

By: Schofield, Zerwas

H.B. No. 3971

Substitute the following for H.B. No. 3971:

By: Schofield

C.S.H.B. No. 3971

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the method used to calculate the salary of a state  
3 judge.

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

5 SECTION 1. Section 659.012(a), Government Code, is amended  
6 to read as follows:

7 (a) Notwithstanding Section 659.011:

8 (1) a judge of a district court is entitled to an  
9 annual salary from the state that is equal to 82.5 percent of the  
10 salary of a justice of the supreme court other than the chief  
11 justice [of at least \$125,000], except that the combined salary of a  
12 district judge from state and county sources, including  
13 compensation for any extrajudicial services performed on behalf of  
14 the county, may not exceed the amount that is \$5,000 less than the  
15 salary provided for a justice of a court of appeals other than a  
16 chief justice;

17 (2) a justice of a court of appeals other than the  
18 chief justice is entitled to an annual salary from the state that is  
19 equal to 91 [~~110~~] percent of the salary of a justice of the supreme  
20 court other than the chief justice [~~district judge~~], except that  
21 the combined salary of a justice of the court of appeals other than  
22 the chief justice from all state and county sources, including  
23 compensation for any extrajudicial services performed on behalf of  
24 the county, may not exceed the amount that is \$5,000 less than the

1 salary provided for a justice of the supreme court other than the  
2 chief justice;

3 (3) a justice of the supreme court other than the chief  
4 justice or a judge of the court of criminal appeals other than the  
5 presiding judge is entitled to an annual salary from the state that  
6 is the amount as determined by Section 659.0121 [~~equal to 120~~  
7 ~~percent of the salary of a district judge~~]; and

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

15 SECTION 2. Subchapter B, Chapter 659, Government Code, is  
16 amended by adding Section 659.0121 to read as follows:

17 Sec. 659.0121. DETERMINATION OF JUDICIAL SALARIES. (a)  
18 The salary of a justice of the supreme court other than the chief  
19 justice is equal to the sum of:

20 (1) one-third of the average salary on January 1 of  
21 justices, other than chief justices, on the highest appellate  
22 courts of the nine most populous states as determined by the  
23 decennial census, not including Texas;

24 (2) one-third of the salary on January 1 of a judge of  
25 a United States Court of Appeals; and

26 (3) one-third of the average starting base salary on  
27 January 1 of first-year associate attorneys employed in this state

1 with the five private law firms with the largest number of attorneys  
2 licensed in this state.

3 (b) The Office of Court Administration of the Texas Judicial  
4 System shall collect and provide to the Legislative Budget Board  
5 the information required by Subsections (a)(1) and (2) not later  
6 than February 1 of each year.

7 (c) The State Bar of Texas shall collect and provide to the  
8 Legislative Budget Board the information required by Subsection  
9 (a)(3) not later than February 1 of each year.

10 (d) The Legislative Budget Board shall calculate the salary  
11 under Subsection (a) based on the information collected and  
12 provided to the board under Subsection (b) and provide the amount to  
13 the comptroller not later than March 1 of each year.

14 (e) On October 1 of each year, the comptroller shall adjust  
15 all salaries paid by the state under Section 659.012 based on the  
16 amount provided by the Legislative Budget Board under Subsection  
17 (d).

18 (f) Notwithstanding Subsection (a), the adjusted salary  
19 under Subsection (e) may not increase by more than four percent per  
20 year or by the inflation rate during the previous calendar year, as  
21 determined by the comptroller on the basis of changes in the United  
22 States Bureau of Labor Statistics Consumer Price Index for All  
23 Urban Consumers, whichever is higher.

24 (g) Not later than May 1 of each year, the comptroller shall  
25 publish in the Texas Register a list of all salaries to be paid  
26 under Section 659.012 beginning on the following October 1.

27 SECTION 3. Chapter 35, Government Code, is repealed

1 effective August 31, 2021.

2 SECTION 4. Except as otherwise provided by this Act, this  
3 Act takes effect September 1, 2019.