be allowed to receive annual cost-of-living increases under certain conditions. C.S.H.B. 1710 seeks to authorize such a change so that compensation for state judges can keep pace with rising cost-of-living expenses.

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

C.S.H.B. 1710 amends the Government Code to authorize the commissioners court of a county to pay each judge of a district court having jurisdiction in the county an annual cost-of-living increase if the state has not increased the state salary paid to a district judge during the preceding three-year period. The bill limits the amount of the increase to 10 percent of the judge's combined salary from state and county sources and specifies that a cost-of-living increase paid to a judge under the bill's provisions is not included as part of the judge's combined salary from state and county sources for purposes of judicial salary limitations. The bill requires the commissioners court to stop paying the cost-of-living increase if, after the commissioners court begins paying the cost-of-living increase, the state increases the state salary paid to a district judge by an amount equal to or greater than the cost-of-living increase paid by the county.

EFFECTIVE DATE

January 1, 2014.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1710 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. The heading to Subchapter A, Chapter 32, Government Code, is amended to read as follows:

SUBCHAPTER A. ADDITIONAL
COMPENSATION PAID BY COUNTY

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Subchapter A, Chapter 32, Government Code, is amended by adding Section 32.002 to read as follows:

Sec. 32.002. COST-OF-LIVING INCREASE. (a) If the state has not increased the state salary paid to a district judge during the preceding three-year period, the commissioners court of a county may pay each judge of a district court having jurisdiction in the county an annual cost-of-living increase in an amount not to exceed 10 percent of the judge's combined salary from state and county sources. Notwithstanding any other law, compensation paid to a judge under this section is not included as part of the judge's combined salary from state and county sources for purposes of the salary limitations provided by Section 659.012.

(b) If the state increases the state salary paid to a district judge after a commissioners court of a county begins paying a cost-of-living increase under this section, the commissioners court of a county may stop paying the cost-of-living increase, or may continue paying that increase.

SECTION 3. Section 659.0445(b), Government Code, is amended to read as follows:

(b) 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; and

(2) becomes payable beginning with the month following the month in which the judge or justice completes 10 [16] years of service for which credit is established in the applicable retirement system.

SECTION 4. Section 659.0445(b), Government Code, as amended by this Act, applies to longevity pay payable to a judge or justice after September 1, 2013, regardless of the date the judge or justice

SECTION 2. Subchapter A, Chapter 32, Government Code, is amended by adding Section 32.002 to read as follows:

Sec. 32.002. COST-OF-LIVING INCREASE. (a) If the state has not increased the state salary paid to a district judge during the preceding three-year period, the commissioners court of a county may pay each judge of a district court having jurisdiction in the county an annual cost-of-living increase in an amount not to exceed 10 percent of the judge's combined salary from state and county sources. Notwithstanding any other law, compensation paid to a judge under this section is not included as part of the judge's combined salary from state and county sources for purposes of the salary limitations provided by Section 659.012.

(b) If, after a commissioners court of a county begins paying a cost-of-living increase under this section, the state increases the state salary paid to a district judge by an amount equal to or greater than the cost-of-living increase paid by the county, the commissioners court of the county shall stop paying the cost-of-living increase.

No equivalent provision.

No equivalent provision.

first becomes entitled to longevity pay.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. This Act takes effect January 1, 2014.