BILL ANALYSIS

H.B. 438
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Compensation for the Texas judiciary not only lags behind other states, but is raised so infrequently (about once a decade in recent years) that by the time of the next increase, inflation has greatly eroded the purchasing power of judges' paychecks. This results in the legislature having to enact a large pay raise for the judiciary, which in turn lowers the legislature's initiative to enact any further pay raises for several sessions, by which time the cycle of inflationary erosion repeats itself. H.B. 438 seeks to rectify this problem by creating a legislative structure to automatically index state judicial salaries to inflation in order to maintain the constant purchasing power of judicial compensation. H.B. 438 adjusts the annual base salary for a district judge by the average percentage change in the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor, Bureau of Labor Statistics, or any successor index, so long as that index is above zero.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 438 amends the Government Code to provide for biennial adjustments to the district judge base salary based on certain inflation data. The bill specifies that the annual base salary to which a district judge is entitled from the state for each year of a state fiscal biennium is the sum of the following amounts:

- the annual base salary from the state that is paid to a district judge in the preceding state fiscal biennium; and
- that base salary amount multiplied by the average percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), or, if that index is discontinued or superseded, a similar index selected or calculated by the comptroller of public accounts, during the two years preceding the year in which the state fiscal biennium for which the salary is computed begins.

If the average percentage change in the CPI-U or other index during the prescribed period is less than zero, the percentage change is considered to be zero. The bill applies beginning with the 2026-2027 state fiscal biennium.

EFFECTIVE DATE

September 1, 2023.