

By: Dutton

H.B. No. 1180

A BILL TO BE ENTITLED

AN ACT

relating to the salaries of state judges.

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

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

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

(1) a judge of a district court is entitled to an annual salary from the state that is at least \$107,000 [~~justice of the supreme court is entitled to an annual salary from the state that is at least \$102,463~~];

(2) a justice of a court of appeals other than the chief justice is entitled to an annual salary from the state that is equal to 110 percent of the sum of the annual state salary paid to a district judge and the average of the county supplements under Chapter 32 that the district judges in Bexar, Dallas, Harris, Tarrant, and Travis Counties are entitled to receive [~~five percent less than the salary provided by the General Appropriations Act for a justice of the supreme court~~], except that the combined salary of a justice of the court of appeals other than the chief justice from all state and county sources may not exceed the amount that is \$1,000 less than the salary provided for a justice of the supreme court;

(3) a justice of the supreme court other than the chief

1 justice or a judge of the court of criminal appeals other than the  
2 presiding judge is entitled to an annual salary from the state that  
3 is equal to 120 percent of the sum of the annual state salary paid to  
4 a district judge and the average of the county supplements under  
5 Chapter 32 that the district judges in Bexar, Dallas, Harris,  
6 Tarrant, and Travis Counties are entitled to receive; and

7 (4) the chief justice or presiding judge of an  
8 appellate [a] court [of appeals] is entitled to an annual salary  
9 from the state that is \$2,000 [\$2,500] more than the salary provided  
10 for the other justices or judges of the court [of appeals], except  
11 that the combined salary of the chief justice of a court of appeals  
12 may not exceed the amount that is \$500 less than the salary provided  
13 for a justice of the supreme court[, and

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

21 (b) Not later than January 1 of each odd-numbered year, the  
22 commissioners courts of Bexar, Dallas, Harris, Tarrant, and Travis  
23 Counties shall:

24 (1) prepare a written report of the amount of the  
25 annual supplemental salary to which the judges of the district  
26 courts having jurisdiction in the respective county are entitled  
27 under Chapter 32 for the county's current fiscal year; and

1           (2) submit the report to the lieutenant governor, the  
2 speaker of the house of representatives, and the presiding officers  
3 of the standing committees of each house of the legislature with  
4 jurisdiction over state appropriations.

5           (c) For purposes of computing the salary of a justice or  
6 judge under Subsection (a)(2) or (3) for a state fiscal biennium,  
7 the amounts of the county supplements reported under Subsection (b)  
8 on January 1 of the year in which the biennium begins must be used  
9 ~~[To the extent of any conflict, the salary differential provided by~~  
10 ~~this section for the combined salary of a district judge prevails~~  
11 ~~over any differential set by Chapter 32].~~

12           ~~(d) [In a county with more than five district courts, a~~  
13 ~~district judge who serves as a local administrative district judge~~  
14 ~~under Section 74.091 is entitled to an annual salary from the state~~  
15 ~~that is \$5,000 more than the salary from the state to which the~~  
16 ~~judge is otherwise entitled under Subsection (c).]~~

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

25           SECTION 2. Section 659.0125, Government Code, is amended to  
26 read as follows:

27           Sec. 659.0125. SALARY FOR LOCAL ADMINISTRATIVE JUDGE. In a

1 county with more than six district courts, a district judge who  
2 serves as a local administrative district judge under Section  
3 74.091 is entitled to an annual salary from the state that is \$5,000  
4 more than the salary from the state to which the judge is otherwise  
5 entitled under Section 659.012 [~~659.012(c)~~].

6 SECTION 3. Section 32.043(a), Government Code, is amended  
7 to read as follows:

8 (a) The [~~Notwithstanding Section 659.012, the~~]  
9 Commissioners Court of Collin County may budget for and pay the  
10 judges of the district courts having jurisdiction in the county an  
11 annual salary set by the commissioners court for services rendered  
12 and for performing administrative services.

13 SECTION 4. Section 32.070(a), Government Code, is amended  
14 to read as follows:

15 (a) The [~~Notwithstanding Section 659.012, the~~]  
16 Commissioners Court of Ellis County may budget for and pay the  
17 judges of the district courts having jurisdiction in the county an  
18 annual salary paid by the commissioners court for services rendered  
19 and for performing administrative duties.

20 SECTION 5. Section 32.101(a), Government Code, is amended  
21 to read as follows:

22 (a) The [~~Notwithstanding Section 659.012, the~~]  
23 Commissioners Court of Harris County may budget for and pay the  
24 judges of the district courts having jurisdiction in that county an  
25 annual salary of not less than \$12,000 nor more than \$25,000 [~~in an~~  
26 ~~amount set by the commissioners court~~] for judicial and  
27 administrative services.

1 SECTION 6. Section 32.109(a), Government Code, is amended  
2 to read as follows:

3 (a) The [~~Notwithstanding Section 659.012, the~~]  
4 Commissioners Court of Hill County may budget for and pay the judges  
5 of the district courts having jurisdiction in the county an annual  
6 salary paid by the commissioners court for services rendered and  
7 for performing administrative duties.

8 SECTION 7. Section 32.220(a), Government Code, is amended  
9 to read as follows:

10 (a) The [~~Notwithstanding Section 659.012, the~~]  
11 Commissioners Court of Tarrant County may budget and pay the judges  
12 of the district courts and criminal district courts having  
13 jurisdiction only in that county an annual salary of \$8,000 [~~in an~~  
14 ~~amount set by the commissioners court~~] for services rendered and  
15 for administrative duties.

16 SECTION 8. Section 32.227(a), Government Code, is amended  
17 to read as follows:

18 (a) The [~~Notwithstanding Section 659.012, the~~]  
19 Commissioners Court of Travis County may pay the judges of the  
20 district courts having jurisdiction in the county an annual salary  
21 in an amount set by the commissioners court for services rendered  
22 and for performing administrative duties.

23 SECTION 9. Section 32.246(a), Government Code, is amended  
24 to read as follows:

25 (a) The [~~Notwithstanding Section 659.012, the~~]  
26 Commissioners Court of Williamson County may budget for and pay the  
27 judges of the district courts having jurisdiction in the county an

1 annual salary paid by the commissioners court for services rendered  
2 and for performing administrative duties.

3 SECTION 10. The following laws are repealed:

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

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

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

10 (4) Sections 32.070(c), 32.109(c), and 32.246(c),  
11 Government Code.

12 SECTION 11. Not later than January 1, 2007, the  
13 commissioners courts of Bexar, Dallas, Harris, Tarrant, and Travis  
14 Counties shall submit the initial report required by Section  
15 659.012(b), Government Code, as amended by this Act, to the  
16 lieutenant governor, the speaker of the house of representatives,  
17 and the presiding officers of the standing committees of each house  
18 of the legislature with jurisdiction over state appropriations.

19 SECTION 12. This Act takes effect September 1, 2005.