

By: Leach

H.B. No. 5130

A BILL TO BE ENTITLED

AN ACT

relating to the additional compensation certain counties pay to judges and justices for extrajudicial services.

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

SECTION 1. (a) Notwithstanding Section 659.011 and subject to Subsections (b) and (b-1):

(1) a judge of a district court or a division of the business court is entitled to an annual base salary from the state 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 or judge of a division of the business court 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 \$1,000 ~~\$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) except as provided by Subdivision (3), 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 110 percent of the state base salary of a 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 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 \$1,000 ~~\$5,000~~ less than the base salary for a justice of the supreme court as determined under this subsection;

(3) a justice of the Court of Appeals for the Fifteenth Court of Appeals District other than the chief justice is entitled to an annual base salary from the state in the amount equal to \$1,000 ~~\$5,000~~ less than 120 percent of the state base salary of a district judge as set by the General Appropriations Act;

(4) a justice of the supreme court other than the chief justice or a judge of the court of criminal appeals other than the presiding judge is entitled to an annual base salary from the state in the amount equal to 120 percent of the state base salary of a district judge as set by the General Appropriations Act; and

(5) the chief justice or presiding judge of an appellate court is entitled to an annual base salary from the state in the amount equal to \$2,500 more than the state base salary provided for the other justices or judges of the court, except that the combined base salary of the chief justice of a court of appeals from all state and county sources may not exceed the amount equal to \$1,500 ~~\$2,500~~ less than the base salary for a justice of the supreme court as determined under this subsection.

(b) A judge or justice for whom the amount of a state base salary is prescribed by Subsection (a) is entitled to an annual salary from the state in the amount equal to:

(1) 110 percent of the state base salary paid in accordance with Subsection (a) for the judge's or justice's

1 position, beginning with the pay period that begins after the judge  
2 or justice accrues four years of:

3 (A) contributing service credit in the Judicial  
4 Retirement System of Texas Plan One or the Judicial Retirement  
5 System of Texas Plan Two;

6 (B) service as a judge or a full-time associate  
7 judge of a district court, statutory county court, multicounty  
8 statutory county court, or statutory probate court or as a district  
9 attorney, criminal district attorney, or county attorney; or

10 (C) combined contributing service credit and  
11 service as provided by Paragraphs (A) and (B); and

12 (2) 120 percent of the state base salary paid in  
13 accordance with Subsection (a) for the judge's or justice's  
14 position, beginning with the pay period that begins after the judge  
15 or justice accrues eight years of:

16 (A) contributing service credit in the Judicial  
17 Retirement System of Texas Plan One or the Judicial Retirement  
18 System of Texas Plan Two;

19 (B) service as a judge or a full-time associate  
20 judge of a district court, statutory county court, multicounty  
21 statutory county court, or statutory probate court or as a district  
22 attorney, criminal district attorney, or county attorney; or

23 (C) combined contributing service credit and  
24 service as provided by Paragraphs (A) and (B).

25 (b-1) A limitation on the combined base salary from all  
26 state and county sources prescribed by Subsection (a)(1) or (2)  
27 applies to a judge or justice to whom Subsection (b) applies, except

1 that the amount by which the annual salary from the state paid to  
2 the judge or justice in accordance with Subsection (b) exceeds the  
3 amount of the state base salary for the judge's or justice's  
4 position set by the General Appropriations Act in accordance with  
5 Subsection (a) is not included as part of the judge's or justice's  
6 combined base salary from all state and county sources for purposes  
7 of determining whether the judge's or justice's salary exceeds the  
8 limitation.

9 (c) To the extent of any conflict, the salary limitations  
10 provided by Subsection (a) for the combined base salary of a state  
11 judge or justice from state and local sources prevail over any  
12 provision of Chapter 31 or 32 that authorizes the payment of  
13 additional compensation to a state judge or justice.

14 (d) Notwithstanding any other provision in this section or  
15 other law, in a county with more than five district courts, a  
16 district judge who serves as a local administrative district judge  
17 under Section 74.091 is entitled to an annual base salary from the  
18 state in the amount equal to \$5,000 more than the maximum salary  
19 from the state to which the judge is otherwise entitled under  
20 Subsection (a) or (b).

21 (e) For the purpose of salary payments by the state, the  
22 comptroller shall determine from sworn statements filed by the  
23 justices of the courts of appeals, district judges, and business  
24 court judges that the required salary limitations provided by  
25 Subsection (a) are maintained. If the state base salary for a judge  
26 or justice prescribed by Subsection (a) combined with additional  
27 compensation from a county would exceed the limitations provided by

1 Subsection (a), the comptroller shall reduce the salary payment  
2 made by the state by the amount of the excess.

3 (f) For purposes of Subsection (b), "contributing service  
4 credit" means service credit established in the:

5 (1) Judicial Retirement System of Texas Plan One under  
6 Section 833.101 or 833.106 for each month of service in which the  
7 member held a judicial office described by Section 832.001(a),  
8 including service credit established under either section that was  
9 previously canceled but reestablished under Section 833.102; or

10 (2) Judicial Retirement System of Texas Plan Two under  
11 Section 838.101 or 838.106 for each month of service in which the  
12 member held a judicial office described by Section 837.001(a),  
13 including service credit established under either section that was  
14 previously canceled but reestablished under Section 838.102.

15 (g) In addition to the state salary provided under  
16 Subsection (a) or (b), a judge of the division of a business court  
17 is entitled to additional compensation from the state equal to the  
18 maximum amount a district judge may be paid by a county under  
19 Section 32.001 and Subsection (a).

20 SECTION 2. The changes in law made by this Act apply  
21 beginning with the state fiscal biennium beginning September 1,  
22 2025.

23 SECTION 3. This Act takes effect September 1, 2025.