

## **BILL ANALYSIS**

Senate Research Center

H.B. 11  
By: Hartnett (Duncan)  
State Affairs  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Under the current law, judicial salaries are as follows: \$113,000 for the supreme court and court of criminal appeals; \$107,000 for appellate courts (95 percent of high courts) and \$101,000 for district courts (90 percent of high courts). This bill increases those salaries to \$150,000 for the supreme court and court of criminal appeals (120 percent of district courts), \$137,500 for courts of appeals (110 percent of district courts) and \$125,000 for district courts.

These raises will be funded through an additional filing fee in the civil courts of \$37 per case and \$4 for criminal cases.

The purpose of the increase is to provide adequate raises to all judges as well as to equalize the salaries of all state judges across Texas. Counties are permitted to pay a county supplement, but that supplement is capped at an amount so that a judge makes \$5,000 less than a judge on the next highest bench (e.g., a district judge makes \$5,000 less than an appellate judge).

The bill also requires data collection on reasons for judges resigning or not seeking re-election. The State Bar Texas is also to compile data on compensation of attorneys for the purpose of comparison with the judiciary.

With respect to elected class retirement, the bill continues to link legislative retirement to the salary of a district judge. Prosecutors retirement benefits also remain linked to the salary of a district judge (which is the same as the salary of a district attorney).

Constitutional county court at law judges who spend 40 percent or more time on judicial functions get a \$5,000 increase to their state supplement. The current state supplement is \$10,000, so this raises it to \$15,000.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 18 (Article VI, S.B. 1, Acts of the 79th Legislature, Regular Session, 2005) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 659.012, Government Code, as follows:

Sec. 659.012. JUDICIAL SALARIES. (a) Sets forth certain salary entitlements for various judges. Makes conforming changes.

(b) Provides that, to the extent of any conflict, the salary limitations, rather than differential, provided by this section for the combined salary of a state, rather than a district, judge or justice from state and local sources prevails over any provision of Chapter 31 or 32 that authorizes the payment of additional compensation to a state judge or justice. Makes a conforming change.

(d) and (e) Make conforming changes.

SECTION 2. Amends Section 26.006(a), Government Code, to entitle a county judge to an annual salary supplement from the state of \$15,000, rather than \$10,000, if at least 40 percent of the functions that the judge performs are judicial functions.

SECTION 3. Amends Section 31.001, Government Code, to make conforming and nonsubstantive changes.

SECTION 4. Amends the heading to Chapter 32, Government Code, to read as follows:

CHAPTER 32. ADDITIONAL COMPENSATION OF DISTRICT JUDGES

SECTION 5. Amends the heading to Subchapter A, Chapter 32, Government Code, to read as follows:

SUBCHAPTER A. ADDITIONAL COMPENSATION PAID BY COUNTY FOR  
EXTRAJUDICIAL SERVICES

SECTION 6. Amends Section 32.001, Government Code, as follows:

Sec. 32.001. New heading: AUTHORITY FOR ADDITIONAL COMPENSATION. (a) Authorizes the commissioners court of a county to pay the judges of the district courts having jurisdiction in the county additional compensation in an amount that does not exceed the limitations of Section 659.012 for extrajudicial services performed by the district judges. Makes conforming changes.

(b) Requires the compensation to be paid in monthly installments from the county general fund or other available funds of the county.

(c) Provides that the compensation is in addition to the salary paid by the state and any other compensation authorized by law. Deletes existing Subsection (d) relating to the amount of the maximum supplemental salary that may be paid to certain judges.

SECTION 7. Amends Section 152.0003, Human Resources Code, to prohibit, notwithstanding any other law, the combined salary from all state and local sources of a district judge serving on a juvenile board from exceeding an amount that is \$5,000 less than the salary provided by the state for a justice of a court of appeals other than the chief justice.

SECTION 8. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.030, as follows:

Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL TURNOVER. (a) Requires the Office of Court Administration of the Texas Judicial System (office) biennially to collect certain data relating to judges' resignation rate.

(b) Requires the office, not later than December 1 of each even-numbered year, to file a report containing the data collected under Subsection (a) for the preceding state fiscal biennium with the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary or appropriations.

(c) Requires the report filed under Subsection (b) to include certain findings.

(d) Provides that the purpose of filing the report with the legislature is to provide the legislature with information to facilitate legislation that ensures that the compensation of state judges is adequate and appropriate.

