

1-1 By: Duncan S.B. No. 6
1-2 (In the Senate - Filed July 21, 2005; July 21, 2005, read
1-3 first time and referred to Committee on State Affairs;
1-4 July 21, 2005, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; July 21, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the compensation of state judges and county judges, to
1-9 retirement benefits for state judges, and to providing funds for
1-10 court-related purposes; making an appropriation.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 659.012, Government Code, is amended to
1-13 read as follows:

1-14 Sec. 659.012. JUDICIAL SALARIES. (a) Notwithstanding
1-15 Section 659.011:

1-16 (1) a judge of a district court is entitled to an
1-17 annual salary from the state of at least \$125,000, except that the
1-18 combined salary of a district judge from state and county sources,
1-19 including compensation for any extrajudicial services performed on
1-20 behalf of the county, may not exceed the amount that is \$5,000 less
1-21 than the salary provided for a justice of a court of appeals other
1-22 than a chief justice [~~justice of the supreme court is entitled to an~~
1-23 ~~annual salary from the state that is at least \$102,463~~];

1-24 (2) a justice of a court of appeals other than the
1-25 chief justice is entitled to an annual salary from the state that is
1-26 equal to 110 percent of the salary of a district judge [~~five percent~~
1-27 ~~less than the salary provided by the General Appropriations Act for~~
1-28 ~~a justice of the supreme court~~], except that the combined salary of
1-29 a justice of the court of appeals other than the chief justice from
1-30 all state and county sources, including compensation for any
1-31 extrajudicial services performed on behalf of the county, may not
1-32 exceed the amount that is \$5,000 [~~\$1,000~~] less than the salary
1-33 provided for a justice of the supreme court;

1-34 (3) a justice of the supreme court other than the chief
1-35 justice or a judge of the court of criminal appeals other than the
1-36 presiding judge is entitled to an annual salary from the state that
1-37 is equal to 120 percent of the salary of a district judge; and

1-38 (4) the chief justice or presiding judge of an
1-39 appellate [~~a~~] court [~~of appeals~~] is entitled to an annual salary
1-40 from the state that is \$2,500 more than the salary provided for the
1-41 other justices or judges of the court [~~of appeals~~], except that the
1-42 combined salary of the chief justice of a court of appeals may not
1-43 exceed the amount that is \$2,500 [~~\$500~~] less than the salary
1-44 provided for a justice of the supreme court[~~, and~~

1-45 [~~(4) a judge of a district court is entitled to an~~
1-46 ~~annual salary from the state that is 10 percent less than the salary~~
1-47 ~~provided in the General Appropriations Act for a justice of the~~
1-48 ~~supreme court, except that unless otherwise provided by law, the~~
1-49 ~~combined salary of a district judge from state and county sources~~
1-50 ~~may not exceed the amount that is \$2,000 less than the salary~~
1-51 ~~provided for a justice of the supreme court].~~

1-52 (b) To the extent of any conflict, the salary limitations
1-53 [~~differential~~] provided by this section for the combined salary of
1-54 a state [~~district~~] judge or justice from state and local sources
1-55 prevails over any provision of Chapter 31 or [~~differential set by~~
1-56 ~~Chapter~~] 32 that authorizes the payment of additional compensation
1-57 to a state judge or justice.

1-58 (d) In a county with more than five district courts, a
1-59 district judge who serves as a local administrative district judge
1-60 under Section 74.091 is entitled to an annual salary from the state
1-61 that is \$5,000 more than the salary from the state to which the
1-62 judge is otherwise entitled under Subsection (a)(1) [~~(c)~~].

1-63 (e) For the purpose of salary payments by the state, the
1-64 comptroller shall determine from sworn statements filed by the

2-1 justices of the courts of appeals and district judges that the
2-2 required salary limitations [~~differentials~~] provided by this
2-3 section are maintained. If a salary combined with additional
2-4 compensation from a county [~~supplement~~] would be in excess of the
2-5 limitations [~~differential~~] provided by this section, the
2-6 comptroller shall reduce the state salary by the amount of the
2-7 excess.

