

By: Schofield

H.B. No. 3971

A BILL TO BE ENTITLED

AN ACT

relating to the method of calculating the salary of state judges.

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

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

(a) Notwithstanding Section 659.011:

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

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

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

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

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

15 Sec. 659.0121. DETERMINATION OF JUDICIAL SALARIES.

16 (a) The salary of a justice of the supreme court other than the
17 chief justice or a judge of the court of criminal appeals other than
18 the presiding judge is equal to the sum of:

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

23 (2) one-third of the salary, on January 1, of a judge
24 of a United States court of appeals; and

25 (3) one-third of the average starting base salary, on
26 January 1, of first-year associate attorneys employed with the five
27 private law firms with the largest number of attorneys licensed in

1 this state.

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

6 (c) The state bar shall collect and provide to the
7 Legislative Budget Board the information described by Subsection
8 (a)(3) not later than February 1 of each year.

9 (d) The Legislative Budget Board shall calculate the salary
10 under Subsection (a) using the information received under
11 Subsections (b) and (c) and notify the comptroller of the amount not
12 later than March 1 of each year.

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

16 (f) Notwithstanding Subsection (a), the salary of a justice
17 of the supreme court other than the chief justice or a judge of the
18 court of criminal appeals other than the presiding judge may not
19 increase annually by more than the greater of:

20 (1) four percent; and

21 (2) the percentage by which the Consumer Price Index
22 for All Urban Consumers published by the Bureau of Labor Statistics
23 of the United States Department of Labor, or its successor index,
24 increased during the previous calendar year.

25 (g) The comptroller shall publish in the Texas Register, not
26 later than May 1 of each year, a list of all salaries to be paid
27 under Section 659.012 effective October 1.

1 SECTION 3. Effective August 31, 2021, Chapter 35,
2 Government Code, is repealed.

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