

## **BILL ANALYSIS**

Senate Research Center

H.B. 11  
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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). H.B. 11 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 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 annual salaries for appellate court justices and district court judges.

(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 provisions of Chapter 31 or 32, rather than differential set by Chapter 32, that authorizes the payment of additional compensation to a state judge or justice.

(d) and (e) Make conforming changes.

SECTION 2. Amends Sections 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 authorize the commissioners court in the counties of each of the 14 courts of appeals districts to pay additional compensation in an amount that does not exceed the limitations of Section 659.012, rather than \$15,000 a year, to each of the justices of the courts of appeals residing within courts of appeals district that includes those counties.

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. **AUTHORITY FOR ADDITIONAL COMPENSATION.** (a) Authorizes the commissioners court of a county, rather than the Commissioners Court of Anderson 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, rather than an annual salary not to exceed \$1,200 for judicial and administrative, services performed by the district judges.

(b) Requires the compensation, rather than the salary, to be paid in monthly installments from available funds of the county

(c) Provides that the compensation, rather than salary, is in addition to the salary paid by the state and any other compensation authorized by law. Deletes existing Subsection (d) relating to the maximum supplemental salary that is authorized to be paid to a certain judge.

SECTION 7. Amends Section 152.0003, Human Resources Code, as follows:

Sec. 152.0003. **COMPENSATION.** Prohibits 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) to collect certain data.

(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 certain state elected officials 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 840.1027(b), Government Code, as added by H.B. 617, Acts of the 79th Legislature, Regular Session, 2005, to delete existing text providing that Section 840.105 (Employer Pickup of Member Contributions) does not apply to a contribution under this section.

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 certain fees, including 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 certain fees including the filing fee for the judicial fund imposed in district court, statutory county court, and county 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 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 county or municipality 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 in a certain manner.

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 that in addition to other fees authorized or required by law, the clerk of a district court, statutory county court, or county court 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 a certain manner. 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 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, S.B. 1, Acts of the 79th Legislature, Regular Session, 2005, by adding the following appropriations under Special Provisions-Judiciary, as follows:

Sec. 16. (a) Sets forth the amounts from fees and court costs collected during the 2006-2007 biennium that is authorized to be spent. Provides that the salary increase for which the money is appropriated is to begin with the first full pay period that begins on or after December 1, 2005. Sets forth the total amounts appropriated out of the General Revenue Fund.

(b) Requires any increase in employee benefits costs associated with the salary increase provided by \_\_\_ B. \_\_\_, Acts of the 79th Legislature, 2nd Called Session, 2005, and this section, to be paid out only out of the appropriations made in Subsection (a) of this section, including a specific amount out of the General Revenue Fund for certain purposes.

(c) Requires provisions requiring salaries and benefits to be proportional to the source of funds to apply to all sums allocated under this section, except as otherwise provided. Requires each court or agency to pay the increase in compensation from funds held in the state treasury and from local funds in the same proportion as the employee's regular compensation.

(d) Requires the comptroller of public accounts (comptroller) to promulgate rules and regulations as necessary to administer this section. Requires funds appropriated in this section to be allocated certain entities, in accordance with such rules and regulations, and provides that the funds may be used only for the purpose of providing a salary increase and paying associated employee benefit costs.

(e) Sets forth requirements for the comptroller for increasing and decreasing appropriations.

(f) Sets forth the replacement for the description for Strategy A. 1.4 (Local Administrative Judge Supplement).

(g) Provides that the amount of \$20,000 out of the General Revenue Fund for each fiscal year is included in the amounts appropriated in Subsection (a) of this section for the purposes of funding \$5,000 salary supplements to additional judges eligible for such supplements under Section 659.012(d), Government Code.

(h) Sets forth the replacement for the name and description for Strategy C.1.1 (Constitutional County Judge General Revenue Supplement).

(i) Sets forth the estimated amounts to be appropriated out of a specific judicial fund.

SECTION 19. Provides that Section 51.607 (Implementation of New or Amended Court Costs and Fees), Government Code, does not apply to court costs or fees imposed under this Act.

SECTION 20. Repealer: Section 2, Chapter 100, Acts of the 78th Legislature, Regular Session, 2003; Section 4, Chapter 62, Acts of the 78th Legislature, Regular Session, 2003; and Sections 32.002 through 32.253 and 659.0125, Government Code.

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

SECTION 22. Makes application of a salary payment prospective to December 1, 2005.

SECTION 23. Makes application of Section 133.105, Local Government Code, as added by this Act, prospective.

SECTION 24. Requires the Employees Retirement System of Texas, on December 1, 2005, to recompute under Section 839.102, Government Code, as amended by H.B. 1114, Acts of the 79th Legislature, Regular Session, 2005, the annuities for certain persons. 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 25. Effective date: December 1, 2005.