SECTION 9. Amends Section 814.103, Government Code, to provide that, except as provided by Subsection (b), the standard service retirement annuity for service credited in the elected class of membership is an amount equal to the number of years of service credit in that class, times 2.3, rather than two, percent of the state salary, as adjusted from time to time, being paid a district judge.

SECTION 10. Amends Section 133.003, Local Government Code, to conform to Senate Bill No. 1704, Acts of the 79th Legislature, Regular Session, 2005, to provide that this chapter applies to the fee imposed under Article 102.0045, Code of Criminal Procedure, and to the cost on conviction imposed under Section 133.105 and deposited in the judicial fund.

SECTION 11. Amends Section 133.004, Local Government Code, to provide that this chapter applies to the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.154.

SECTION 12. Amends Subchapter C, Chapter 133, Local Government Code, by adding Section 133.105, as follows:

Sec. 133.105. FEE FOR SUPPORT OF COURT-RELATED PURPOSES. (a) Requires a person convicted of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, to pay as a court cost, in addition to all other costs, a fee of \$4 to be used for court-related purposes for the support of the judiciary.

(b) Requires the treasurer to deposit 60 cents of each fee collected under this section in the general fund of the municipality or county to promote the efficient operation of the municipal or county courts and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the courts.

(c) Requires the treasurer to remit the remainder of the fees collected under this section to the comptroller of public accounts (comptroller) in the manner provided by Subchapter B. Requires the comptroller to deposit the fees in the judicial fund.

SECTION 13. Amends Subchapter D, Chapter 133, Local Government Code, by adding Section 133.154, as follows:

Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY COURT FOR SUPPORT OF JUDICIARY. (a) Requires, in addition to other fees authorized or required by law, the clerk of a district court, statutory county court, or county court to collect a fee of \$37 on the filing of any civil suit to be used for court-related purposes for the support of the judiciary.

(b) Requires the treasurer to remit the fees collected under this section to the comptroller in the manner provided by Subchapter B. Requires the comptroller to deposit the fees in the judicial fund.

SECTION 14. Amends Subchapter D, Chapter 101, Government Code, by adding Section 101.062, as follows:

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

SECTION 15. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.083, as follows:

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

SECTION 16. Amends Subchapter G, Chapter 101, Government Code, by adding Section 101.123, as follows:

Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR SUPPORT OF JUDICIARY. Requires the clerk of a county court to collect on the filing of a civil

suit an additional filing fee of \$37 under Section 133.154, Local Government Code, to be used for court-related purposes for the support of the judiciary.

SECTION 17. Amends Subchapter B, Chapter 102, Government Code, by adding Section 102.022, as follows:

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

SECTION 18. Amends Article IV, Senate Bill 1, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act), by adding certain appropriations funding judicial salary increases and employee benefit cost increases. Sets forth provisions for the comptroller to administer this section.

SECTION 19. Provides that Section 51.607, Government Code, does not apply to court costs or fees imposed under this Act.

SECTION 20. Repealer: (1) Section 2, Chapter 100, Acts of the 78th Legislature, Regular Session, 2003;

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

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

(4) Sections 32.002 through 32.253 and 659.0125, Government Code.

SECTION 21. Requires the office, not later than January 1, 2006, to begin collecting the data required by Section 72.030, Government Code, as added by this Act.

SECTION 22. (a) Makes application of Section 814.103, Government Code, as amended by this Act, prospective to November 1, 2005.

(b) Requires the Employees Retirement System of Texas (system) to recompute an annuity that first became payable before November 1, 2005, as though Section 814.103, Government Code, as amended by this Act, was 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 November 1, 2005.

SECTION 23. Makes application of this Act, for purposes of determining the salary of a county official that is based on the salary paid to a district judge by the state, prospective to November 1, 2005.

SECTION 24. Makes application of the imposition of a cost of court under Section 133.105, Local Government Code, as added by this Act, prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 25. Requires the system, on November 1, 2005, to recompute under Section 839.102, Government Code, as amended by H.B. No. 1114, Acts of the 79th Legislature, Regular Session, 2005, the annuities of persons who have retired, or the annuities of beneficiaries of persons who have died, as if the persons had retired or died under the lesser of the salary provisions of Subtitle E, Title 8, Government Code, or the salary provisions of S.B. No. 1, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act). Provides that the first payment of the recomputed annuities becomes payable on the first date a payment becomes due after the effective date of this Act.

SECTION 26. Effective date: November 1, 2005.