

By: Schofield

H.B. No. 437

A BILL TO BE ENTITLED

AN ACT

relating to the annual base salaries of state judges and justices and the abolishment of the Judicial Compensation Commission.

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

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

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

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

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

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

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

27 (A) calculate for each year of the succeeding

1 state fiscal biennium and in the manner specified by Subsection (b)
2 the annual base salary from the state for purposes of Section
3 659.012(a)(3) of 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; and

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

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

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

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

20 (2) the annual base salary described by Subdivision
21 (1) multiplied by the percentage change during the preceding two
22 state fiscal years in the Consumer Price Index for All Urban
23 Consumers published by the United States Department of Labor,
24 Bureau of Labor Statistics, or, if that index is discontinued or
25 superseded, a similar index selected or calculated by the
26 comptroller.

27 (c) If the legislature determines that the estimated

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

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

14 SECTION 4. (a) The Judicial Compensation Commission is
15 abolished on the effective date of this Act.

16 (b) The Legislative Budget Board shall:

17 (1) make the initial salary calculations required by
18 Section 659.0121(a)(1), Government Code, as added by this Act, not
19 later than December 31, 2024; and

20 (2) include the salaries calculated as required by
21 Subdivision (1) of this subsection in the general appropriations
22 bill for the state fiscal biennium beginning September 1, 2025,
23 that is prepared and transmitted in accordance with Section
24 322.008, Government Code.

25 SECTION 5. This Act takes effect September 1, 2023.