




TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION

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MEMORANDUM

TO: Elected Felony Prosecutors
FROM: Rob Kepple 
RE: Salary Supplement Issue
DATE: July 9th, 2015

I am writing to pass along important information about a supplement that the state has created for elected felony prosecutors to begin on September 1st, 2015. I hope that you will share this Memorandum with the officials in your county who will need to be involved in administering this program.

The problem. The 84th Legislature made a mistake in the budgeting process that was discovered late and required a last-minute fix. This session the Legislature raised the retirement contribution of all state Employee Retirement System participants (which includes felony prosecutors in the Elected Class) from 6.6% to 9.5% starting on September 1st, 2015. To keep state employees from seeing a reduction in take-home pay, they gave all state employees a raise—however, elected felony prosecutors are not state “employees,” so you would see a net pay cut on September 1st absent another solution.

The solution. The solution came in the form of a last-minute rider added to the budget, found in Article IX, Section 18.12 (attached). The state is providing a salary supplement to counties for their elected felony prosecutors in the amount of \$3,500, along with an additional 20% for fringe benefits, for a total of about \$4,200. *This is not a pay raise; it is offered only to offset the reduction in take-home pay that the prosecutor will see in his or her state paycheck on September 1st.* In addition, we have been told this is a 2-year stop-gap measure—the Legislature will fund an alternative and permanent solution to this problem in the next biennium’s state budget.

The administrator of the program. The Judiciary Section of the Office of the Comptroller of Public Accounts will be handling this program. They were chosen because that office already handles the salaries and other funding for the felony prosecutors, so they have established lines of communication with all of you. They will be issuing additional guidelines and instructions for the program very soon, so you and the necessary officials in your county will know exactly who to contact and how to go about accessing this funding. We will pass that along to you the moment we have it.

What you need to do now. Many of you are currently in your budgeting process. We recommend that you alert the necessary county officials about this program, share this Memorandum with them, and seek to make the necessary budget changes to accommodate the supplement of \$3,500 plus fringes in anticipation of this funding that will begin September 1st.

Thank you for your patience as this program rolls out. Please call me at 512-474-2436, or email me at kepple@tdcaa.com, if you have additional questions or need assistance. I will pass along any additional information the moment I have it!

CONTINGENCY AND OTHER PROVISIONS
(Continued)

(3) The appropriations made in Subsection (b)(1), Subsection (b)(2) and identified in Subsections (a)(3) and any matching federal funds related to the appropriations of this provision are subject to the provisions of Senate Bill 2004, 84th Legislature, Regular Session.

(c) No part of Sec. 14.03 of this Article IX, Limitation on Expenditures - Capital Budget, applies to the funds made subject to this Section.

(d) Any unexpended and unobligated balances from appropriations made or identified herein as of August 31, 2016 are appropriated to each respective agency for the fiscal year beginning September 1, 2016 for the same purpose.

Sec. 18.10. Coordination with Joint Oversight Committee on Government Facilities. Contingent on passage of Senate Bill 2004, or similar legislation relating to the creation of a joint committee to oversee government facilities, by the Eighty-fourth Legislature, Regular Session, 2015, state agencies, or the Facilities Commission on behalf of state agencies, shall notify the joint committee of any need for new space expected in the next four years, no later than 30 days after a need for new space is identified.

State agencies, or the Facilities Commission on behalf of state agencies, shall notify the joint committee of any need for new space, exceeding 50,000 square feet, expected in the next ten years, no later than 30 days after a need for new space is identified.

Sec. 18.11. Contingency for House Bill 9. Contingent on enactment of House Bill 9, or similar legislation to eliminate the 90-day waiting period for state contributions to the Employees Retirement System for Retirement, the Employees Retirement System is appropriated an amount estimated to be \$21,382,416 out of the General Revenue Fund, an amount estimated to be \$1,457,382 out of General Revenue-Dedicated Funds, an amount estimated to be \$5,766,238 out of Federal Funds, an amount estimated to be \$277,172 out of Other Funds, and an amount estimated to be \$3,116,792 out of Fund 6 for additional state contributions to Retirement at the Employees Retirement System.

Sec. 18.12. Grants to Counties Contingent on House Bill 9.

(a) The Judiciary Section, Comptroller's Department is appropriated \$1,306,750 in General Revenue for the 2016-17 biennium to make grants to counties in which the net compensation of state prosecutors is adversely affected by House Bill 9 or similar legislation related to member contributions to the Employees Retirement System of Texas, enacted by the Eighty-fourth Legislature, 2015.

(b) The Judiciary Section, Comptroller's Department shall allocate funds appropriated in this provision to affected counties in amounts that are sufficient to allow those counties to provide state prosecutors a supplement pursuant to Government Code §46.003, such that their compensation after benefit contributions, including to the Employees Retirement System, plus the supplement, is equal to what it would have been had House Bill 9 or similar legislation not passed.

(c) Additionally, the Judiciary Section, Comptroller's Department shall include in its allocation to affected counties an amount sufficient to cover the counties' cost of providing the supplement, including the payment of benefits.

(d) The Comptroller of Public Accounts shall promulgate rules and regulations as necessary to administer this section.

(e) This section is contingent on enactment of House Bill 9 or similar legislation relating to member contributions to the Employees Retirement System of Texas.

Sec. 18.13. Renovations and Office Furnishings at the Lyndon B. Johnson Building.

(a) In addition to amounts appropriated elsewhere in this Act, to the Texas Facilities Commission and the Comptroller of Public Accounts, the following appropriations are made for capital projects: