

By: Duncan, et al.

S.B. No. 11

Substitute the following for S.B. No. 11:

By: Alonzo

C.S.S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to the compensation of state judges and county judges, to the computation of retirement benefits for state judges and for members of the elected class of the Employees Retirement System of Texas, and to providing funds for court-related purposes.

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

SECTION 1. Section 659.012, Government Code, is amended to read as follows:

Sec. 659.012. JUDICIAL SALARIES. (a) Notwithstanding Section 659.011:

(1) a judge of a district court is entitled to an annual salary from the state of at least \$125,000, except that the combined salary of a district judge from state and county sources, including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the salary provided for a justice of a court of appeals other than a chief justice ~~[justice of the supreme court is entitled to an annual salary from the state that is at least \$102,463];~~

(2) a justice of a court of appeals other than the chief justice is entitled to an annual salary from the state that is equal to 110 percent of the salary of a district judge ~~[five percent less than the salary provided by the General Appropriations Act for a justice of the supreme court]~~, except that the combined salary of a justice of the court of appeals other than the chief justice from

1 all state and county sources, including compensation for any
2 extrajudicial services performed on behalf of the county, may not
3 exceed the amount that is \$5,000 [~~\$1,000~~] less than the salary
4 provided for a justice of the supreme court;

5 (3) a justice of the supreme court other than the chief
6 justice or a judge of the court of criminal appeals other than the
7 presiding judge is entitled to an annual salary from the state that
8 is equal to 120 percent of the salary of a district judge; and

9 (4) the chief justice or presiding judge of an
10 appellate [a] court [~~of appeals~~] is entitled to an annual salary
11 from the state that is \$2,500 more than the salary provided for the
12 other justices or judges of the court [~~of appeals~~], except that the
13 combined salary of the chief justice of a court of appeals may not
14 exceed the amount that is \$2,500 [~~\$500~~] less than the salary
15 provided for a justice of the supreme court[, ~~and~~

16 [~~(4) a judge of a district court is entitled to an~~
17 ~~annual salary from the state that is 10 percent less than the salary~~
18 ~~provided in the General Appropriations Act for a justice of the~~
19 ~~supreme court, except that unless otherwise provided by law, the~~
20 ~~combined salary of a district judge from state and county sources~~
21 ~~may not exceed the amount that is \$2,000 less than the salary~~
22 ~~provided for a justice of the supreme court)].~~

23 (b) To the extent of any conflict, the salary limitations
24 [~~differential~~] provided by this section for the combined salary of
25 a state [~~district~~] judge or justice from state and local sources
26 prevails over any provision of Chapter 31 or [~~differential set by~~
27 ~~Chapter~~] 32 that authorizes the payment of additional compensation

1 to a state judge or justice.

2 (d) In a county with more than five district courts, a
3 district judge who serves as a local administrative district judge
4 under Section 74.091 is entitled to an annual salary from the state
5 that is \$5,000 more than the salary from the state to which the
6 judge is otherwise entitled under Subsection (a)(1) [~~(c)~~].

7 (e) For the purpose of salary payments by the state, the
8 comptroller shall determine from sworn statements filed by the
9 justices of the courts of appeals and district judges that the
10 required salary limitations [~~differentials~~] provided by this
11 section are maintained. If a salary combined with additional
12 compensation from a county [~~supplement~~] would be in excess of the
13 limitations [~~differential~~] provided by this section, the
14 comptroller shall reduce the state salary by the amount of the
15 excess.

16 SECTION 2. Subsection (a), Section 26.006, Government Code,
17 is amended to read as follows:

18 (a) A county judge is entitled to an annual salary
19 supplement from the state of \$15,000 [~~\$10,000~~] if at least 40
20 percent of the functions that the judge performs are judicial
21 functions.

22 SECTION 3. Section 31.001, Government Code, is amended to
23 read as follows:

24 Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.
25 The commissioners courts in the counties of each of the 14 courts of
26 appeals districts may pay additional compensation in an amount that
27 does not [~~to~~] exceed the limitations of Section 659.012 [~~\$15,000 a~~

1 ~~year]~~ to each of the justices of the courts of appeals residing
2 within the court of appeals district that includes those counties.
3 The compensation [~~payment~~] is for all extrajudicial [~~judicial and~~
4 ~~administrative~~] services performed by the justices.

