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H.B. No. 2384

A BILL TO BE ENTITLED

AN ACT

1
2 relating to judicial compensation and assignment, the
3 contributions to, benefits from, membership in, and administration
4 of the Judicial Retirement System of Texas Plan One and Plan Two,
5 and the compensation and retirement benefits of certain prosecutors
6 and other members of the elected class of the Employees Retirement
7 System of Texas.

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

9 SECTION 1. Section 201.105(a), Family Code, is amended to
10 read as follows:

11 (a) An associate judge appointed under this subchapter is
12 entitled to a salary in the amount equal to [~~be determined by a~~
13 ~~majority vote of the presiding judges of the administrative~~
14 ~~judicial regions. The salary may not exceed~~] 90 percent of the
15 state base salary paid to a district judge as set by the General
16 Appropriations Act in accordance with Section 659.012(a),
17 Government Code.

18 SECTION 2. Section 201.205(a), Family Code, is amended to
19 read as follows:

20 (a) An associate judge appointed under this subchapter is
21 entitled to a salary in the amount equal to [~~as determined by a~~
22 ~~majority vote of the presiding judges of the administrative~~
23 ~~judicial regions. The salary may not exceed~~] 90 percent of the
24 state base salary paid to a district judge as set by the [~~state~~]

1 General Appropriations Act in accordance with Section 659.012(a),
2 Government Code.

3 SECTION 3. Section 25.0005, Government Code, is amended by
4 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
5 read as follows:

6 (a) A statutory county court judge, other than a statutory
7 county court judge who engages in the private practice of law, shall
8 be paid a total annual salary set by the commissioners court at an
9 amount that is not less than \$1,000 less than the sum of the ~~[total]~~
10 annual salary as set by the General Appropriations Act in
11 accordance with Section 659.012 paid to ~~[received by]~~ a district
12 judge with comparable years of service as the statutory county
13 court judge and any state or county ~~[in the county. A district~~
14 ~~judge's or statutory county court judge's total annual salary~~
15 ~~includes]~~ contributions and supplements paid to a district judge in
16 the county, [paid by the state or a county,] other than
17 contributions received as compensation under Section 74.051. A
18 statutory county court judge's total annual salary includes any
19 state or county contributions and supplements paid to the judge.
20 For purposes of this subsection, the years of service of a statutory
21 county court judge include any years of service as an appellate
22 court, district court, multicounty statutory county court, or
23 statutory probate court justice or judge or as a justice of the
24 peace.

25 (a-1) The minimum salary prescribed by Subsection (a) that
26 is to be based on the annual salary of a district judge under
27 Section 659.012(b) becomes effective on the first day of the

1 county's fiscal year following the date the statutory county court
2 judge accrues the years of service required for an increase in
3 salary under Subsection (a).

4 (a-2) Notwithstanding Subsection (a), the maximum annual
5 salary of a statutory county court judge is \$1,000 less than the sum
6 of the annual salary as set by the General Appropriations Act in
7 accordance with Section 659.012(b)(3) paid to a district judge and
8 any longevity pay received by the district judge in accordance with
9 Section 659.0445(d).

10 SECTION 4. Section 25.0015, Government Code, is amended to
11 read as follows:

12 Sec. 25.0015. STATE CONTRIBUTION. [~~(a)~~] Beginning on the
13 first day of the state fiscal year, the state shall annually
14 compensate each county in an amount equal to 60 percent of the state
15 annual salary as set by the General Appropriations Act in
16 accordance with Section 659.012 paid to [of] a district [court]
17 judge with comparable years of service [in the county] for each
18 statutory county court judge in the county who:

- 19 (1) does not engage in the private practice of law; and
20 (2) presides over a court with at least the
21 jurisdiction provided by Section 25.0003.

22 SECTION 5. Section 25.00211(a), Government Code, is amended
23 to read as follows:

24 (a) Beginning on the first day of the state fiscal year, the
25 state shall annually compensate each county that collects the
26 additional fees under Section 51.704 in an amount equal to 60
27 percent of the state annual salary as set by the General

1 Appropriations Act in accordance with Section 659.012 paid to a
2 district judge with comparable years of service [\$40,000] for each
3 statutory probate court judge in the county.