2-8 SECTION 2. Subsection (a), Section 26.006, Government Code,
2-9 is amended to read as follows:

2-10 (a) A county judge is entitled to an annual salary
2-11 supplement from the state of \$15,000 [~~\$10,000~~] if at least 40
2-12 percent of the functions that the judge performs are judicial
2-13 functions.

2-14 SECTION 3. Section 31.001, Government Code, is amended to
2-15 read as follows:

2-16 Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.
2-17 The commissioners courts in the counties of each of the 14 courts of
2-18 appeals districts may pay additional compensation in an amount that
2-19 does not [~~to~~] exceed the limitations of Section 659.012 [~~\$15,000 a~~
2-20 ~~year~~] to each of the justices of the courts of appeals residing
2-21 within the court of appeals district that includes those counties.
2-22 The compensation [~~payment~~] is for all extrajudicial [~~judicial and~~
2-23 ~~administrative~~] services performed by the justices.

2-24 SECTION 4. The heading to Chapter 32, Government Code, is
2-25 amended to read as follows:

2-26 CHAPTER 32. ADDITIONAL [~~SUPPLEMENTAL~~] COMPENSATION OF DISTRICT
2-27 JUDGES [~~FOR CERTAIN DUTIES~~]

2-28 SECTION 5. The heading to Subchapter A, Chapter 32,
2-29 Government Code, is amended to read as follows:

2-30 SUBCHAPTER A. ADDITIONAL COMPENSATION [~~SUPPLEMENTAL SALARY~~] PAID
2-31 BY COUNTY FOR EXTRAJUDICIAL SERVICES

2-32 SECTION 6. Section 32.001, Government Code, is amended to
2-33 read as follows:

2-34 Sec. 32.001. AUTHORITY FOR ADDITIONAL COMPENSATION
2-35 [~~ANDERSON COUNTY~~]. (a) The commissioners court of a county
2-36 [~~Commissioners Court of Anderson County~~] may pay the judges of the
2-37 district courts having jurisdiction in the county additional
2-38 compensation in an amount that does not exceed the limitations of
2-39 Section 659.012 for extrajudicial [~~an annual salary not to exceed~~
2-40 ~~\$1,200 for judicial and administrative~~] services performed by the
2-41 district judges.

2-42 (b) The compensation [~~salary~~] shall be paid in monthly
2-43 installments from the county general fund or other available funds
2-44 of the county.

2-45 (c) The compensation [~~salary~~] is in addition to the salary
2-46 paid by the state and any other compensation authorized by law.

2-47 [~~(d) The aggregate amount of \$2,900 is the maximum~~
2-48 ~~supplemental salary that may be paid under this subchapter to a~~
2-49 ~~judge of a district court having jurisdiction in Anderson County~~
2-50 ~~from all counties that comprise a part of a judicial district~~
2-51 ~~consisting of not less than four counties, of which two of those~~
2-52 ~~counties have two or more district courts.]~~

2-53 SECTION 7. Section 152.0003, Human Resources Code, is
2-54 amended to read as follows:

2-55 Sec. 152.0003. COMPENSATION. The compensation authorized
2-56 under this chapter for a judge serving on a juvenile board is in
2-57 addition to all other compensation provided or allowed by law for a
2-58 judge. Notwithstanding any other law, the combined salary from all
2-59 state and local sources of a district judge serving on a juvenile
2-60 board may not exceed an amount that is \$5,000 less than the salary
2-61 provided by the state for a justice of a court of appeals other than
2-62 the chief justice.

2-63 SECTION 8. Subchapter C, Chapter 72, Government Code, is
2-64 amended by adding Section 72.030 to read as follows:

2-65 Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL
2-66 TURNOVER. (a) The office biennially shall collect data relating
2-67 to:

2-68 (1) the rate at which state judges resign from office
2-69 or do not seek reelection; and

3-1 (2) the reason for action under Subdivision (1).

