

## **BILL ANALYSIS**

Senate Research Center

S.B. 889  
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Jurisprudence  
3/26/2003  
As Filed

### **DIGEST AND PURPOSE**

Current interpretation of Texas law allows a visiting judge to work one or two days a month, and instead of contributing the full amount to the judicial retirement system as would a sitting judge, a visiting judge can contribute a minimal amount and the state makes-up the rest of the contribution. As proposed, S.B. 889 requires a state visiting judge to make the same contribution to the judicial retirement system as a sitting district judge in order to receive service credit for that month.

### **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 75.112, Government Code, by adding Subsections (d) and (e), as follows:

(d) Provides that notwithstanding Subsection (b), a senior district court judge appointed under this subchapter who is not a retiree of the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two is not entitled to receive service credit in the appropriate retirement system for any month in which the judge pays a contribution that is less than the amount of monthly contribution paid by a full-time presiding district judge.

(e) Provides that a senior district court judge appointed under this subchapter is not considered to have made the monthly contribution required in order to receive service credit as provided by Subsection (d) until the judge offsets any deficiency described by that subsection with a direct payment to the appropriate retirement system or through an actual cash reduction of future state salary.

SECTION 2. Amends Chapter 835B, Government Code, by adding Section 835.104, as follows:

Sec. 835.104. CONTRIBUTIONS FOR VISITING DISTRICT JUDGES. (a) Provides that notwithstanding any other law, a visiting or an assigned state district judge is not entitled to receive service credit in the retirement system for any month in which the judge makes a payroll contribution that is less than the amount of payroll contribution of a full-time presiding district judge.

(b) Provides that a visiting or an assigned state district judge is not considered to have made the required monthly contribution as provided by Section 833.101 until the judge offsets any deficiency described under Subsection (a) with a direct payment to the retirement system or through an actual cash reduction of future state salary.

SECTION 3. Amends Chapter 840B, Government Code, by adding Section 840.107, as follows:

Sec. 840.107. CONTRIBUTIONS FOR VISITING DISTRICT JUDGES. (a) Provides

that notwithstanding any other law, a visiting or an assigned state district judge is not entitled to receive service credit in the retirement system for any month in which the judge makes a payroll contribution that is less than the amount of payroll contribution of a full-time presiding district judge.

(b) Provides that a visiting or an assigned state district judge is not considered to have made the required monthly contribution as provided by Section 838.101 until the judge offsets any deficiency described under Subsection (a) with a direct payment to the retirement system or through an actual cash reduction of future state salary.

SECTION 4. Effective date: September 1, 2003.  
Makes application of this Act prospective.