5 SECTION 4. The heading to Chapter 32, Government Code, is
6 amended to read as follows:

7 CHAPTER 32. ADDITIONAL [~~SUPPLEMENTAL~~] COMPENSATION OF DISTRICT
8 JUDGES [~~FOR CERTAIN DUTIES~~]

9 SECTION 5. The heading to Subchapter A, Chapter 32,
10 Government Code, is amended to read as follows:

11 SUBCHAPTER A. ADDITIONAL COMPENSATION [~~SUPPLEMENTAL SALARY~~] PAID
12 BY COUNTY FOR EXTRAJUDICIAL SERVICES

13 SECTION 6. Section 32.001, Government Code, is amended to
14 read as follows:

15 Sec. 32.001. AUTHORITY FOR ADDITIONAL COMPENSATION
16 [~~ANDERSON COUNTY~~]. (a) The commissioners court of a county
17 [~~Commissioners Court of Anderson County~~] may pay the judges of the
18 district courts having jurisdiction in the county additional
19 compensation in an amount that does not exceed the limitations of
20 Section 659.012 for extrajudicial [~~an annual salary not to exceed~~
21 ~~\$1,200 for judicial and administrative~~] services performed by the
22 district judges.

23 (b) The compensation [~~salary~~] shall be paid in monthly
24 installments from the county general fund or other available funds
25 of the county.

26 (c) The compensation [~~salary~~] is in addition to the salary
27 paid by the state and any other compensation authorized by law.

1 ~~[(d) The aggregate amount of \$2,900 is the maximum~~
2 ~~supplemental salary that may be paid under this subchapter to a~~
3 ~~judge of a district court having jurisdiction in Anderson County~~
4 ~~from all counties that comprise a part of a judicial district~~
5 ~~consisting of not less than four counties, of which two of those~~
6 ~~counties have two or more district courts.]~~

7 SECTION 7. Section 152.0003, Human Resources Code, is
8 amended to read as follows:

9 Sec. 152.0003. COMPENSATION. The compensation authorized
10 under this chapter for a judge serving on a juvenile board is in
11 addition to all other compensation provided or allowed by law for a
12 judge. Notwithstanding any other law, the combined salary from all
13 state and local sources of a district judge serving on a juvenile
14 board may not exceed an amount that is \$5,000 less than the salary
15 provided by the state for a justice of a court of appeals other than
16 the chief justice.

17 SECTION 8. Subchapter C, Chapter 72, Government Code, is
18 amended by adding Section 72.030 to read as follows:

19 Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL
20 TURNOVER. (a) The office biennially shall collect data relating
21 to:

22 (1) the rate at which state judges resign from office
23 or do not seek reelection; and

24 (2) the reason for action under Subdivision (1).

25 (b) Not later than December 1 of each even-numbered year,
26 the office shall file a report containing the data collected under
27 Subsection (a) for the preceding state fiscal biennium with the

1 governor, the lieutenant governor, the speaker of the house of
2 representatives, and the presiding officers of the standing
3 committees of each house of the legislature with jurisdiction over
4 the judiciary or appropriations.

5 (c) The report filed under Subsection (b) must include the
6 following findings:

7 (1) whether the compensation of state judges exceeds,
8 is equal to, or is less than the compensation of judges at
9 corresponding levels in the five states closest in population to
10 this state; and

11 (2) whether the compensation of state judges exceeds,
12 is equal to, or is less than the average salary of lawyers engaged
13 in the private practice of law.

14 (d) The purpose of filing the report with the legislature is
15 to provide the legislature with information to facilitate
16 legislation that ensures that the compensation of state judges is
17 adequate and appropriate.

18 SECTION 9. Section 814.103, Government Code, is amended to
19 read as follows:

20 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS
21 SERVICE. (a) Except as provided by Subsection (b), the standard
22 service retirement annuity for service credited in the elected
23 class of membership is an amount equal to the number of years of
24 service credit in that class, times 2.3 [~~two~~] percent of the state
25 salary, as adjusted from time to time, being paid a district judge.

