

BILL ANALYSIS

Senate Research Center
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S.B. 832
By: Duncan
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, judicial salaries are as follows: \$113,000 for members of the Supreme Court or Court of Criminal Appeals; \$107,000 for appellate court judges; and \$101,000 for district court judges.

S.B. 832 separates the judicial salaries of the district courts from those of the appellate courts and increases the salary to \$150,000 for the members of the Supreme Court and Court of Criminal Appeals and \$137,000 for the courts of appeal. District court judges would continue to be funded at their current rate of \$101,000 and would be permitted to receive a county supplement totaling up to \$111,000. The raises are funded through an additional filing fee in the civil courts of \$35 per case. S.B. 832 requires data collection on reasons for judges' resigning or not seeking re-election. The State Bar of Texas is also required to compile data on compensation of attorneys for the purpose of comparison with the judiciary. With respect to retirement, S.B. 832 separates legislative retirements from the salary of a district court judge and links legislative retirement to the salary of the governor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 659.012(a) and (d), Government Code, as follows:

(a) Notwithstanding Section 659.011:

(1) Provides that a judge of a district court is entitled to an annual salary from the state of \$101,000, except that unless otherwise provided by law, the combined salary of a district judge from state and county sources may not exceed \$111,000. Deletes text referring to annual salary for a justice of the supreme court.

(2) Provides that a justice of a court of appeals other than the chief justice is entitled to an annual salary from the state of \$137,500. Deletes text referring to formula required to determine an annual salary based on the General Appropriations Act.

(3) Provides that a justice of the supreme court, other than the chief justice, or a judge of the court of criminal appeals, other than the presiding judge, is entitled to an annual salary from the state of \$150,000.

(4) Provides that a presiding judge of an appellate court is entitled to an annual salary from the state that is \$2,500 more than the salary provided for the other justices or judges of the court. Deletes text referring to formula required to determine the salary of the chief justice of a court of appeals.

Deletes existing Subdivision (4) relating to the annual salary of a district court judge.

(d) Provides that in a county with more than five district courts, a district judge who serves as a local administrative judge is entitled to an annual salary that is \$5,000 more than the salary to which the judge is otherwise entitled under Subsection (a)(1), rather than Subsection (c).

SECTION 2. Amends Section 659.0125, Government Code, to make a conforming change.

SECTION 3. Amends Section 32.043(a), Government Code, to make a conforming change.

SECTION 4. Amends Section 32.070(a), Government Code, to make a conforming change.

SECTION 5. Amends Section 32.101(a), Government Code, by authorizing the commissioners court of Harris County to budget for and pay the judges of the district courts with jurisdiction in that county an annual salary between \$12,000 and \$25,000, rather than an amount set by the commissioners court, for judicial and administrative services. Makes a conforming change.

SECTION 6. Amends Section 32.109(a), Government Code, to make a conforming change.

SECTION 7. Amends Section 32.220(a), Government Code, by authorizing the commissioners court of Tarrant County to budget for and pay the judges of the district courts and criminal district courts having jurisdiction only in that county an annual salary of \$8,000, rather than an amount set by the commissioners court, for certain service. Makes a conforming change.

SECTION 8. Amends Section 32.227(a), Government Code, to make a conforming change.

SECTION 9. Amends Section 32.246(a), Government Code, to make a conforming change.

SECTION 10. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.030, as follows:

Sec. 72.030. **COLLECTION OF DATA RELATING TO JUDICIAL TURNOVER.** Requires the Office of Court Administration of the Texas Judicial System (office) to biennially collect data relating to the rate at which state judges resign from office or do not seek reelection and their reasons for action. Requires the office, no later than December 1 of each even-numbered year, to file a report containing the data collected under this section for the preceding state fiscal biennium with certain government officials.

SECTION 11. Amends Subchapter H, Chapter 81, Government Code, by adding Section 81.116, as follows:

Sec. 81.116. **COLLECTION OF DATA RELATING TO ATTORNEY COMPENSATION.** Requires the state bar to biennially collect data relating to the compensation of lawyers engaged in the practice of law. Requires the state bar, no later than December 1 of each even-numbered year, to file a report containing the data collected under this subsection for the preceding state fiscal biennium with certain government officials.