3-2 (b) Not later than December 1 of each even-numbered year,
3-3 the office shall file a report containing the data collected under
3-4 Subsection (a) for the preceding state fiscal biennium with the
3-5 governor, the lieutenant governor, the speaker of the house of
3-6 representatives, and the presiding officers of the standing
3-7 committees of each house of the legislature with jurisdiction over
3-8 the judiciary or appropriations.

3-9 (c) The report filed under Subsection (b) must include the
3-10 following findings:

3-11 (1) whether the compensation of state judges exceeds,
3-12 is equal to, or is less than the compensation of judges at
3-13 corresponding levels in the five states closest in population to
3-14 this state; and

3-15 (2) whether the compensation of state judges exceeds,
3-16 is equal to, or is less than the average salary of lawyers engaged
3-17 in the private practice of law.

3-18 (d) The purpose of filing the report with the legislature is
3-19 to provide the legislature with information to facilitate
3-20 legislation that ensures that the compensation of state judges is
3-21 adequate and appropriate.

3-22 SECTION 9. Subsection (b), Section 840.1027, Government
3-23 Code, as added by House Bill No. 617, Acts of the 79th Legislature,
3-24 Regular Session, 2005, is amended to read as follows:

3-25 (b) A member who elects to make contributions under
3-26 Subsection (a) shall contribute six percent of the member's state
3-27 compensation for each payroll period in the manner provided by
3-28 Sections 840.102(b)-(f). [~~Section 840.105 does not apply to a~~
3-29 ~~contribution under this section.~~]

3-30 SECTION 10. Section 133.003, Local Government Code, is
3-31 amended to conform to Senate Bill No. 1704, Acts of the 79th
3-32 Legislature, Regular Session, 2005, and amended to read as follows:

3-33 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
3-34 following criminal fees:

3-35 (1) the consolidated fee imposed under Section
3-36 133.102;

3-37 (2) the time payment fee imposed under Section
3-38 133.103;

3-39 (3) fees for services of peace officers employed by
3-40 the state imposed under Article 102.011, Code of Criminal
3-41 Procedure, and forwarded to the comptroller as provided by Section
3-42 133.104;

3-43 (4) costs on conviction imposed in certain statutory
3-44 county courts under Section 51.702, Government Code, and deposited
3-45 in the judicial fund;

3-46 (5) costs on conviction imposed in certain county
3-47 courts under Section 51.703, Government Code, and deposited in the
3-48 judicial fund;

3-49 (6) the administrative fee for failure to appear or
3-50 failure to pay or satisfy a judgment imposed under Section 706.006,
3-51 Transportation Code;

3-52 (7) fines on conviction imposed under Section
3-53 621.506(g), Transportation Code; [~~and~~]

3-54 (8) the fee imposed under Article 102.0045, Code of
3-55 Criminal Procedure; and

3-56 (9) the cost on conviction imposed under Section
3-57 133.105 and deposited in the judicial fund.

3-58 SECTION 11. Section 133.004, Local Government Code, is
3-59 amended to read as follows:

3-60 Sec. 133.004. CIVIL FEES. This chapter applies to the
3-61 following civil fees:

3-62 (1) the consolidated fee on filing in district court
3-63 imposed under Section 133.151;

3-64 (2) the filing fee in district court for basic civil
3-65 legal services for indigents imposed under Section 133.152;

3-66 (3) the filing fee in courts other than district court
3-67 for basic civil legal services for indigents imposed under Section
3-68 133.153;

3-69 (4) the filing fees for the judicial fund imposed in

4-1 certain statutory county courts under Section 51.702, Government
4-2 Code;

4-3 (5) the filing fees for the judicial fund imposed in
4-4 certain county courts under Section 51.703, Government Code;