4 SECTION 6. Section 25.0023, Government Code, is amended by
5 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
6 read as follows:

7 (a) The commissioners court shall set the total annual
8 salary of each judge of a statutory probate court at an amount that
9 is at least equal to the sum of the [~~total~~] annual salary as set by
10 the General Appropriations Act in accordance with Section 659.012
11 paid to [~~received by~~] a district judge with comparable years of
12 service as the statutory probate court judge and any state or county
13 [~~in the county. A district judge's or statutory probate court~~
14 ~~judge's total annual salary includes~~] contributions and
15 supplements paid to a district judge in the county [~~by the state or~~
16 ~~a county~~], other than contributions received as compensation under
17 Section 74.051 [~~25.0022(e)~~]. A statutory probate court judge's
18 total annual salary includes any state or county contributions and
19 supplements paid to the judge, other than contributions paid under
20 Section 25.0022(e). For purposes of this subsection, the years of
21 service of a statutory probate court judge include any years of
22 service as an appellate court, district court, multicounty
23 statutory county court, or statutory county court justice or judge
24 or as a justice of the peace.

25 (a-1) The minimum salary prescribed by Subsection (a) that
26 is to be based on the annual salary of a district judge under
27 Section 659.012(b) becomes effective on the first day of the

1 county's fiscal year following the date the judge accrues the years
2 of service required for an increase in salary under Subsection (a).

3 (a-2) Notwithstanding Subsection (a), the maximum annual
4 salary of a statutory probate court judge is \$1,000 less than the
5 sum of the annual salary as set by the General Appropriations Act in
6 accordance with Section 659.012(b)(3) paid to a district judge and
7 any longevity pay received by the district judge in accordance with
8 Section 659.0445(d).

9 SECTION 7. Section 25.2607(d), Government Code, is amended
10 to read as follows:

11 (d) Notwithstanding Section 25.0015, the state shall
12 annually compensate the administrative county of a multicounty
13 statutory county court for the salary of the judge of the
14 multicounty statutory county court in an amount equal to 100
15 percent of the state annual salary as set by the General
16 Appropriations Act in accordance with Section 659.012 paid to [of]
17 a district [court] judge with comparable years of service as [in the
18 county for the salary of] the judge of the multicounty statutory
19 county court.

20 SECTION 8. Section 26.006, Government Code, is amended to
21 read as follows:

22 Sec. 26.006. SALARY SUPPLEMENT FROM STATE FOR [CERTAIN]
23 COUNTY JUDGES. (a) A county judge is entitled to an annual salary
24 supplement from the state in an amount equal to 18 percent of the
25 state base salary paid to [annual compensation provided for] a
26 district judge as set by [in] the General Appropriations Act in
27 accordance with Section 659.012(a) [if at least 40 percent of the

1 ~~functions that the judge performs are judicial functions].~~

2 (b) ~~[To receive a supplement under Subsection (a), a county~~
3 ~~judge must file with the comptroller's judiciary section an~~
4 ~~affidavit stating that at least 40 percent of the functions that the~~
5 ~~judge performs are judicial functions.~~

6 ~~[(c)]~~ The commissioners court of ~~[in]~~ a county ~~[with a~~
7 ~~county judge who is entitled to receive a salary supplement under~~
8 ~~this section]~~ may not reduce the county funds provided for the
9 salary or office of the county judge as a result of the salary
10 supplement required by this section.

11 SECTION 9. Section [41.013](#), Government Code, is amended to
12 read as follows:

13 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. Except
14 as otherwise provided by law, a district attorney or criminal
15 district attorney is entitled to receive from the state annual
16 compensation in an amount equal to at least 80 percent of the state
17 annual salary as set by ~~[compensation provided for a district judge~~
18 ~~in]~~ the General Appropriations Act in accordance with Section
19 659.012 paid to a district judge with comparable years of service as
20 the district attorney or criminal district attorney.