SECTION 12. Amends Section 814.103, Government Code, to include an exception provided by Section 814.1031, and reformulate the standard service retirement annuity for service credited in the elected class of membership.

SECTION 13. Amends Chapter 814, Government Code, by adding Section 814.1031, as follows:

Sec. 814.1031. **SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS SERVICE AS STATE PROSECUTOR.** Defines "state prosecutor." Provides the formula for determining the standard service retirement annuity for service credited in the elected class of membership paid to a state prosecutor. Prohibits the standard service retirement annuity paid to a state prosecutor for service credited in the elected class from exceeding 100 percent of the state salary being paid to a district judge.

SECTION 14. Amends Section 133.004, Local Government Code, to include the filing fee imposed in district court, statutory county court, and county court under Section 133.154 among the fees to which this chapter applies.

SECTION 15. Amends Subchapter D, Chapter 133, Local Government Code, by adding Section 133.154, as follows:

Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT, STATUTORY COUNTY COURT, OR COUNTY COURT FOR JUDICIAL SALARIES. Requires the clerk of a district, statutory county court, or county court, in addition to other fees authorized or required by law, to collect a \$35 fee on the filing of any civil suit to fund judicial salaries. Requires the treasurer (treasurer) of a municipal or county treasury to deposit 10 percent of the fees collected under this section in the general fund of the county for administrative purposes. Requires the treasurer to remit the remainder of the fees collected under this section to the comptroller in the manner provided by Subchapter B.

SECTION 16. Amends Section 101.061, Government Code, to require the clerk of a district court to collect fees, costs, and additional filing fees totaling \$35 for each civil suit filed to fund judicial salaries.

SECTION 17. Amends Section 101.081, Government Code, to require the clerk of a statutory county court to collect fees, costs, and additional filing fees totaling \$35 for each civil suit filed to fund judicial salaries.

SECTION 18. Amends Section 101.121, Government Code, to require the clerk of a county court to collect an additional filing fee of \$35 for each civil suit filed to fund judicial salaries.

SECTION 19. Repealer: (1) Section 2, Chapter 100, Acts of the 78th Legislature, Regular Session, 2003 (relating to implementation of effective date authorizing Harris County commissioners court to pay district court judges);

(2) Section 4, Chapter 62, Acts of the 78th Legislature, Regular Session, 2003 (relating to implementation of effective date authorizing Tarrant County commissioners court to pay district court judges and criminal district court judges);

(3) Sections 2 and 4, Chapter 675, Acts of the 78th Legislature, Regular Session, 2003 (relating to implementation of effective date authorizing Collin County and Travis County commissioners court to pay district court judges having jurisdiction in the county);

(4) Chapter 31 (Additional Compensation of Justices of Courts of Appeal), Government Code; and

(5) Sections 22.214(e), 32.070(c), 32.109(c) and 32.246(c) (relating to automobile allowances for the 13th court of appeals and supplemental salary paid by Ellis, Hill, and Williamson counties), Government Code.

SECTION 20. Authorizes a county to continue to supplement the salary under the General Appropriations Act of a court of appeals justice serving on September 1, 2005, notwithstanding the repeal of Chapter 31, provided the combined amount of the salary and any county supplement does not exceed the combined amount of the justice's salary from state and county funds for the fiscal year beginning September 1, 2004. Provides that payment under this section is for judicial and administrative services performed by the justice in the county.

SECTION 21. Requires the Office of Court Administration of the Texas Judicial System, no later than December 1, 2005, to begin collecting the data required by Section 72.030, Government Code, as added by this Act. Requires the State Bar of Texas, no later than December 1, 2005, to begin collecting the data required by Section 81.116, Government Code, as added by this Act.

SECTION 22. (a) Makes application of Section 814.103, Government Code, as amended by this Act, and Section 814.1031, Government, as added by this Act, prospective.

(b) Requires the Employees Retirement System of Texas to recompute an annuity that first became payable before September 1, 2005, as though Section 814.103, Government Code, as amended by this Act, and Section 814.1031, as added by this Act, were in effect on the date the annuity first became payable.

(c) Provides that the first payment of the recomputed annuity is payable on the first payment date occurring on or after September 1, 2005.

SECTION 23. Effective date: September 1, 2005.