4-5 (6) the filing fees for the judicial fund imposed in
4-6 certain statutory probate courts under Section 51.704, Government
4-7 Code;

4-8 (7) fees collected under Section 118.015;

4-9 (8) marriage license fees for the family trust fund
4-10 collected under Section 118.018; ~~and~~

4-11 (9) marriage license or declaration of informal
4-12 marriage fees for the child abuse and neglect prevention trust fund
4-13 account collected under Section 118.022; and

4-14 (10) the filing fee for the judicial fund imposed in
4-15 district court, statutory county court, and county court under
4-16 Section 133.154.

4-17 SECTION 12. Subchapter C, Chapter 133, Local Government
4-18 Code, is amended by adding Section 133.105 to read as follows:

4-19 Sec. 133.105. FEE FOR SUPPORT OF COURT-RELATED PURPOSES.

4-20 (a) A person convicted of any offense, other than an offense
4-21 relating to a pedestrian or the parking of a motor vehicle, shall
4-22 pay as a court cost, in addition to all other costs, a fee of \$4 to
4-23 be used for court-related purposes for the support of the
4-24 judiciary.

4-25 (b) The treasurer shall deposit 60 cents of each fee
4-26 collected under this section in the general fund of the
4-27 municipality or county to promote the efficient operation of the
4-28 municipal or county courts and the investigation, prosecution, and
4-29 enforcement of offenses that are within the jurisdiction of the
4-30 courts.

4-31 (c) The treasurer shall remit the remainder of the fees
4-32 collected under this section to the comptroller in the manner
4-33 provided by Subchapter B. The comptroller shall deposit the fees in
4-34 the judicial fund.

4-35 SECTION 13. Subchapter D, Chapter 133, Local Government
4-36 Code, is amended by adding Section 133.154 to read as follows:

4-37 Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT COURT,
4-38 STATUTORY COUNTY COURT, OR COUNTY COURT FOR SUPPORT OF JUDICIARY.

4-39 (a) In addition to other fees authorized or required by law, the
4-40 clerk of a district court, statutory county court, or county court
4-41 shall collect a fee of \$37 on the filing of any civil suit to be used
4-42 for court-related purposes for the support of the judiciary.

4-43 (b) The treasurer shall remit the fees collected under this
4-44 section to the comptroller in the manner provided by Subchapter B.
4-45 The comptroller shall deposit the fees in the judicial fund.

4-46 SECTION 14. Subchapter D, Chapter 101, Government Code, is
4-47 amended by adding Section 101.062 to read as follows:

4-48 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
4-49 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall
4-50 collect on the filing of a civil suit an additional filing fee of
4-51 \$37 under Section 133.154, Local Government Code, to be used for
4-52 court-related purposes for the support of the judiciary.

4-53 SECTION 15. Subchapter E, Chapter 101, Government Code, is
4-54 amended by adding Section 101.083 to read as follows:

4-55 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL
4-56 FILING FEE FOR SUPPORT OF JUDICIARY. The clerk of a statutory
4-57 county court shall collect on the filing of a civil suit an
4-58 additional filing fee of \$37 under Section 133.154, Local
4-59 Government Code, to be used for court-related purposes for the
4-60 support of the judiciary.

4-61 SECTION 16. Subchapter G, Chapter 101, Government Code, is
4-62 amended by adding Section 101.123 to read as follows:

4-63 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR
4-64 SUPPORT OF JUDICIARY. The clerk of a county court shall collect on
4-65 the filing of a civil suit an additional filing fee of \$37 under
4-66 Section 133.154, Local Government Code, to be used for
4-67 court-related purposes for the support of the judiciary.

4-68 SECTION 17. Subchapter B, Chapter 102, Government Code, is
4-69 amended by adding Section 102.022 to read as follows:

5-1 Sec. 102.022. COURT COST ON CONVICTION FOR SUPPORT OF
 5-2 JUDICIARY. A person convicted of any offense, other than an offense
 5-3 relating to a pedestrian or the parking of a motor vehicle, shall
 5-4 pay a cost on conviction of \$4 under Section 133.105, Local
 5-5 Government Code.

