

BILL ANALYSIS

C.S.S.B. 368
By: Duncan
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current judicial salaries are inadequate and C.S.S.B. 368 increases judicial salaries paid by the state and changes the methodology for determining those salaries. The pay raise is funded by two additional court fees: a \$37 civil filing fee per case, and a \$7 criminal court cost per case.

The bill requires data collection by the Office of Court Administration regarding the reasons for judges' resigning or not seeking reelection. The State Bar of Texas is required to compile data regarding compensation of attorneys in private practice.

The bill also provides for members of the judiciary to establish service credit in the retirement system for service in excess of 20 years.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of trustees of the Judicial Retirement System of Texas Plan One in the amendments to Section 833.1035, Government Code, and to the board of trustees of the Judicial Retirement System of Texas Plan Two in the amendments to Section 838.1035, Government Code, of this bill.

ANALYSIS

The bill amends Section 659.012, Government Code, to increase district court salaries to \$125,000 per year. The bill raises appeals court judge salaries (other than the chief justice) to 110% of the district court salary, with a cap of compensation from all state and county sources for all services of \$5,000 less than the salary for a justice of the supreme court. A supreme court justice's salary is set at 120% of the district court's. Other supplemental salaries and caps for chief and presiding judges and judges serving on juvenile boards are contained in the bill.

The bill removes a notwithstanding reference to Section 659.012 in provisions relating to the ability of seven counties to pay supplemental salaries to judges performing administrative duties and repeals sunsets on such provisions.

The bill requires the Office of Court Administration to collect and report data on judicial turnover and comparative information regarding the compensation of judges in other large states and lawyers in private practice. The state bar is required to collect and report data on the compensation of lawyers in private practice.

The bill raises the multiplier for the standard service retirement annuity for the elected class of retirees in Section 814.103 from 2.0 to 2.3%.

The bill establishes a method of increasing retirement benefits for members of the judicial retirement systems by permitting members to contribute after the 20 year cutoff and by using the additional contributions to calculate an increase to their retirement annuities. The increase is based on 2% multiplied by the number of extra years for which contributions are made. This number is added to 50% and then multiplied by the applicable state salary to yield the annuity. The bill limits the added contributions to 10 years, during which the contribution amount is 6% of salary.

The bill provides for new fees to be collected in criminal convictions and civil court filings. The criminal fee is \$7 per conviction, with minor exceptions, and the civil filing fee is \$37.

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EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute deletes nothing from the original bill, but adds seven sections deleting the "notwithstanding" reference to Section 659.012 in seven provisions permitting the commissioners courts of Collin, Ellis, Harris, Hill, Tarrant, Travis and Williamson Counties to budget for and pay supplemental salaries to judges for the performance of administrative duties. The substitute also repeals session laws and Government Code sections which would sunset these provisions.