

By: Hartnett

H.B. No. 11

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the compensation of state judges and county judges, to
3 retirement benefits for state judges, and to providing funds for
4 court-related purposes; making an appropriation.

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

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

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

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

18 (2) a justice of a court of appeals other than the
19 chief justice is entitled to an annual salary from the state that is
20 equal to 110 percent of the salary of a district judge [~~five percent~~
21 ~~less than the salary provided by the General Appropriations Act for~~
22 ~~a justice of the supreme court~~], except that the combined salary of
23 a justice of the court of appeals other than the chief justice from
24 all state and county sources, including compensation for any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 [~~(d) The aggregate amount of \$2,900 is the maximum~~]

1 ~~supplemental salary that may be paid under this subchapter to a~~
2 ~~judge of a district court having jurisdiction in Anderson County~~
3 ~~from all counties that comprise a part of a judicial district~~
4 ~~consisting of not less than four counties, of which two of those~~
5 ~~counties have two or more district courts.]~~

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

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

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

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

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

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

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

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

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

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

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

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

17 SECTION 9. Section 840.1027(b), Government Code, as added
18 by House Bill No. 617, Acts of the 79th Legislature, Regular
19 Session, 2005, is amended to read as follows:

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

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

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

3 (1) the consolidated fee imposed under Section
4 133.102;

5 (2) the time payment fee imposed under Section
6 133.103;

7 (3) fees for services of peace officers employed by
8 the state imposed under Article 102.011, Code of Criminal
9 Procedure, and forwarded to the comptroller as provided by Section
10 133.104;

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

14 (5) costs on conviction imposed in certain county
15 courts under Section 51.703, Government Code, and deposited in the
16 judicial fund;

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

20 (7) fines on conviction imposed under Section
21 621.506(g), Transportation Code; ~~and~~

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

24 (9) the cost on conviction imposed under Section
25 133.105 and deposited in the judicial fund.

26 SECTION 11. Section 133.004, Local Government Code, is
27 amended to read as follows:

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

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

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

7 (3) the filing fee in courts other than district court
8 for basic civil legal services for indigents imposed under Section
9 133.153;

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

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

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

18 (7) fees collected under Section 118.015;

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

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

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

27 SECTION 12. Subchapter C, Chapter 133, Local Government

1 Code, is amended by adding Section 133.105 to read as follows:

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

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

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

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

18 SECTION 13. Subchapter D, Chapter 133, Local Government
19 Code, is amended by adding Section 133.154 to read as follows:

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

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

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

1 The comptroller shall deposit the fees in the judicial fund.

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

4 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
5 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall
6 collect on the filing of a civil suit an additional filing fee of
7 \$37 under Section 133.154, Local Government Code, to be used for
8 court-related purposes for the support of the judiciary.

9 SECTION 15. Subchapter E, Chapter 101, Government Code, is
10 amended by adding Section 101.083 to read as follows:

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

17 SECTION 16. Subchapter G, Chapter 101, Government Code, is
18 amended by adding Section 101.123 to read as follows:

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

24 SECTION 17. Subchapter B, Chapter 102, Government Code, is
25 amended by adding Section 102.022 to read as follows:

26 Sec. 102.022. COURT COST ON CONVICTION FOR SUPPORT OF
27 JUDICIARY. A person convicted of any offense, other than an offense

1 relating to a pedestrian or the parking of a motor vehicle, shall
2 pay a cost on conviction of \$4 under Section 133.105, Local
3 Government Code.

4 SECTION 18. Article IV, Senate Bill 1, Acts of the 79th
5 Legislature, Regular Session, 2005 (the General Appropriations
6 Act), is amended by adding the following appropriations under
7 Special Provisions - Judiciary:

8 Sec. 16. (a) From fees and court costs collected during the
9 2006-07 biennium that may be spent for this purpose, the amounts of
10 \$17,500,000 in fiscal year 2006 and \$23,461,314 in fiscal year 2007
11 are appropriated to the Judiciary Section, Office of the
12 Comptroller of Public Accounts, to fund the annual salary increase
13 and related benefits costs for judicial officers provided by _____
14 Bill No. ____, Acts of the 79th Legislature, 2nd Called Session,
15 2005, and for other court personnel linked to the salary of state
16 judges in the Government Code and to fund the creation of new
17 district courts as described in Subsection (i) of this section. The
18 salary increase for which the money is appropriated is to begin with
19 the first full pay period that begins on or after December 1, 2005.
20 Of the total amount appropriated, an amount estimated to be
21 \$34,242,312 is appropriated out of the Judicial Fund No. 573 and an
22 amount estimated to be \$6,719,000 is appropriated out of the
23 General Revenue Fund.

