

## **BILL ANALYSIS**

Senate Research Center  
79R3059 SGA-F

S.B. 179  
By: Wentworth  
State Affairs  
3/3/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

In 2001, the 77th Legislature, Regular Session, amended the judicial retirement law, effective January 1, 2002, so that a judge whose last years of service were served as a visiting judge, and who retires within one year of that service, may obtain the same 10 percent increase in retirement pay, from 50 to 60 percent, as a judge who retires within one year of the end of elected service. However, a 2002 attorney general opinion declared that the 2001 amendments apply only to those visiting judges who retired after January 1, 2002, the effective date of the Act.

As proposed, S.B. 179 extends the 10 percent retirement pay increase to the approximately 29 former visiting judges who retired before January 1, 2002, within one year of their last date of service as a visiting judge.

### **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 834.102(b), Government Code, to require the Judicial Retirement System of Texas Plan One, or as to periods before September 1, 1985, the Judicial Retirement System of Texas, to increase by ten percent of the amount of the applicable state salary the annuity of a member who on the effective date of retirement has served as a visiting judge in this state and the first anniversary of the last day of that service has or has not occurred, rather than has not occurred.

SECTION 2. Amends Section 839.102(b), Government Code, to require the Judicial Retirement System of Texas Plan Two to increase by ten percent of the amount of the applicable state salary the annuity of a member who on the effective date of retirement has served as a visiting judge in this state and the first anniversary of the last day of that service has or has not occurred, rather than has not occurred.

SECTION 3. Requires the Employees Retirement System of Texas to recompute the annuities of all persons who retired or received a death benefit annuity from the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two before January 1, 2002, as if the changes in the law made by Chapter 1240, Acts of the 77th Legislature, Regular Session, 2001, to Sections 834.102(b) and 839.102(b), Government Code, had been in effect on the date of the person's retirement or death. Provides that the first payment of any annuity increased under this section becomes payable with the first payment due on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2005.