

1-1 By: Duncan S.B. No. 11  
1-2 (In the Senate - Filed June 20, 2005; June 21, 2005, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 June 30, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 1; June 30, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 11 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the compensation of state judges and county judges, to  
1-11 the computation of retirement benefits for state judges and for  
1-12 members of the elected class of the Employees Retirement System of  
1-13 Texas, and to providing funds for court-related purposes.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 659.012, Government Code, is amended to  
1-16 read as follows:

1-17 Sec. 659.012. JUDICIAL SALARIES. (a) Notwithstanding  
1-18 Section 659.011:

1-19 (1) a judge of a district court is entitled to an  
1-20 annual salary from the state of at least \$125,000, except that the  
1-21 combined salary of a district judge from state and county sources,  
1-22 including compensation for any extrajudicial services performed on  
1-23 behalf of the county, may not exceed the amount that is \$5,000 less  
1-24 than the salary provided for a justice of a court of appeals other  
1-25 than a chief justice [justice of the supreme court is entitled to an  
1-26 annual salary from the state that is at least \$102,463];

1-27 (2) a justice of a court of appeals other than the  
1-28 chief justice is entitled to an annual salary from the state that is  
1-29 equal to 110 percent of the salary of a district judge [five percent  
1-30 less than the salary provided by the General Appropriations Act for  
1-31 a justice of the supreme court], except that the combined salary of  
1-32 a justice of the court of appeals other than the chief justice from  
1-33 all state and county sources, including compensation for any  
1-34 extrajudicial services performed on behalf of the county, may not  
1-35 exceed the amount that is \$5,000 [\$1,000] less than the salary  
1-36 provided for a justice of the supreme court;

1-37 (3) a justice of the supreme court other than the chief  
1-38 justice or a judge of the court of criminal appeals other than the  
1-39 presiding judge is entitled to an annual salary from the state that  
1-40 is equal to 120 percent of the salary of a district judge; and

1-41 (4) the chief justice or presiding judge of an  
1-42 appellate [a] court [of appeals] is entitled to an annual salary  
1-43 from the state that is \$2,500 more than the salary provided for the  
1-44 other justices or judges of the court [of appeals], except that the  
1-45 combined salary of the chief justice of a court of appeals may not  
1-46 exceed the amount that is \$2,500 [\$500] less than the salary  
1-47 provided for a justice of the supreme court[, and

1-48 [(4) a judge of a district court is entitled to an  
1-49 annual salary from the state that is 10 percent less than the salary  
1-50 provided in the General Appropriations Act for a justice of the  
1-51 supreme court, except that unless otherwise provided by law, the  
1-52 combined salary of a district judge from state and county sources  
1-53 may not exceed the amount that is \$2,000 less than the salary  
1-54 provided for a justice of the supreme court].

1-55 (b) To the extent of any conflict, the salary limitations  
1-56 [differential] provided by this section for the combined salary of  
1-57 a state [district] judge or justice from state and local sources  
1-58 prevails over any provision of Chapter 31 or [differential set by  
1-59 Chapter] 32 that authorizes the payment of additional compensation  
1-60 to a state judge or justice.

1-61 (d) In a county with more than five district courts, a  
1-62 district judge who serves as a local administrative district judge  
1-63 under Section 74.091 is entitled to an annual salary from the state

that is \$5,000 more than the salary from the state to which the judge is otherwise entitled under Subsection (a)(1) ~~[(e)]~~.

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

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

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

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

Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION. The commissioners courts in the counties of each of the 14 courts of appeals districts may pay additional compensation in an amount that does not ~~[(e)]~~ exceed the limitations of Section 659.012 ~~[\$15,000 a year]~~ to each of the justices of the courts of appeals residing within the court of appeals district that includes those counties. The compensation ~~[payment]~~ is for all extrajudicial ~~[judicial and administrative]~~ services performed by the justices.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL

TURNOVER. (a) The office biennially shall collect data relating to:

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

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

(b) Not later than December 1 of each even-numbered year, the office shall file a report containing the data collected under Subsection (a) for the preceding state fiscal biennium with the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary or appropriations.

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

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

(2) whether the compensation of state judges exceeds, is equal to, or is less than the average salary of lawyers engaged in the private practice of law, using data collected by the state bar under Section 81.116.

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

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

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

(b) Not later than December 1 of each even-numbered year, the state bar shall file a report containing the data collected under Subsection (a) for the preceding state fiscal biennium with the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary or appropriations.

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

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

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

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

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

(1) the consolidated fee imposed under Section 133.102;

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

(3) fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal 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;

(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 certain statutory probate courts under Section 51.704, Government Code;

(7) fees collected under Section 118.015;

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE

FOR SUPPORT OF JUDICIARY. The clerk of a district court shall collect on the filing of a civil suit an additional filing fee of \$37 under Section 133.154, Local Government Code, to be used for court-related purposes for the support of the judiciary.

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

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

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

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

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

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

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

SECTION 20. The following laws are repealed:

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

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

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

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

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

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

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

SECTION 23. The imposition of a cost of court under Section 133.105, Local Government Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 24. (a) On November 1, 2005, the Employees Retirement System of Texas shall recompute the annuities of persons who retired before that date under Section 839.102 or 839.103, Government Code, whether payable on November 1 to the retiree or a beneficiary, as if the state salary provisions applicable on November 1 to judges of the same classification as the last court to which the retiree was elected or appointed had been in effect on the date of retirement. On November 1, 2005, the retirement system also shall recompute the annuities of beneficiaries receiving an annuity

6-1 that became payable before that date under Section 839.301 or  
6-2 839.302, Government Code, in the same manner.

6-3 (b) The first payment of an annuity recomputed under this  
6-4 section becomes payable on the first date a payment of the annuity  
6-5 becomes payable after the effective date of this Act.

6-6 SECTION 25. This Act takes effect November 1, 2005.

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