21 SECTION 10. Section [46.001\(2\)](#), Government Code, is amended
22 to read as follows:

23 (2) "Benchmark salary" means the state annual salary
24 as set by ~~[that is provided for a district judge in]~~ the General
25 Appropriations Act in accordance with Section 659.012 paid to a
26 district judge with comparable years of service as the county
27 prosecutor.

1 SECTION 11. Section 46.003(a), Government Code, is amended
2 to read as follows:

3 (a) The state prosecuting attorney and each state
4 prosecutor is entitled to receive from the state a salary in an
5 amount [compensation] equal to the state annual salary as set by
6 [compensation that is provided for a district judge in] the General
7 Appropriations Act in accordance with Section 659.012 paid to a
8 district judge with comparable years of service as the state
9 prosecuting attorney or state prosecutor.

10 SECTION 12. Section 46.0031(d), Government Code, is amended
11 to read as follows:

12 (d) At least annually the comptroller shall pay to the
13 salary fund of each county that is entitled to receive funds under
14 this section an amount authorized under this section to supplement
15 the salary of the county prosecutor. For purposes of calculating
16 that amount, the comptroller shall use the benchmark salary
17 applicable to the county prosecutor on September 1 of the state
18 fiscal year in which the payment is made.

19 SECTION 13. Section 54.653(b), Government Code, is amended
20 to read as follows:

21 (b) The salary of a full-time magistrate may not exceed an
22 amount equal to 90 percent of the sum of:

23 (1) the state base salary paid to a district judge as
24 set by the General Appropriations Act in accordance with [by the
25 state under] Section 659.012(a) [659.012]; and

26 (2) the maximum amount of county contributions and
27 supplements allowed by law to be paid to a district judge under

1 Section 659.012.

2 SECTION 14. Sections 74.003(b), (c), and (e), Government
3 Code, are amended to read as follows:

4 (b) The chief justice of the supreme court may assign a
5 qualified former or retired justice or judge of the supreme court,
6 of the court of criminal appeals, or of a court of appeals to a court
7 of appeals for active service regardless of whether a vacancy
8 exists in the court to which the justice is assigned. To be
9 eligible for assignment under this subsection, a former or retired
10 justice or judge must:

11 (1) have served as an active justice or judge for at
12 least 96 months in a district, statutory probate, statutory county,
13 or appellate court, with at least 48 of those months in an appellate
14 court;

15 (2) not have been removed from office;

16 (3) certify under oath to the chief justice of the
17 supreme court, on a form prescribed by the chief justice, that:

18 (A) the justice or judge has never been publicly
19 reprimanded or censured by the State Commission on Judicial
20 Conduct; and

21 (B) the justice or judge:

22 (i) did not resign or retire from office
23 after the State Commission on Judicial Conduct notified the justice
24 or judge of the commencement of a full investigation into an
25 allegation or appearance of misconduct or disability of the justice
26 or judge as provided in Section 33.022 and before the final
27 disposition of that investigation; or

1 (ii) if the justice or judge did resign from
2 office under circumstances described by Subparagraph (i), the
3 justice or judge was not publicly reprimanded or censured as a
4 result of the investigation;

5 (4) annually demonstrate that the justice or judge has
6 completed in the past state fiscal year the educational
7 requirements for active appellate court justices or judges; and

8 (5) certify to the chief justice of the supreme court a
9 willingness not to appear and plead as an attorney in any court in
10 this state for a period of two years.

11 (c) An active, former, or retired justice or judge assigned
12 as provided by this section out of the county of the justice's or
13 judge's [~~his~~] residence is entitled to receive the same expenses
14 and per diem as those allowed a district judge assigned as provided
15 by Subchapter C. The state shall pay the expenses and per diem on
16 certificates of approval by the chief justice of the supreme court
17 or the chief justice of the court of appeals to which the justice or
18 judge is assigned. The compensation authorized by this subsection
19 is in addition to all other compensation authorized by law.