5-6 SECTION 18. Article IV, Senate Bill No. 1, Acts of the 79th
 5-7 Legislature, Regular Session, 2005 (the General Appropriations
 5-8 Act), is amended by adding the following appropriations under
 5-9 Special Provisions - Judiciary:

5-10 Sec. 16. (a) From fees and court costs collected during
 5-11 the 2006-07 biennium that may be spent for this purpose, the amounts
 5-12 of \$17,500,000 in fiscal year 2006 and \$23,461,314 in fiscal year
 5-13 2007 are appropriated to the Judiciary Section, Office of the
 5-14 Comptroller of Public Accounts, to fund the annual salary increase
 5-15 and related benefits costs for judicial officers provided by
 5-16 Bill No. _____, Acts of the 79th Legislature, 2nd Called
 5-17 Session, 2005, and for other court personnel linked to the salary of
 5-18 state judges in the Government Code and to fund the creation of new
 5-19 district courts as described in Subsection (i) of this section. The
 5-20 salary increase for which the money is appropriated is to begin with
 5-21 the first full pay period that begins on or after December 1, 2005.
 5-22 Of the total amount appropriated, an amount estimated to be
 5-23 \$34,242,312 is appropriated out of the Judicial Fund No. 573 and an
 5-24 amount estimated to be \$6,719,000 is appropriated out of the
 5-25 General Revenue Fund.

5-26 (b) Any increase in employee benefits costs associated with
 5-27 the salary increase provided by Bill No. _____, Acts of the 79th
 5-28 Legislature, 2nd Called Session, 2005, and this section shall be
 5-29 paid only out of the appropriations made in Subsection (a) of this
 5-30 section, including \$6,679,000 out of the General Revenue Fund for
 5-31 the purposes of funding the increased costs to the Judicial
 5-32 Retirement System - Plan I.

5-33 (c) Provisions requiring salaries and benefits to be
 5-34 proportional to the source of funds shall apply to all sums
 5-35 allocated under this section, except as otherwise provided. Each
 5-36 court or agency shall pay the increase in compensation from funds
 5-37 held in the state treasury and from local funds in the same
 5-38 proportion as the employee's regular compensation.

5-39 (d) The Comptroller of Public Accounts shall promulgate
 5-40 rules and regulations as necessary to administer this section.
 5-41 Funds appropriated in this section shall be allocated to each court
 5-42 or agency, and to the appropriate employee benefit appropriation
 5-43 items, in accordance with such rules and regulations and may be used
 5-44 only for the purpose of providing a salary increase and paying
 5-45 associated employee benefit costs.

5-46 (e) In the appropriations to the Judiciary Section, Office
 5-47 of the Comptroller of Public Accounts, made by Senate Bill No. 1,
 5-48 Acts of the 79th Legislature, Regular Session, 2005, the
 5-49 Comptroller of Public Accounts shall increase appropriations out of
 5-50 the Judicial Fund No. 573 by \$3,054,000 in fiscal year 2006 and by
 5-51 \$3,665,000 in fiscal year 2007 for Strategy A.1.1, District Judges,
 5-52 and shall decrease the appropriations out of the General Revenue
 5-53 Fund for that strategy by those amounts.

5-54 (f) The description for Strategy A.1.4, Local
 5-55 Administrative Judge Supplement in the bill pattern for the
 5-56 Judiciary Section, Office of the Comptroller of Public Accounts, in
 5-57 Senate Bill No. 1, Acts of the 79th Legislature, Regular Session,
 5-58 2005, is replaced with the following description: Per Government
 5-59 Code, Section 659.012(d).