26 (b) The standard service retirement annuity for service
27 credited in the elected class may not exceed at any time 100 percent

1 of the state salary being paid a district judge.

2 SECTION 10. Section 840.1027(b), Government Code, as added
3 by House Bill No. 617, Acts of the 79th Legislature, Regular
4 Session, 2005, is amended to read as follows:

5 (b) A member who elects to make contributions under
6 Subsection (a) shall contribute six percent of the member's state
7 compensation for each payroll period in the manner provided by
8 Sections 840.102(b)-(f). ~~[Section 840.105 does not apply to a
9 contribution under this section.]~~

10 SECTION 11. Section 133.003, Local Government Code, is
11 amended to conform to Senate Bill No. 1704, Acts of the 79th
12 Legislature, Regular Session, 2005, and amended to read as follows:

13 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
14 following criminal fees:

15 (1) the consolidated fee imposed under Section
16 133.102;

17 (2) the time payment fee imposed under Section
18 133.103;

19 (3) fees for services of peace officers employed by
20 the state imposed under Article 102.011, Code of Criminal
21 Procedure, and forwarded to the comptroller as provided by Section
22 133.104;

23 (4) costs on conviction imposed in certain statutory
24 county courts under Section 51.702, Government Code, and deposited
25 in the judicial fund;

26 (5) costs on conviction imposed in certain county
27 courts under Section 51.703, Government Code, and deposited in the

judicial fund;

(6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code; ~~and~~

(7) fines on conviction imposed under Section 621.506(g), Transportation Code;

(8) the fee imposed under Article 102.0045, Code of Criminal Procedure; and

(9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund.

SECTION 12. Section 133.004, Local Government Code, is amended to read as follows:

Sec. 133.004. CIVIL FEES. This chapter applies to the following civil fees:

(1) the consolidated fee on filing in district court imposed under Section 133.151;

(2) the filing fee in district court for basic civil legal services for indigents imposed under Section 133.152;

(3) the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153;

(4) the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702, Government Code;

(5) the filing fees for the judicial fund imposed in certain county courts under Section 51.703, Government Code;

(6) the filing fees for the judicial fund imposed in

1 certain statutory probate courts under Section 51.704, Government
2 Code;

3 (7) fees collected under Section 118.015;

4 (8) marriage license fees for the family trust fund
5 collected under Section 118.018; ~~and~~

6 (9) marriage license or declaration of informal
7 marriage fees for the child abuse and neglect prevention trust fund
8 account collected under Section 118.022; and

9 (10) the filing fee for the judicial fund imposed in
10 district court, statutory county court, and county court under
11 Section 133.154.

12 SECTION 13. Subchapter C, Chapter 133, Local Government
13 Code, is amended by adding Section 133.105 to read as follows:

14 Sec. 133.105. FEE FOR SUPPORT OF COURT-RELATED PURPOSES.

15 (a) A person convicted of any offense, other than an offense
16 relating to a pedestrian or the parking of a motor vehicle, shall
17 pay as a court cost, in addition to all other costs, a fee of \$4 to
18 be used for court-related purposes for the support of the
19 judiciary.

20 (b) The treasurer shall deposit 60 cents of each fee
21 collected under this section in the general fund of the county or
22 municipality, as appropriate, to promote the efficient operation of
23 the municipal or county courts and the investigation, prosecution,
24 and enforcement of offenses that are within the jurisdiction of the
25 courts.

26 (c) The treasurer shall remit the remainder of the fees
27 collected under this section to the comptroller in the manner

1 provided by Subchapter B. The comptroller shall deposit the fees in
2 the judicial fund.

3 SECTION 14. Subchapter D, Chapter 133, Local Government
4 Code, is amended by adding Section 133.154 to read as follows:

5 Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT COURT,
6 STATUTORY COUNTY COURT, OR COUNTY COURT FOR SUPPORT OF JUDICIARY.

7 (a) In addition to other fees authorized or required by law, the
8 clerk of a district court, statutory county court, or county court
9 shall collect a fee of \$37 on the filing of any civil suit to be used
10 for court-related purposes for the support of the judiciary.