20 (e) A retired justice or judge assigned as provided by this
21 section is entitled to receive, pro rata for the time serving on
22 assignment, from money appropriated from the general revenue fund
23 for that purpose, an amount equal to the compensation received from
24 state and county sources by a justice of the court of appeals to
25 which assigned. A former justice or judge assigned as provided by
26 this section is entitled to receive, pro rata for the time serving
27 on assignment, from money appropriated from the general revenue

1 fund for that purpose, an amount equal to the compensation from the
2 state received by a justice of the court of appeals to which
3 assigned, and from county sources, an amount equal to the
4 compensation received from county sources by a justice of the court
5 of appeals to which assigned. For purposes of determining the
6 amount to be paid to a former or retired justice or judge under this
7 subsection, the compensation received from the state by a justice
8 of the court of appeals to which the retired justice or judge is
9 assigned is the amount equal to the state base salary paid to a
10 justice of that court of appeals as set by the General
11 Appropriations Act in accordance with Section 659.012(a).

12 SECTION 15. Sections 74.051(b) and (c), Government Code,
13 are amended to read as follows:

14 (b) Except as provided by Subsection (c), a presiding judge
15 shall receive a salary in an amount not to exceed 30 percent of the
16 state base salary paid to a district judge as set by the General
17 Appropriations Act in accordance with Section 659.012(a) [~~\$33,000 a~~
18 ~~year~~]. The Texas Judicial Council shall set the salary biennially
19 and, in arriving at the amount of the salary, shall consider whether
20 the presiding judge is active in administrative duties, performs
21 part time, or is a retired judge. The salary set by the Texas
22 Judicial Council shall be apportioned to each county in the region
23 according to the population of the counties in [~~comprising~~]
24 the region and shall be paid through the county budget process.

25 (c) A presiding judge who is a retired or former district
26 judge or a retired appellate judge and who presides over an
27 administrative region with 30 or more district courts, statutory

1 county courts, and retired and former judges named on the list
 2 maintained under Section 74.055 for the administrative region is
 3 entitled to an annual salary for each fiscal year in an amount equal
 4 to [as follows]:

Number of Courts and Judges	Salary
30 to 49	<u>30 percent of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) [\$35,000]</u>
50 to 69	<u>35 percent of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) [\$40,000]</u>
70 to 89	<u>40 percent of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) [\$45,000]</u>
90 or more	<u>45 percent of the state base salary paid to a district judge as set by the General Appropriations Act in</u>

1 accordance with Section

2 659.012(a) [~~\$50,000~~]

3 SECTION 16. Sections 74.061(b), (h), and (i), Government
4 Code, are amended to read as follows:

5 (b) While serving in a county outside the judge's [~~his~~]
6 judicial district or county, an assigned [~~a~~] judge is entitled to
7 receive, in addition to the assigned judge's [~~his~~] necessary
8 expenses, additional compensation from the county to which the
9 assigned judge [~~he~~] is assigned in an amount not to exceed the
10 difference between the compensation of the assigned judge from all
11 sources, exclusive of the per diem provided by Subsection (f), and
12 the compensation received from all sources by the judge of the court
13 to which the assigned judge [~~he~~] is assigned. If the judge of the
14 court to which the assigned judge is assigned is paid an annual
15 salary from the state in accordance with Section 659.012(b), the
16 amount by which that annual salary exceeds the amount of the state
17 base salary as set by the General Appropriations Act for the judge's
18 position in accordance with Section 659.012(a) is not included in
19 the compensation of the judge for purposes of determining the
20 compensation of the assigned judge under this subsection. The
21 county shall pay the compensation provided by this subsection on
22 approval of the presiding judge of the administrative region in
23 which the court to which the assigned judge is assigned is located.

