

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 368  
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State Affairs  
3/21/2005  
Committee Report (Substituted)

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

Current judicial salaries are inadequate and C.S.S.B. 368 increases judicial salaries paid by the state and changes the methodology for determining those salaries. The pay raise is funded by two additional court fees: a \$37 civil filing fee per case, and a \$7 criminal court cost per case.

C.S.S.B. 368 requires data collection by the Office of Court Administration regarding the reasons for judges' resigning or not seeking reelection. The State Bar of Texas is required to compile data regarding compensation of attorneys in private practice.

C.S.S.B. 368 also provides for members of the judiciary to establish service credit in the retirement system for service in excess of 20 years.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the board of trustees of the Judicial Retirement System of Texas Plan One in SECTION 8 (Section 833.1035, Government Code) and to the board of trustees of the Judicial Retirement System of Texas Plan Two in SECTION 12 (Section 838.1035, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

(a) Increases the minimum salaries and changes the methods for calculating the minimum salaries of the judges of the district courts, the justices of the courts of appeals, and the justices of the supreme court. Sets forth the salary of the judges of the court of criminal appeals. Provides for higher compensation for chief justices or presiding judges of appellate courts, rather than for chief justices of a court of appeals. Modifies the cap on salary received from all sources for these positions. Provides that for district court judges and justices of a court of appeals, the salary cap includes compensation for any extrajudicial services performed on behalf of the county.

(d) Makes a conforming change.

SECTION 2. Amends Section 659.0125, Government Code, to entitle certain district judges serving as local administrative district judges to a \$5,000 increase of the minimum salary to which the judge is otherwise entitled under Section 659.012, rather than Section 659.012(c).

SECTION 3. Amends Section 152.0003, Human Resources Code, to prohibit the combined salary of a district judge serving on a juvenile board, notwithstanding any other law, from exceeding an amount that is \$5,000 less than the combined salary provided for a justice of a court of appeals other than the chief justice.

SECTION 4. 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 (office) biennially to collect data relating to the rate at which state judges resign from office or do not seek reelection, and the reasons for those actions.

(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 government officials.

(c) Sets forth the findings the report filed under Subsection (b) must include.

(d) Sets forth the purpose of the report.

SECTION 5. Amends Subchapter H, Chapter 81, Government Code, by adding Section 81.116, as follows:

Sec. 81.116. COLLECTION OF DATA RELATING TO ATTORNEY COMPENSATION. (a) Requires the state bar to biennially collect data relating to the compensation of lawyers engaged in the private practice of law.

(b) Requires the state bar, 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 government officials.

SECTION 6. Amends Section 814.103, Government Code, as follows:

Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS SERVICE. Creates an exception, as provided by Section 814.1031, to the standard service retirement annuity for service credited in the elected class of membership. Provides that the standard service retirement annuity for service credited in the elected class of membership is the 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 7. Amends Subchapter B, Chapter 814, Government Code, by adding Section 814.1031, as follows:

Sec. 814.1031. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS SERVICE AS STATE PROSECUTOR. (a) Defines "state prosecutor."

(b) Sets forth the formula for computing the standard service retirement annuity for service credited in the elected class of membership paid to the state prosecutor, except as provided by Subsection (c).

(c) Prohibits the standard service retirement annuity paid to a state prosecutor for service credited in the elected class as a state prosecutor from exceeding at any time 100 percent of the state salary being paid a district judge.

SECTION 8. Amends Subchapter B, Chapter 833, Government Code, by adding Section 833.1035, as follows:

Sec. 833.1035. SERVICE IN EXCESS OF 20 YEARS. (a) Authorizes an eligible member (of the Judicial Retirement System of Texas Plan One) to establish service credit in the Judicial Retirement System of Texas Plan One for service in excess of 20 years performed before September 1, 2005, subject to certain limitations.

(b) Provides that a member eligible to establish credit is one who elects to make contributions under Section 835.1015.

(c) Prohibits a member from establishing more than 120 months of service credit under this section.

(d) Authorizes a member to establish credit under this section by depositing certain monthly contributions with the Judicial Retirement System of Texas Plan One.

(e) Authorizes the board of trustees of the Judicial Retirement System of Texas Plan One to adopt rules to administer this section.

SECTION 9. Amends Section 834.102, Government Code, by adding Subsection (c) to set forth the amount of a service retirement annuity of a member qualifying for retirement under Section 834.101(a) (based on length of time in office, age, and whether the member currently holds office). Sets forth a cap on the annuity.

SECTION 10. Amends Section 835.101(c), Government Code, to create an exception, as provided by Section 835.1015, to the provision that a member who accrues 20 years of service credit in the Judicial Retirement System of Texas Plan One ceases making contributions under this section.

SECTION 11. Amends Subchapter B, Chapter 835, Government Code, by adding Section 835.1015, as follows:

Sec. 835.1015. CONTRIBUTIONS AFTER 20 YEARS OF SERVICE CREDIT. (a) Authorizes a judicial officer who is a member of the Judicial Retirement System of Texas Plan One and who accrues 20 years of service credit in the Judicial Retirement System of Texas Plan One to elect to make contributions for each subsequent year of service credit that the member accrues by filing an application with the Judicial Retirement System of Texas Plan One.

