

By: Leach

H.B. No. 2779

A BILL TO BE ENTITLED

AN ACT

relating to the compensation and retirement benefits of certain
elected state officials.

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

SECTION 1. Section 26.006(a), Government Code, is amended
to read as follows:

(a) A county judge is entitled to an annual salary
supplement from the state in an amount equal to 18 percent of the
annual [state base] salary paid to a district judge with comparable
years of service as the county judge as set by the General
Appropriations Act in accordance with Section 659.012 [~~659.012(a)~~]
if at least 18 percent of the:

(1) functions that the judge performs are judicial
functions; or

(2) total hours that the judge works are in the
performance of judicial functions.

SECTION 2. 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):

(1) a judge of a district 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 \$172,494
[~~\$140,000~~], except that the combined base salary of a district

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

7 (2) a justice of a court of appeals other than the
8 chief justice is entitled to an annual base salary from the state in
9 the amount equal to 110 percent of the state base salary of a
10 district judge as set by the General Appropriations Act, except
11 that the combined base salary of a justice of the court of appeals
12 other than the chief justice from all state and county sources,
13 including compensation for any extrajudicial services performed on
14 behalf of the county, may not exceed the amount that is \$5,000 less
15 than the base salary for a justice of the supreme court as
16 determined under this subsection;

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

22 (4) the chief justice or presiding judge of an
23 appellate court is entitled to an annual base salary from the state
24 in the amount equal to \$2,500 more than the state base salary
25 provided for the other justices or judges of the court, except that
26 the combined base salary of the chief justice of a court of appeals
27 from all state and county sources may not exceed the amount equal to

1 \$2,500 less than the base salary for a justice of the supreme court
2 as determined under this subsection.

3 SECTION 3. Section 810.003, Government Code, is amended by
4 amending Subsections (c), (d), and (e) and adding Subsection (d-1)
5 to read as follows:

6 (c) Except as provided by Subsection (d), a member of a
7 public retirement system is not eligible to receive a service
8 retirement annuity under the retirement system if the member is:

9 (1) convicted of a qualifying felony committed while
10 in office and arising directly from the official duties of that
11 elected office; or

12 (2) expelled from a house of the legislature under
13 Section 11, Article III, Texas Constitution.

14 (d) The retirement system, on receipt of notice of a
15 conviction under Subsection (e) or (k), any similar notice of a
16 conviction of a qualifying felony from a United States district
17 court or United States attorney, or any other information that the
18 retirement system determines by rule is sufficient to establish a
19 conviction of a qualifying felony, shall suspend payments of a
20 service retirement annuity to a person the system determines is
21 ineligible to receive the annuity under Subsection (c)(1). A
22 person whose conviction is overturned on appeal or who meets the
23 requirements for innocence under Section 103.001(a)(2), Civil
24 Practice and Remedies Code:

25 (1) is entitled to receive an amount equal to the
26 accrued total of payments and interest earned on the payments
27 withheld during the suspension period; and

1 (2) may resume receipt of annuity payments on payment
2 to the retirement system of an amount equal to the contributions
3 refunded to the person under Subsection (f).

4 (d-1) The retirement system, on receipt of notice of
5 expulsion of a member from the legislature, shall suspend payments
6 of a service retirement annuity to a person the system determines is
7 ineligible to receive the annuity under Subsection (c)(2).

8 (e) Not later than the 30th day after the conviction of a
9 person of a qualifying felony or expulsion of a member from the
10 legislature, the governmental entity to which the person was
11 elected or appointed must provide written notice of the conviction
12 or expulsion to the public retirement system in which the person is
13 enrolled. The notice must comply with the administrative rules
14 adopted by the public retirement system under Subsection (j).

15 SECTION 4. Sections 814.103(a) and (a-1), Government Code,
16 are amended to read as follows:

17 (a) Except as provided by Subsection (a-1) or (b), the
18 standard service retirement annuity for service credited in the
19 elected class of membership is an amount equal to the number of
20 years of service credit in that class, times 2.3 percent of the sum
21 of \$140,000 plus any applicable increases determined by the Texas
22 Ethics Commission to reflect inflation or any other relevant
23 factors [~~the state base salary, excluding longevity pay payable~~
24 ~~under Section 659.0445 and as adjusted from time to time, being paid~~
25 ~~to a district judge as set by the General Appropriations Act in~~
26 ~~accordance with Section 659.012(a)~~].

27 (a-1) Except as provided by Subsection (b), the standard

1 service retirement annuity for service credited in the elected
2 class of membership for a member of the class under Section
3 812.002(a)(3) whose effective date of retirement is on or after
4 September 1, 2019, is an amount equal to the number of years of
5 service credit in that class, times 2.3 percent of the state salary,
6 excluding longevity pay payable under Section 659.0445 [~~and as~~
7 ~~adjusted from time to time~~], being paid in accordance with Section
8 659.012 to a district judge who has the same number of years of
9 contributing service credit as the member on the member's last day
10 of service as a district or criminal district attorney, as
11 applicable.

12 SECTION 5. Section 820.053(c), Government Code, is amended
13 to read as follows:

14 (c) For purposes of this section, a member of the elected
15 class of membership under Section 812.002(a)(2) shall have the
16 member's accumulated account balance computed as if the
17 contributions to the account were based on an annual [~~the state~~
18 ~~base~~] salary equal to the dollar amount used to compute the standard
19 service retirement annuity for service credited in the elected
20 class of membership under Section 814.103(a) [~~, excluding longevity~~
21 ~~pay payable under Section 659.0445, being paid a district judge as~~
22 ~~set by the General Appropriations Act in accordance with Section~~
23 ~~659.012(a)~~].

24 SECTION 6. Section 26.006(a), Government Code, as amended
25 by this Act, applies only to a salary payment for a pay period
26 beginning on or after the effective date of this Act. A salary
27 payment for a pay period beginning before the effective date of this

1 Act is governed by the law in effect on the date the pay period
2 began, and that law is continued in effect for that purpose.

3 SECTION 7. Notwithstanding Section 659.012(a), Government
4 Code, as amended by this Act, a judge of a district court is
5 entitled to an annual base salary from the state as set by the
6 General Appropriations Act in an amount equal to at least \$155,400
7 for the state fiscal year beginning September 1, 2023, and ending
8 August 31, 2024, and that amount is the annual base salary to be
9 used for the purpose of calculating any other judicial salaries by
10 reference to that section for the state fiscal year beginning
11 September 1, 2023, and ending August 31, 2024.

12 SECTION 8. This Act takes effect September 1, 2023.