24 (h) Notwithstanding Subsection (c), the salary from the
25 state of a retired judge or justice assigned to a district court is
26 determined pro rata based on the sum of the regular judge's salary
27 from the county plus the amount of the state base salary paid to a

1 district judge as set by the General Appropriations Act in
2 accordance with Section 659.012(a) [~~greater of:~~

3 ~~(1) the regular judge's salary from the state on~~
4 ~~August 31, 2007; or~~

5 ~~(2) 100 percent of the regular judge's salary from the~~
6 ~~state, as established by the General Appropriations Act for any~~
7 ~~fiscal year].~~

8 (i) Notwithstanding Subsection (d), the salary from the
9 state of a former judge or justice assigned to a district court is
10 determined pro rata based on the amount of the state base salary
11 paid to a district judge as set by the General Appropriations Act in
12 accordance with Section 659.012(a) [~~greater of:~~

13 ~~(1) the regular judge's salary from the state on~~
14 ~~August 31, 2007; or~~

15 ~~(2) 100 percent of the regular judge's salary from the~~
16 ~~state, as established by the General Appropriations Act for any~~
17 ~~fiscal year].~~

18 SECTION 17. Section 75.016(c), Government Code, is amended
19 to read as follows:

20 (c) The Commissioners Court of Travis County may set
21 additional compensation to be paid to the presiding criminal judge
22 by the county in any amount that does not exceed the amount the
23 local administrative district judge of Travis County receives from
24 this state. Notwithstanding any other law, compensation paid the
25 presiding criminal judge under this subsection is not included as
26 part of the judge's combined base salary from all state and county
27 sources for purposes of the salary limitations provided by Section

1 659.012.

2 SECTION 18. Section 659.012, Government Code, is amended to
3 read as follows:

4 Sec. 659.012. JUDICIAL SALARIES. (a) Notwithstanding
5 Section 659.011 and subject to Subsections (b) and (b-1):

6 (1) a judge of a district court is entitled to an
7 annual base salary from the state as set by the General
8 Appropriations Act in an amount equal to ~~[of]~~ at least \$140,000
9 ~~[\$125,000]~~, except that the combined base salary of a district
10 judge from all state and county sources, including compensation for
11 any extrajudicial services performed on behalf of the county, may
12 not exceed the amount that is \$5,000 less than the maximum combined
13 base salary from all state and county sources ~~[provided]~~ for a
14 justice of a court of appeals other than a chief justice as
15 determined under this subsection;

16 (2) a justice of a court of appeals other than the
17 chief justice is entitled to an annual base salary from the state in
18 the amount ~~[that is]~~ equal to 110 percent of the state base salary
19 of a district judge as set by the General Appropriations Act, except
20 that the combined base salary of a justice of the court of appeals
21 other than the chief justice from all state and county sources,
22 including compensation for any extrajudicial services performed on
23 behalf of the county, may not exceed the amount that is \$5,000 less
24 than the base salary ~~[provided]~~ for a justice of the supreme court
25 as determined under this subsection;

26 (3) a justice of the supreme court other than the chief
27 justice or a judge of the court of criminal appeals other than the

1 presiding judge is entitled to an annual base salary from the state
2 in the amount [~~that is~~] equal to 120 percent of the state base
3 salary of a district judge as set by the General Appropriations Act;
4 and

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

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

17 (1) 110 percent of the state base salary paid in
18 accordance with Subsection (a) for the judge's or justice's
19 position, beginning with the pay period that begins after the judge
20 or justice accrues four years of:

21 (A) contributing service credit in the Judicial
22 Retirement System of Texas Plan One, the Judicial Retirement System
23 of Texas Plan Two, or the Employees Retirement System of Texas as a
24 member of the elected class;

25 (B) service as a judge of a statutory county
26 court, multicounty statutory county court, or statutory probate
27 court; or

1 (C) combined contributing service credit and
2 service as provided by Paragraphs (A) and (B);

3 (2) 120 percent of the state base salary paid in
4 accordance with Subsection (a) for the judge's or justice's
5 position, beginning with the pay period that begins after the judge
6 or justice accrues eight years of:

7 (A) contributing service credit in the Judicial
8 Retirement System of Texas Plan One, the Judicial Retirement System
9 of Texas Plan Two, or the Employees Retirement System of Texas as a
10 member of the elected class;