5-60 (g) The amount of \$20,000 out of the General Revenue Fund
 5-61 for each fiscal year is included in amounts appropriated in
 5-62 Subsection (a) of this section for the purposes of funding \$5,000
 5-63 salary supplements to additional judges eligible for such
 5-64 supplements under Section 659.012(d), Government Code.

5-65 (h) The name and description for Strategy C.1.1,
 5-66 Constitutional County Judge General Revenue Supplement in the bill
 5-67 pattern for the Judiciary Section, Office of the Comptroller of
 5-68 Public Accounts, in Senate Bill No. 1, Acts of the 79th Legislature,
 5-69 Regular Session, 2005, is replaced with the following name and

6-1 description: Constitutional County Judge General Revenue and
6-2 Judicial Fund No. 573 Supplement: Salary supplement per Government
6-3 Code, Section 26.006. Estimated.

6-4 (i) An amount estimated to be \$469,125 in fiscal year 2006
6-5 and an amount estimated to be \$748,800 in fiscal year 2007 are
6-6 included in amounts appropriated out of the Judicial Fund No. 573 to
6-7 the Judiciary Section, Office of the Comptroller of Public
6-8 Accounts, by Subsection (a) of this section for additional district
6-9 courts created on or after September 1, 2005, by Senate Bill No.
6-10 1189, 79th Legislature, Regular Session, 2005.

6-11 SECTION 19. Section 51.607, Government Code, does not apply
6-12 to court costs or fees imposed under this Act.

6-13 SECTION 20. The following laws are repealed:

6-14 (1) Section 2, Chapter 100, Acts of the 78th
6-15 Legislature, Regular Session, 2003;

6-16 (2) Section 4, Chapter 62, Acts of the 78th
6-17 Legislature, Regular Session, 2003;

6-18 (3) Sections 2 and 4, Chapter 675, Acts of the 78th
6-19 Legislature, Regular Session, 2003; and

6-20 (4) Sections 32.002 through 32.253 and 659.0125,
6-21 Government Code.

6-22 SECTION 21. Not later than February 1, 2006, the Office of
6-23 Court Administration of the Texas Judicial System shall begin
6-24 collecting the data required by Section 72.030, Government Code, as
6-25 added by this Act.

6-26 SECTION 22. For purposes of determining the salary of a
6-27 county official that is based on the salary paid to a district judge
6-28 by the state, the changes in law made by this Act take effect
6-29 December 1, 2005, and apply only to a salary payment made on or
6-30 after that date. A salary payment made before December 1, 2005, is
6-31 governed by the law in effect on the date the salary payment was
6-32 made, and that law is continued in effect for that purpose.

6-33 SECTION 23. The imposition of a cost of court under Section
6-34 133.105, Local Government Code, as added by this Act, applies only
6-35 to an offense committed on or after the effective date of this Act.
6-36 An offense committed before the effective date of this Act is
6-37 covered by the law in effect when the offense was committed, and the
6-38 former law is continued in effect for that purpose. For purposes of
6-39 this section, an offense was committed before the effective date of
6-40 this Act if any element of the offense was committed before that
6-41 date.

6-42 SECTION 24. On December 1, 2005, the Employees Retirement
6-43 System of Texas shall recompute under Section 839.102, Government
6-44 Code, as amended by House Bill No. 1114, Acts of the 79th
6-45 Legislature, Regular Session, 2005, the annuities of persons who
6-46 have retired, or the annuities of beneficiaries of persons who have
6-47 died, as if the persons had retired or died under the lesser of the
6-48 salary provisions of Subtitle E, Title 8, Government Code, or the
6-49 salary provisions of Senate Bill No. 1, Acts of the 79th
6-50 Legislature, Regular Session, 2005 (the General Appropriations
6-51 Act). The first payment of the recomputed annuities becomes
6-52 payable on the first date a payment becomes due after the effective
6-53 date of this Act.

6-54 SECTION 25. This Act takes effect December 1, 2005.

6-55 * * * * *