

By: Van Arsdale

H.B. No. 1749

A BILL TO BE ENTITLED

AN ACT

relating to an additional filing fee to provide supplemental compensation to the justices of the Texas Supreme Court and courts of appeals.

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

SECTION 1. Chapter 51, Government Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. ADDITIONAL FILING FEE FOR JUDICIAL  
COMPENSATION FUND

Sec. 51.1001. ADDITIONAL FILING FEE IN DISTRICT COURTS FOR JUDICIAL COMPENSATION. (a) In addition to other fees authorized or required by law, the clerk of a district court shall collect a \$5 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee.

(b) Court fees under this section shall be collected in the same manner as other fees, fines, or costs in the case.

(c) The clerk shall send the fees collected under this section to the comptroller not later than the last day of the month following each calendar quarter.

(d) The comptroller shall deposit the fees received under this section to the credit of the judicial compensation fund.

Sec. 51.1002. JUDICIAL COMPENSATION FUND. (a) The

1 judicial compensation fund is a special fund held by the  
2 comptroller outside the state treasury and is not subject to  
3 legislative appropriation. The fund is composed of fees deposited  
4 under Section 51.1001 and interest and dividends earned on  
5 investments of money in the fund.

6 (b) The comptroller shall manage and invest money in the  
7 fund, subject to the requirement that the principal amounts  
8 credited to the fund during a calendar year and all interest and  
9 dividends earned on those amounts during the calendar year must be  
10 available for disbursement under Section 51.1003 not later than  
11 January 31 of the following year.

12 Sec. 51.1003. SUPPLEMENTAL COMPENSATION FOR CERTAIN  
13 JUSTICES; REMAINDER OF JUDICIAL COMPENSATION FUND. (a) Not later  
14 than January 31 of each year, the comptroller shall:

15 (1) determine the balance of the judicial compensation  
16 fund under Section 51.1002, including interest and dividends earned  
17 on investments of money in the fund, as of December 31 of the  
18 preceding year;

19 (2) determine, in accordance with Subsections (b) and  
20 (d), the amounts to be disbursed from the fund; and

21 (3) disburse the appropriate amounts to the persons or  
22 agency entitled to those amounts.

23 (b) Subject to Subsection (d), the fund balance determined  
24 under Subsection (a)(1) shall be disbursed as follows:

25 (1) each supreme court justice is entitled to receive  
26 as supplemental compensation the lesser of:

27 (A) a per capita share of the fund balance; or

1                   (B) \$50,000;

2                   (2) if the fund balance exceeds the sum of the amounts  
3 to be disbursed to the supreme court justices under Subdivision (1)  
4 and Subsection (d), if applicable, the justices of the courts of  
5 appeals are each entitled to receive as supplemental compensation  
6 the lesser of:

7                   (A) a per capita share of the difference between:

8                               (i) the fund balance; and

9                               (ii) the sum of the amounts to be disbursed  
10 under Subdivision (1) and Subsection (d), if applicable; or

11                   (B) \$25,000; and

12                   (3) if the fund balance exceeds the sum of the amounts  
13 to be disbursed under Subdivisions (1) and (2) and Subsection (d),  
14 if applicable, the Office of Court Administration of the Texas  
15 Judicial System is entitled to the difference between:

16                               (A) the fund balance; and

17                               (B) the sum of the amounts to be disbursed under  
18 Subdivisions (1) and (2) and Subsection (d), if applicable.

19                   (c) The total number of seats on the supreme court shall be  
20 used for purposes of computing a per capita share under Subsection  
21 (b)(1), regardless of whether a seat was vacant at any time during  
22 the calendar year for which the fund balance is computed. The total  
23 number of seats on all courts of appeals on December 31 of the  
24 calendar year for which the fund balance is computed shall be used  
25 for purposes of computing a per capita share under Subsection  
26 (b)(2), regardless of whether a seat was vacant at any time during  
27 that year or an additional seat was created during that year.

1       (d) A justice of the supreme court or a court of appeals is  
2 entitled to the amount determined under Subsection (b)(1) or (2),  
3 as applicable, only if the justice served on the applicable court  
4 for the entire calendar year for which the fund balance is computed.  
5 If the justice did not serve for the entire calendar year, the  
6 justice is entitled to receive as supplemental compensation an  
7 amount determined by the following formula:

8                $PSC = (FSC/12) \times MS$

9 where:

10       "PSC" is the prorated amount of supplemental compensation to  
11 which a justice who did not serve for the entire calendar year is  
12 entitled;

13       "FSC" is the amount to which a justice who did not serve for  
14 the entire calendar year would be entitled under Subsection (b)(1)  
15 or (2), as applicable, if the justice served for the entire calendar  
16 year; and

17       "MS" is the number of months during the calendar year for  
18 which the fund balance is computed that were served by the justice  
19 who did not serve for the entire calendar year, rounded to the  
20 nearest whole number of months.

21       (e) In disbursing supplemental compensation to a justice of  
22 the supreme court or court of appeals, the comptroller shall  
23 withhold money from the supplemental compensation in accordance  
24 with applicable federal law, including federal law relating to  
25 withholding for purposes of the federal income tax.

26       (f) The Office of Court Administration of the Texas Judicial  
27 System may use amounts disbursed to the office under this section

1 only for court-related purposes.

2 (g) The supplemental compensation disbursed to a justice of  
3 the supreme court or court of appeals under this section is:

4 (1) in addition to the justice's salary set by the  
5 legislature and any other supplements to which the justice is  
6 entitled; and

7 (2) not included in the justice's state salary for  
8 purposes of computing benefits under Chapter 834 for the Judicial  
9 Retirement System of Texas Plan One or Chapter 839 for the Judicial  
10 Retirement System of Texas Plan Two.

11 Sec. 51.1004. RULES. The comptroller shall adopt rules and  
12 procedures for administering the judicial compensation fund under  
13 Section 51.1002, including rules and procedures for:

14 (1) disbursing supplemental compensation from the  
15 fund to the justices of the supreme court and courts of appeals; and

16 (2) withholding money from the supplemental  
17 compensation as required by Section 51.1003(e).

18 SECTION 2. Subchapter D, Chapter 101, Government Code, is  
19 amended by adding Section 101.063 to read as follows:

20 Sec. 101.063. DISTRICT COURT FEES: ADDITIONAL FEE FOR  
21 JUDICIAL COMPENSATION FUND. The clerk of a district court shall  
22 collect on the filing of any civil action or proceeding requiring a  
23 filing fee, including an appeal, and on the filing of any  
24 counterclaim, cross-action, intervention, interpleader, or  
25 third-party action requiring a filing fee, an additional filing fee  
26 of \$5 under Section 51.1001 to fund the judicial compensation fund.

27 SECTION 3. Section 51.1001, Government Code, as added by

1 this Act, applies only to a suit filed on or after the effective  
2 date of this Act. A suit filed before the effective date of this Act  
3 is governed by the law in effect on the date the suit was filed, and  
4 the former law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2005.