

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29 2009  
Date


Honorable David Dewhurst  
President of the Senate


Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 497 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
Sen. Jeff Wentworth

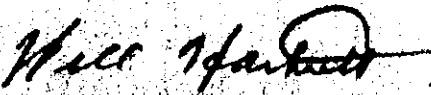
  
Sen. Cason

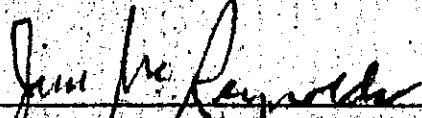
  
Sen. Duncan

Sen. Gallagos

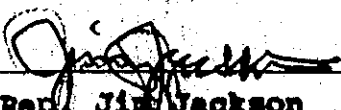


On the part of the Senate  
Sen. Watson

  
Rep. Will Hartnett

  
Rep. Jim McKeynolds

Rep. Bryan Hughes

  
Rep. Jim Jackson

On the part of the House  
Rep. Armando Martinez

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 497

A BILL TO BE ENTITLED

1 AN ACT

2 relating to compensation paid to certain judges and justices.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subsection (b), Section 26.006, Government Code,  
5 is amended to read as follows:

6 (b) To receive a supplement under Subsection (a), a county  
7 judge must file with the comptroller's judiciary section [~~Office of~~  
8 ~~Court Administration of the Texas Judicial System~~] an affidavit  
9 stating that at least 40 percent of the functions that the judge  
10 performs are judicial functions. [~~The office of court~~  
11 ~~administration shall send the affidavit to the comptroller.~~]

12 SECTION 2. Subsection (a), Section 659.0125, Government  
13 Code, is amended to read as follows:

14 (a) Notwithstanding Section 659.012 or any other law, a  
15 district judge who presides over multidistrict litigation  
16 involving claims for asbestos-related or silica-related injuries  
17 is entitled to receive, in addition to all other compensation,  
18 expenses, and perquisites authorized by law, the maximum amount of  
19 compensation set by the Texas Judicial Council for a presiding  
20 judge under Section 74.051(b). The annual amount must be  
21 apportioned over 12 equal monthly payments and be paid to the judge  
22 by the comptroller's judiciary section [~~Texas Judicial Council~~] for  
23 each month during which the judge retains jurisdiction over the  
24 claims.

1 SECTION 3. Section 659.0445, Government Code, is amended by  
2 amending Subsection (b) and adding Subsections (d) and (e) to read  
3 as follows:

4 (b) The monthly amount of longevity pay under this section  
5 to which a judge or justice described by Subsection (a) is entitled:

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

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

14 (d) The commissioners court of a county may provide  
15 longevity pay calculated in accordance with this section to a judge  
16 or justice described by Subsection (a) who:

17 (1) previously served as a statutory county court  
18 judge in the county;

19 (2) is not otherwise eligible for longevity pay under  
20 Subsection (b); and

21 (3) would be entitled to longevity pay under this  
22 section if the service credit the judge or justice earned as a  
23 statutory county court judge was established in the applicable  
24 retirement system.

25 (e) Notwithstanding any other law, longevity pay that is  
26 paid to a judge or justice under this section is not included as  
27 part of the judge's or justice's combined salary from state and

1 county sources for purposes of the salary limitations provided by  
2 Section 659.012.

3 SECTION 4. Section 659.0445(c), Government Code, is  
4 repealed.

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

9 SECTION 6. This Act takes effect September 1, 2009.

**Senate Bill 497**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

No equivalent provision.