11 (b) The treasurer shall remit the fees collected under this
12 section to the comptroller in the manner provided by Subchapter B.
13 The comptroller shall deposit the fees in the judicial fund.

14 SECTION 15. Subchapter D, Chapter 101, Government Code, is
15 amended by adding Section 101.062 to read as follows:

16 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
17 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall
18 collect on the filing of a civil suit an additional filing fee of
19 \$37 under Section 133.154, Local Government Code, to be used for
20 court-related purposes for the support of the judiciary.

21 SECTION 16. Subchapter E, Chapter 101, Government Code, is
22 amended by adding Section 101.083 to read as follows:

23 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL
24 FILING FEE FOR SUPPORT OF JUDICIARY. The clerk of a statutory
25 county court shall collect on the filing of a civil suit an
26 additional filing fee of \$37 under Section 133.154, Local
27 Government Code, to be used for court-related purposes for the

1 support of the judiciary.

2 SECTION 17. Subchapter G, Chapter 101, Government Code, is
3 amended by adding Section 101.123 to read as follows:

4 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR
5 SUPPORT OF JUDICIARY. The clerk of a county court shall collect on
6 the filing of a civil suit an additional filing fee of \$37 under
7 Section 133.154, Local Government Code, to be used for
8 court-related purposes for the support of the judiciary.

9 SECTION 18. Subchapter B, Chapter 102, Government Code, is
10 amended by adding Section 102.022 to read as follows:

11 Sec. 102.022. COURT COST ON CONVICTION FOR SUPPORT OF
12 JUDICIARY. A person convicted of any offense, other than an offense
13 relating to a pedestrian or the parking of a motor vehicle, shall
14 pay a cost on conviction of \$4 under Section 133.105, Local
15 Government Code.

16 SECTION 19. Article IV, Senate Bill No. 1, Acts of the 79th
17 Legislature, Regular Session, 2005 (the General Appropriations
18 Act), is amended by adding the following appropriations:

19 Sec. 16. SPECIAL PROVISIONS - JUDICIARY. (a) Contingent on
20 the Comptroller of Public Accounts issuing a finding of fact
21 certifying additional revenue collections from fees and court costs
22 during the 2006-07 biennium that exceed the Comptroller of Public
23 Accounts Biennial Revenue Estimate for these items by at least
24 \$17,808,761 in fiscal year 2006 and \$23,461,314 in fiscal year
25 2007, an amount estimated to be \$34,551,073 out of the Judicial
26 Fund No. 573 and an amount estimated to be \$6,719,000 out of the
27 General Revenue Fund are appropriated to the Judiciary Section,

1 Office of the Comptroller of Public Accounts, to fund the annual
2 salary increase for judicial officers provided by Senate Bill No.
3 11, Acts of the 79th Legislature, 1st Called Session, 2005, to begin
4 on November 1, 2005, for the state fiscal year ending August 31,
5 2006, and to begin on September 1, 2006, for the state fiscal year
6 ending August 31, 2007.

7 (b) Any increase in employee benefits costs associated with
8 the salary increase provided by Senate Bill No. 11, Acts of the 79th
9 Legislature, 1st Called Session, 2005, and this section shall be
10 paid only out of the appropriations made in Subsection (a) of this
11 section, including \$6,679,000 out of the General Revenue Fund for
12 the purposes of funding the increased costs to the Judicial
13 Retirement System - Plan I.

14 (c) Provisions requiring salaries and benefits to be
15 proportional to the source of funds shall apply to all sums
16 allocated under this section, except as otherwise provided. Each
17 court or agency shall pay the increase in compensation from funds
18 held in the state treasury and from local funds in the same
19 proportion as the employee's regular compensation.

20 (d) The Comptroller of Public Accounts shall promulgate
21 rules and regulations as necessary to administer this section.
22 Funds appropriated in this section shall be allocated to each court
23 or agency, and to the appropriate employee benefit appropriation
24 items, in accordance with such rules and regulations and may be used
25 only for the purpose of providing a salary increase and paying
26 associated employee benefit costs.