11 (B) service as a judge of a statutory county
12 court, multicounty statutory county court, or statutory probate
13 court; or

14 (C) combined contributing service credit and
15 service as provided by Paragraphs (A) and (B); and

16 (3) 130 percent of the state base salary paid in
17 accordance with Subsection (a) for the judge's or justice's
18 position, beginning with the pay period that begins after the judge
19 or justice accrues 12 years of:

20 (A) contributing service credit in the Judicial
21 Retirement System of Texas Plan One, the Judicial Retirement System
22 of Texas Plan Two, or the Employees Retirement System of Texas as a
23 member of the elected class;

24 (B) service as a judge of a statutory county
25 court, multicounty statutory county court, or statutory probate
26 court; or

27 (C) combined contributing service credit and

1 service as provided by Paragraphs (A) and (B).

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

13 (c) To the extent of any conflict, the salary limitations
14 provided by Subsection (a) [~~this section~~] for the combined base
15 salary of a state judge or justice from state and local sources
16 prevail [~~prevails~~] over any provision of Chapter 31 or 32 that
17 authorizes the payment of additional compensation to a state judge
18 or justice.

19 (d) Notwithstanding any other provision in this section or
20 other law, in a county with more than five district courts, a
21 district judge who serves as a local administrative district judge
22 under Section 74.091 is entitled to an annual base salary from the
23 state in the amount equal to [~~that is~~] \$5,000 more than the maximum
24 salary from the state to which the judge is otherwise entitled under
25 Subsection (a) or (b).

26 (e) For the purpose of salary payments by the state, the
27 comptroller shall determine from sworn statements filed by the

1 justices of the courts of appeals and district judges that the
2 required salary limitations provided by Subsection (a) [~~this~~
3 ~~section~~] are maintained. If the state base [~~a~~] salary for a judge
4 or justice prescribed by Subsection (a) combined with additional
5 compensation from a county would exceed [~~be in excess of~~] the
6 limitations provided by Subsection (a) [~~this section~~], the
7 comptroller shall reduce the [~~state~~] salary payment made by the
8 state by the amount of the excess.

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

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

16 (2) Judicial Retirement System of Texas Plan Two under
17 Section 838.101 or 838.106 for each month of service in which the
18 member held a judicial office described by Section 837.001(a),
19 including service credit established under either section that was
20 previously canceled but reestablished under Section 838.102; or

21 (3) Employees Retirement System of Texas as a member
22 of the elected class under Section 813.201 or 813.402 for each month
23 of service in which the member held a position described by Section
24 812.002(a), including service credit established under either
25 section that was previously canceled but reestablished under
26 Section 813.102.

27 SECTION 19. Section 659.0125(c), Government Code, is

1 amended to read as follows:

2 (c) A former or retired judge or justice appointed to an MDL
3 pretrial court, as defined by Section 90.001, Civil Practice and
4 Remedies Code, is entitled to receive the same compensation and
5 benefits to which a former or retired judge or justice assigned to a
6 district court under Chapter 74 or Section 75.003 [~~district judge~~]
7 is entitled under Section 74.061.

8 SECTION 20. Section 814.103, Government Code, is amended to
9 read as follows:

10 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS
11 SERVICE. (a) Except as provided by Subsection (a-1) or (b), the
12 standard service retirement annuity for service credited in the
13 elected class of membership is an amount equal to the number of
14 years of service credit in that class, times 2.3 [~~two~~] percent of
15 the state base salary, excluding longevity pay payable under
16 Section 659.0445 and as adjusted from time to time, being paid to a
17 district judge as set by the General Appropriations Act in
18 accordance with Section 659.012(a).

19 (a-1) Except as provided by Subsection (b), the standard
20 service retirement annuity for service credited in the elected
21 class of membership for a member of the class under Section
22 812.002(a)(3) whose effective date of retirement is on or after
23 September 1, 2019, is an amount equal to the number of years of
24 service credit in that class, times 2.3 percent of the state salary,
25 excluding longevity pay payable under Section 659.0445 and as
26 adjusted from time to time, being paid in accordance with Section
27 659.012 to a district judge who has the same number of years of

1 contributing service credit as the member on the member's last day
2 of service as a district or criminal district attorney, as
3 applicable.