(b) Sets forth the required schedule and amount of contributions for a member who elects to make contributions under Subsection (a).

(c) Prohibits a member from making contributions under this section for more than 10 years of subsequent service credit that member accrues.

SECTION 12. Amends Subchapter B, Chapter 838, Government Code, by adding Section 838.1035, as follows:

Sec. 838.1035. SERVICE IN EXCESS OF 20 YEARS. (a) Authorizes an eligible member (of the Judicial Retirement System of Texas Plan Two) to establish service credit in the Judicial Retirement System of Texas Plan Two for service in excess of 20 years performed before September 1, 2005, subject to certain limitations.

(b) Provides that a member eligible to establish credit is one who elects to make contributions under Section 840.1025.

(c) Prohibits a member from establishing more than 120 months of service credit under this section.

(d) Authorizes a member to establish credit under this section by depositing certain monthly contributions with the Judicial Retirement System of Texas Plan Two.

(e) Authorizes the board of trustees Judicial Retirement System of Texas Plan Two to adopt rules to administer this section.

SECTION 13. Amends Section 839.102, Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Creates an exception, as provided by Subsection (d) to the calculation of the standard service retirement annuity.

(d) Sets forth the calculation of the service retirement annuity of a member qualifying for retirement under Section 839.101(a) (based on length of time in office, age, and whether the member currently holds office). Sets forth a cap on the annuity.

SECTION 14. Amends Section 840.102(g), Government Code, to create an exception, as provided by Section 840.1025, to the provision that a member who accrues 20 years of service credit in the Judicial Retirement System of Texas Plan Two ceases making contributions under this section.

SECTION 15. Amends Subchapter B, Chapter 840, Government Code, by adding Section 840.1025, as follows:

Sec. 840.1025. CONTRIBUTIONS AFTER 20 YEARS OF SERVICE CREDIT. (a) Authorizes a judicial officer who is a member of the Judicial Retirement System of Texas Plan Two and who accrues 20 years of service credit in the Judicial Retirement System of Texas Plan Two to elect to make contributions for each subsequent year of service credit that the member accrues by filing an application with the Judicial Retirement System of Texas Plan Two.

(b) Sets forth the required schedule and amount of contributions for a member who elects to make contributions under Subsection (a).

(c) Prohibits a member from making contributions under this section for more than 10 years of subsequent service credit that member accrues.

SECTION 16. Amends Section 133.003, Local Government Code, to apply this chapter (Criminal and Civil Fees Payable to the Comptroller) to the criminal fee of the cost on conviction imposed under Section 133.105. Makes nonsubstantive changes.

SECTION 17. Amends Section 133.004, Local Government Code, to apply this chapter to the civil fee of the filing fee imposed in district court, statutory county court, and county court under Section 133.154. Makes nonsubstantive changes.

SECTION 18. 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 certain minor offenses, to pay an additional \$7 court cost 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 to promote the efficient operation of the municipal court and the investigation, prosecution, and enforcement of municipal and state offenses that are within the jurisdiction of the municipal court.

(c) Requires the treasurer to remit \$3 of each fee collected under this section to the comptroller for deposit in the fair defense account.

(d) Requires the treasurer to remit the remainder of the fees collected under this section to the comptroller.

SECTION 19. 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 the clerk of a district court, statutory county court, or county court to collect an additional \$37 fee on the filing of any civil suit to be used for court-related purposes for the support of the judiciary.

(c) Requires the treasurer to remit the fees collected under this section to the comptroller.

SECTION 20. Amends Section 101.061, Government Code, to require the clerk of a district court to collect an additional filing fee of \$37 for each civil suit filed, to be used for court-related purposes for the support of the judiciary.

SECTION 21. Amends Section 101.081, Government Code, to require the clerk of a statutory county court to collect an additional filing fee of \$37 for each civil suit filed, to be used for court-related purposes for the support of the judiciary.

SECTION 22. Amends Section 101.121, Government Code, to require the clerk of a county court to collect an additional filing fee of \$37 for each civil suit filed, to be used for court-related purposes for the support of the judiciary.

SECTION 23. Amends Section 102.021, Government Code, to require a person convicted of an offense to pay an additional \$7 court cost on conviction of any offense, other than certain minor offenses.

SECTION 24. 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 25. Requires the Office of Court Administration to begin collecting the data required by Section 72.030, Government Code, as added by this Act, not later than December 1, 2005. Requires the State Bar of Texas to begin collecting the data required by Section 81.116, Government Code, as added by this Act, not later than December 1, 2005.

SECTION 26. (a) Makes application of Section 814.103, as amended by this Act, and Section 814.1031, Government Code, 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 27. Makes application of Sections 834.102 and 839.102, Government Code, as amended by this Act, prospective to benefit payments made by the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two on or after September 1, 2005.

SECTION 28. Effective date: September 1, 2005.