HOUSE VERSION

SECTION \_\_. Adds Section 24.023, Government Code, District Court Agreement with Certain Constitutional County Courts. (a) Authorizes a district court judge and a county court judge to enter into a written agreement granting the county court jurisdiction to hear guilty pleas in felony cases, default judgments, uncontested civil cases in which a final judgment will be entered, uncontested family law cases in which a final judgment will be entered, and civil and family law cases where an agreed final judgment will be entered. (b) Makes the agreement authorization applicable only to a county that has two or more district courts composed of more than one county, that does not have a county court at law, and in which the county court retains original misdemeanor jurisdiction, and the county court judge is granted authority to consider those cases under the constitution or general law. (c) Requires that a county court judge who enters into an agreement be an attorney who is licensed to practice law Texas and who meets the qualifications for holding the office of district court judge. (d) Allows an agreement between a district court judge and a county court judge to provide that final judgments must be approved by the district court judge. (e) Provides that a county court judge has the same judicial immunity as the district court judge when presiding over cases authorized by Section 24.023. (f) Establishes that all pleadings, documents, records, and other papers remain under the control of the district clerk. Authorizes the district clerk to establish a separate docket for the cases considered by the county court

CONFERENCE

Same as Senate version.

**Senate Bill 497**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

judge.

SECTION 1. Amends Section 26.006(b), Government Code, relating to the receipt by a county judge of a salary supplement from the state.

SECTION 1. Same as Senate version.

SECTION 1. Same as Senate version.

SECTION 2. Amends Section 659.0125(a), Government Code, relating to compensation for a district judge who presides over multidistrict litigation involving claims for asbestos-related or silica-related injuries.

SECTION 2. Same as Senate version.

SECTION 2. Same as Senate version.

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

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

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

No equivalent provision.

(b) Revises the monthly longevity pay entitlement for a judge or justice who receives a salary paid by the state, is a member of the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two, and is an active judge. Provides that the monthly amount of longevity pay to which such a judge or justice is entitled is equal to .031 multiplied by the amount of the judge's or justice's gross monthly salary earned during the month in which the judge or justice completes 16 years of service for which credit is established in the applicable retirement system

(b) Similar to House version, revising the monthly longevity pay entitlement but providing that it is equal to the product of .031 multiplied by the amount of the judge's or justice's current monthly state salary.

(d)-(e) Relating to other longevity pay provisions.

(d)-(e) Same as Senate version.

(d)-(e) Same as Senate version.

No equivalent provision.

SECTION 4. Repeals Section 659.0445(c), Government

SECTION 4. Same as House version.

**Senate Bill 497**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

Code, prohibiting a judge or justice from receiving longevity pay for more than 16 years of service credited in the applicable retirement system.

No equivalent provision.

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

SECTION 5. Same as House version.

SECTION 4. Effective date.

SECTION 6. Same as Senate version.

SECTION 6. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives**

**FROM: John S. O'Brien, Director, Legislative Budget Board**

**IN RE: SB497 by Wentworth (Relating to compensation paid to certain judges and justices.),  
Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code by making the Judiciary Section, Comptroller's Department, rather than the Texas Judicial Council the entity responsible for the payment of salary supplements for district judges presiding over asbestos- or silica-related multidistrict litigation cases. Funding for the supplements are \$63,250 each fiscal year. Because the bill would transfer statutory authority for paying the salary supplements from one agency to another, no fiscal implication is anticipated for this provision. The bill would also clarify that judicial longevity pay does not constitute additional salary for purposes of determining whether a judge's salary exceeds the statutory maximum. The bill would provide that monthly longevity pay is equal to the product of 3.1 percent of a judge's current monthly salary, provided the judge has served 16 years rather than \$20 for each year of service. This provision is expected to increase monthly longevity payments for eligible judges, but does not represent a significant fiscal implication.

**Local Government Impact**

The bill would authorize a county commissioners court to provide longevity pay to a judge or justice who would otherwise be eligible for such pay if the service credit the judge or justice earned as a statutory county court judge was established in the retirement system. It is assumed that the bill would not have a significant fiscal implication to local government because county commissioners would only authorize longevity pay if the county had sufficient resources to absorb the costs.

**Source Agencies:** 304 Comptroller of Public Accounts, 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, TP, MN, TB