27 (e) In the appropriations to the Judiciary Section, Office

1 of the Comptroller of Public Accounts, made by Senate Bill No. 1,
2 Acts of the 79th Legislature, Regular Session, 2005, the
3 Comptroller of Public Accounts shall increase appropriations out of
4 the Judicial Fund No. 573 by \$3,054,000 in fiscal year 2006 and by
5 \$3,665,000 in fiscal year 2007 for Strategy D.1.1, District Judges,
6 and shall decrease the appropriations out of the General Revenue
7 Fund for that strategy by those amounts.

8 (f) The description for Strategy A.1.4, Local
9 Administrative Judge Supplement in the bill pattern for the
10 Judiciary Section, Office of the Comptroller of Public Accounts, in
11 Senate Bill No. 1, Acts of the 79th Legislature, Regular Session,
12 2005, is replaced with the following description: Per Government
13 Code, Section 659.012(d).

14 (g) The amount of \$20,000 out of the General Revenue Fund
15 for each fiscal year is included in amounts appropriated in
16 Subsection (a) of this section for the purposes of funding \$5,000
17 salary supplements to additional judges eligible for such
18 supplements under Section 659.012(d), Government Code.

19 (h) The name and description for Strategy C.1.1,
20 Constitutional County Judge General Revenue Supplement in the bill
21 pattern for the Judiciary Section, Office of the Comptroller of
22 Public Accounts, in Senate Bill No. 1, Acts of the 79th Legislature,
23 Regular Session, 2005, is replaced with the following name and
24 description: Constitutional County Judge General Revenue and
25 Judicial Fund No. 573 Supplement: Salary supplement per Government
26 Code, Section 26.006. Estimated.

27 (i) An amount estimated to be \$469,125 in fiscal year 2006

1 and an amount estimated to be \$748,800 in fiscal year 2007 are
2 included in amounts appropriated out of the Judicial Fund No. 573 to
3 the Judiciary Section, Office of the Comptroller of Public
4 Accounts, by Subsection (a) of this section for additional district
5 courts created on or after September 1, 2005, by Senate Bill No.
6 1189, 79th Legislature, Regular Session, 2005.

7 SECTION 20. Section 51.607, Government Code, does not apply
8 to court costs or fees imposed under this Act.

9 SECTION 21. The following laws are repealed:

10 (1) Section 2, Chapter 100, Acts of the 78th
11 Legislature, Regular Session, 2003;

12 (2) Section 4, Chapter 62, Acts of the 78th
13 Legislature, Regular Session, 2003;

14 (3) Sections 2 and 4, Chapter 675, Acts of the 78th
15 Legislature, Regular Session, 2003; and

16 (4) Sections 32.002 through 32.253 and 659.0125,
17 Government Code.

18 SECTION 22. Not later than January 1, 2006, the Office of
19 Court Administration of the Texas Judicial System shall begin
20 collecting the data required by Section 72.030, Government Code, as
21 added by this Act.

22 SECTION 23. For purposes of determining the salary of a
23 county official that is based on the salary paid to a district judge
24 by the state, the changes in law made by this Act take effect
25 November 1, 2005, and apply only to a salary payment made on or
26 after that date. A salary payment made before November 1, 2005, is
27 governed by the law in effect on the date the salary payment was

1 made, and that law is continued in effect for that purpose.

2 SECTION 24. The imposition of a cost of court under Section
3 133.105, Local Government Code, as added by this Act, applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before the effective date of
9 this Act if any element of the offense was committed before that
10 date.

11 SECTION 25. (a) On November 1, 2005, the Employees
12 Retirement System of Texas shall recompute the annuities of persons
13 who retired before that date under Section 839.102 or 839.103,
14 Government Code, whether payable on November 1 to the retiree or a
15 beneficiary, as if the state salary provisions applicable on
16 November 1 to judges of the same classification as the last court to
17 which the retiree was elected or appointed had been in effect on the
18 date of retirement. On November 1, 2005, the retirement system also
19 shall recompute the annuities of beneficiaries receiving an annuity
20 that became payable before that date under Section 839.301 or
21 839.302, Government Code, in the same manner.

22 (b) The first payment of an annuity recomputed under this
23 section becomes payable on the first date a payment of the annuity
24 becomes payable after the effective date of this Act.

25 SECTION 26. This Act takes effect November 1, 2005.