

By: Schofield, et al.

H.B. No. 438

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the annual base salary from the state of a district
3 judge.

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

5 SECTION 1. Section 659.012, Government Code, is amended by
6 amending Subsection (a) and adding Subsections (b-2) and (b-3) to
7 read as follows:

8 (a) Notwithstanding Section 659.011 and subject to
9 Subsections (b), ~~and~~ (b-1), and (b-2):

10 (1) a judge of a district court is entitled to an
11 annual base salary from the state as set by the General
12 Appropriations Act in an amount equal to at least \$140,000, except
13 that the combined base salary of a district judge from all state and
14 county sources, including compensation for any extrajudicial
15 services performed on behalf of the county, may not exceed the
16 amount that is \$5,000 less than the maximum combined base salary
17 from all state and county sources for a justice of a court of
18 appeals other than a chief justice as determined under this
19 subsection;

20 (2) a justice of a court of appeals other than the
21 chief justice is entitled to an annual base salary from the state in
22 the amount equal to 110 percent of the state base salary of a
23 district judge as set by the General Appropriations Act, except
24 that the combined base salary of a justice of the court of appeals

1 other than the chief justice from all state and county sources,
2 including compensation for any extrajudicial services performed on
3 behalf of the county, may not exceed the amount that is \$5,000 less
4 than the base salary for a justice of the supreme court as
5 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 in the amount equal to 120 percent of the state base salary of a
10 district judge as set by the General Appropriations Act; and

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

19 (b-2) The annual base salary from the state to which a judge
20 of a district court is entitled under Subsection (a)(1) for each
21 year of a state fiscal biennium is the amount equal to the sum of:

22 (1) the annual base salary from the state under
23 Subsection (a)(1) that is paid to a judge of a district court under
24 that subdivision in the preceding state fiscal biennium; and

25 (2) subject to Subsection (b-3), the annual base
26 salary described by Subdivision (1) multiplied by the average
27 percentage change in the Consumer Price Index for All Urban

1 Consumers published by the United States Department of Labor,
2 Bureau of Labor Statistics, or, if that index is discontinued or
3 superseded, a similar index selected or calculated by the
4 comptroller, during the two years preceding the year in which the
5 state fiscal biennium for which the salary is computed begins.

6 (b-3) For purposes of Subsection (b-2)(2), if the average
7 percentage change in the Consumer Price Index for All Urban
8 Consumers published by the United States Department of Labor,
9 Bureau of Labor Statistics, or, if that index is discontinued or
10 superseded, a similar index selected or calculated by the
11 comptroller, during the period prescribed by that subdivision is
12 less than zero, the percentage change is considered to be zero.

13 SECTION 2. The change in law made by this Act applies
14 beginning with the state fiscal biennium beginning September 1,
15 2025.

16 SECTION 3. This Act takes effect September 1, 2023.