24 (b) Any increase in employee benefits costs associated with
25 the salary increase provided by _____ Bill No. ____, Acts of the 79th
26 Legislature, 2nd Called Session, 2005, and this section shall be
27 paid only out of the appropriations made in Subsection (a) of this

1 section, including \$6,679,000 out of the General Revenue Fund for
2 the purposes of funding the increased costs to the Judicial
3 Retirement System - Plan I.

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

10 (d) The Comptroller of Public Accounts shall promulgate
11 rules and regulations as necessary to administer this section.
12 Funds appropriated in this section shall be allocated to each court
13 or agency, and to the appropriate employee benefit appropriation
14 items, in accordance with such rules and regulations and may be used
15 only for the purpose of providing a salary increase and paying
16 associated employee benefit costs.

17 (e) In the appropriations to the Judiciary Section, Office
18 of the Comptroller of Public Accounts, made by Senate Bill No. 1,
19 Acts of the 79th Legislature, Regular Session, 2005, the
20 Comptroller of Public Accounts shall increase appropriations out of
21 the Judicial Fund No. 573 by \$3,054,000 in fiscal year 2006 and by
22 \$3,665,000 in fiscal year 2007 for Strategy A.1.1, District Judges,
23 and shall decrease the appropriations out of the General Revenue
24 Fund for that strategy by those amounts.

25 (f) The description for Strategy A.1.4, Local
26 Administrative Judge Supplement in the bill pattern for the
27 Judiciary Section, Office of the Comptroller of Public Accounts, in

1 Senate Bill No. 1, Acts of the 79th Legislature, Regular Session,
2 2005, is replaced with the following description: Per Government
3 Code, Section 659.012(d).

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

9 (h) The name and description for Strategy C.1.1,
10 Constitutional County Judge General Revenue Supplement in the bill
11 pattern for the Judiciary Section, Office of the Comptroller of
12 Public Accounts, in Senate Bill No. 1, Acts of the 79th Legislature,
13 Regular Session, 2005, is replaced with the following name and
14 description: Constitutional County Judge General Revenue and
15 Judicial Fund No. 573 Supplement: Salary supplement per Government
16 Code, Section 26.006. Estimated.

17 (i) An amount estimated to be \$469,125 in fiscal year 2006
18 and an amount estimated to be \$748,800 in fiscal year 2007 are
19 included in amounts appropriated out of the Judicial Fund No. 573 to
20 the Judiciary Section, Office of the Comptroller of Public
21 Accounts, by Subsection (a) of this section for additional district
22 courts created on or after September 1, 2005, by Senate Bill 1189,
23 79th Legislature, Regular Session, 2005.

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

26 SECTION 20. The following laws are repealed:

27 (1) Section 2, Chapter 100, Acts of the 78th

1 Legislature, Regular Session, 2003;

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

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

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

8 SECTION 21. Not later than February 1, 2006, the Office of
9 Court Administration of the Texas Judicial System shall begin
10 collecting the data required by Section 72.030, Government Code, as
11 added by this Act.

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

19 SECTION 23. The imposition of a cost of court under Section
20 133.105, Local Government Code, as added by this Act, applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 covered by the law in effect when the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense was committed before that
27 date.

1 SECTION 24. On December 1, 2005, the Employees Retirement
2 System of Texas shall recompute under Section 839.102, Government
3 Code, as amended by H.B. No. 1114, Acts of the 79th Legislature,
4 Regular Session, 2005, the annuities of persons who have retired,
5 or the annuities of beneficiaries of persons who have died, as if
6 the persons had retired or died under the lesser of the salary
7 provisions of Subtitle E, Title 8, Government Code, or the salary
8 provisions of S.B. No. 1, Acts of the 79th Legislature, Regular
9 Session, 2005 (the General Appropriations Act). The first payment
10 of the recomputed annuities becomes payable on the first date a
11 payment becomes due after the effective date of this Act.

12 SECTION 25. This Act takes effect December 1, 2005.