

By: Schofield

H.B. No. 1876

A BILL TO BE ENTITLED

AN ACT

relating to the annual base salaries of state judges and justices.

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 and subject to Subsections (b) and (b-1) and Section 659.0121(c):

(1) a judge of a district court is entitled to an annual base salary from the state in the amount equal to 82.5 percent of the state base salary of a justice of the supreme court other than the chief justice ~~[as set by the General Appropriations Act in an amount equal to at least \$140,000]~~, except that the combined base salary of a district judge 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 maximum combined base salary from all state and county sources for a justice of a court of appeals other than a chief justice as determined under this subsection;

(2) a justice of a court of appeals other than the chief justice is entitled to an annual base salary from the state in the amount equal to 91 ~~[110]~~ percent of the state base salary of a justice of the supreme court other than the chief justice ~~[district judge as set by the General Appropriations Act]~~, except that the combined base salary of a justice of the court of appeals other than

1 the chief justice from all state and county sources, including
2 compensation for any extrajudicial services performed on behalf of
3 the county, may not exceed the amount that is \$5,000 less than the
4 base salary for a justice of the supreme court other than the chief
5 justice as determined under this subsection;

6 (3) a justice of the supreme court other than the chief
7 justice or a judge of the court of criminal appeals other than the
8 presiding judge is entitled to an annual base salary from the state
9 that is the amount determined under Section 659.0121 [~~in the amount~~
10 ~~equal to 120 percent of the state base salary of a district judge as~~
11 ~~set by the General Appropriations Act~~]; and

12 (4) the chief justice or presiding judge of an
13 appellate court is entitled to an annual base salary from the state
14 in the amount equal to \$2,500 more than the state base salary
15 provided for the other justices or judges of the court, except that
16 the combined base salary of the chief justice of a court of appeals
17 from all state and county sources may not exceed the amount equal to
18 \$2,500 less than the base salary for a justice of the supreme court
19 other than the chief justice as determined under this subsection.

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

22 Sec. 659.0121. DETERMINATION OF JUDICIAL SALARIES. (a)
23 The Legislative Budget Board shall:

24 (1) not later than December 31 of each even-numbered
25 year:

26 (A) calculate for each year of the succeeding
27 state fiscal biennium and in the manner specified by Subsection (b)

1 the annual base salary from the state for purposes of Section
2 659.012(a)(3) of a justice of the supreme court other than the chief
3 justice or a judge of the court of criminal appeals other than the
4 presiding judge; and

5 (B) calculate all other annual salaries to be
6 paid by the state under Section 659.012 for each year of the
7 succeeding state fiscal biennium based on the amount calculated
8 under Paragraph (A); and

9 (2) include the amounts calculated under Subdivision
10 (1) in the next general appropriations bill that is prepared and
11 transmitted in accordance with Section 322.008.

12 (b) The annual base salary from the state the Legislative
13 Budget Board is required to calculate under Subsection (a)(1)(A) is
14 an amount equal to the sum of:

15 (1) the annual base salary from the state paid under
16 Section 659.012(a)(3) to a justice of the supreme court other than
17 the chief justice or a judge of the court of criminal appeals other
18 than the presiding judge in the current state fiscal year; and

19 (2) the annual base salary described by Subdivision
20 (1) multiplied by the percentage change during the preceding two
21 state fiscal years in the Consumer Price Index for All Urban
22 Consumers published by the United States Bureau of Labor Statistics
23 or its successor index.

24 (c) If the legislature determines that the estimated
25 revenue available for judicial salaries in a state fiscal biennium
26 is insufficient to satisfy the annual base salaries included in the
27 general appropriations bill as required by Subsection (a)(2) for

1 that biennium, the legislature may reduce the annual base salary
2 from the state to be paid under Section 659.012(a)(3) to a justice
3 of the supreme court other than the chief justice and a judge of the
4 court of criminal appeals other than the presiding judge during the
5 biennium to an amount that, when the salaries of the justices and
6 judges are added to all other annual base salaries calculated in
7 accordance with Section 659.012, results in a total of judicial
8 salaries under that section that is within the estimated revenue
9 available.

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

11 SECTION 4. The Legislative Budget Board shall:

12 (1) make the initial salary calculations required by
13 Section 659.0121(a)(1), Government Code, as added by this Act, not
14 later than December 31, 2022; and

15 (2) include the salaries calculated as required by
16 Subdivision (1) of this section in the general appropriations bill
17 for the state fiscal biennium beginning September 1, 2023, that is
18 prepared and transmitted in accordance with Section 322.008,
19 Government Code.

20 SECTION 5. This Act takes effect September 1, 2021.