

By: Duncan

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. Section 26.006(a), Government Code, is amended
17 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, using data collected by the state
14 bar under Section 81.116.

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

19 SECTION 9. Subchapter H, Chapter 81, Government Code, is
20 amended by adding Section 81.116 to read as follows:

21 Sec. 81.116. COLLECTION OF DATA RELATING TO ATTORNEY
22 COMPENSATION. (a) The state bar shall biennially collect data
23 relating to the compensation of lawyers engaged in the private
24 practice of law.

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

1 the 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 SECTION 10. Section 814.103, Government Code, is amended to
6 read as follows:

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

13 (b) The standard service retirement annuity for service
14 credited in the elected class may not exceed at any time 100 percent
15 of the state salary being paid a district judge.

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

19 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
20 following criminal fees:

21 (1) the consolidated fee imposed under Section
22 133.102;

23 (2) the time payment fee imposed under Section
24 133.103;

25 (3) fees for services of peace officers employed by
26 the state imposed under Article 102.011, Code of Criminal
27 Procedure, and forwarded to the comptroller as provided by Section

133.104;

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

(5) costs on conviction imposed in certain county 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;

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

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

6 (6) the filing fees for the judicial fund imposed in
7 certain statutory probate courts under Section 51.704, Government
8 Code;

9 (7) fees collected under Section 118.015;

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

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

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

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

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

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

26 (b) The treasurer shall deposit 60 cents of each fee
27 collected under this section in the general fund of the

1 municipality to promote the efficient operation of the municipal
2 court and the investigation, prosecution, and enforcement of
3 municipal and state offenses that are within the jurisdiction of
4 the municipal court.

5 (c) The treasurer shall remit the remainder of the fees
6 collected under this section to the comptroller in the manner
7 provided by Subchapter B. The comptroller shall deposit the fees in
8 the judicial fund.

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

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

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

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

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

22 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
23 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall
24 collect on the filing of a civil suit an additional filing fee of
25 \$37 under Section 133.154, Local Government Code, to be used for
26 court-related purposes for the support of the judiciary.

27 SECTION 16. Subchapter E, Chapter 101, Government Code, is

1 amended by adding Section 101.083 to read as follows:

2 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL
3 FILING FEE FOR SUPPORT OF JUDICIARY. The clerk of a statutory
4 county court shall collect on the filing of a civil suit an
5 additional filing fee of \$37 under Section 133.154, Local
6 Government Code, to be used for court-related purposes for the
7 support of the judiciary.

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

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

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

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

22 SECTION 19. Section 51.607, Government Code, does not apply
23 to court costs or fees imposed under this Act.

24 SECTION 20. The following laws are repealed:

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

27 (2) Section 4, Chapter 62, Acts of the 78th

1 Legislature, Regular Session, 2003;

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

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

6 SECTION 21. (a) Not later than January 1, 2006, the Office
7 of Court Administration of the Texas Judicial System shall begin
8 collecting the data required by Section 72.030, Government Code, as
9 added by this Act.

10 (b) Not later than January 1, 2006, the State Bar of Texas
11 shall begin collecting the data required by Section 81.116,
12 Government Code, as added by this Act.

13 SECTION 22. (a) Section 814.103, Government Code, as
14 amended by this Act, applies only to an annuity payment made on or
15 after November 1, 2005.

16 (b) The Employees Retirement System of Texas shall
17 recompute an annuity that first became payable before November 1,
18 2005, as though Section 814.103, Government Code, as amended by
19 this Act, was in effect on the date the annuity first became
20 payable.

21 (c) The first payment of the recomputed annuity is payable
22 on the first payment date occurring on or after November 1, 2005.

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

1 governed by the law in effect on the date the salary payment was
2 made, and that law is continued in effect for that purpose.

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

12 SECTION 25. On November 1, 2005, the Employees Retirement
13 System of Texas shall recompute under Section 839.102, Government
14 Code, as amended by H.B. No. 1114, Acts of the 79th Legislature,
15 Regular Session, 2005, the annuities of persons who have retired,
16 or the annuities of beneficiaries of persons who have died, as if
17 the persons had retired or died under the lesser of the salary
18 provisions of Subtitle E, Title 8, Government Code, or the salary
19 provisions of S.B. No. 1, Acts of the 79th Legislature, Regular
20 Session, 2005 (the General Appropriations Act). The first payment
21 of the recomputed annuities becomes payable on the first date a
22 payment becomes due after the effective date of this Act.

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