4 (b) The standard service retirement annuity for service
5 credited in the elected class may not exceed at any time 100 percent
6 of the state salary of [being paid] a district judge on which the
7 annuity is based under Subsection (a) or (a-1), as applicable.

8 (c) For purposes of this section, "contributing service
9 credit" with respect to:

10 (1) a member means service credit established in the
11 elected class under Section 813.201 or 813.402 for each month of
12 service in which the member held a position described by Section
13 812.002(a)(3), including service credit established under either
14 section that was previously canceled but reestablished under
15 Section 813.102; and

16 (2) a district judge has the meaning assigned by
17 Section 659.012(f).

18 SECTION 21. Section 815.204(c), Government Code, is amended
19 to read as follows:

20 (c) The medical board shall:

21 (1) review all medical examinations required by this
22 subtitle and Subtitle D;

23 (2) investigate essential statements and certificates
24 made by or on behalf of a member of the retirement system in
25 connection with an application for disability retirement; and

26 (3) report in writing to the executive director its
27 conclusions and recommendations on all matters referred to it.

1 SECTION 22. Section 834.001, Government Code, is amended to
2 read as follows:

3 Sec. 834.001. TYPES OF BENEFITS. The types of benefits
4 payable by the retirement system are:

- 5 (1) service retirement benefits; and
- 6 (2) [~~disability retirement benefits; and~~
- 7 [~~3~~] death benefits.

8 SECTION 23. Section 834.002, Government Code, is amended to
9 read as follows:

10 Sec. 834.002. APPLICATION FOR RETIREMENT. A member may
11 apply for service [~~or disability~~] retirement by filing an
12 application for retirement with the board of trustees before the
13 date the member wishes to retire.

14 SECTION 24. Sections 834.102(a) and (d), Government Code,
15 are amended to read as follows:

16 (a) The base service retirement annuity is an amount equal
17 to 50 percent of the state salary, as adjusted from time to time,
18 being paid in accordance with Section 659.012(b)(3) to a judge of a
19 court of the same classification as the court on which the retiree
20 last served before retirement.

21 (d) The service retirement annuity of a person qualifying
22 for retirement under Section 834.101(b) is an amount computed as a
23 percentage of the state salary, as adjusted from time to time, being
24 paid in accordance with Section 659.012(b)(3) to a judge of a court
25 of the same classification as the court on which the retiree last
26 served before retirement, according to the following schedule:

27 percentage

1	age at retirement	of state salary
2	at least 60 but less than 61	40 percent
3	at least 61 but less than 62	41.7 percent
4	at least 62 but less than 63	43.6 percent
5	at least 63 but less than 64	45.6 percent
6	at least 64 but less than 65	47.7 percent

7 SECTION 25. Section 834.304(c), Government Code, is amended
8 to read as follows:

9 (c) A death benefit may not be paid under this section if an
10 optional retirement annuity has been selected as provided by
11 Section 834.103 [~~or 834.203~~].

12 SECTION 26. Section 835.1015(b), Government Code, is
13 amended to read as follows:

14 (b) A member who elects to make contributions under
15 Subsection (a) shall contribute at the member contribution rate
16 required under Section 840.102(a) multiplied by [~~six percent of~~]
17 the member's state compensation for each payroll period in the
18 manner provided by Sections 835.101(a) and (b).

19 SECTION 27. Section 839.102(a), Government Code, as amended
20 by Chapters 1033 (H.B. 1114) and 1203 (H.B. 617), Acts of the 79th
21 Legislature, Regular Session, 2005, is reenacted and amended to
22 read as follows:

23 (a) Except as provided by Subsections (b), (c), (d), and
24 (f), the standard service retirement annuity is an amount equal to
25 50 percent of the state annual salary as set by the General
26 Appropriations Act in accordance with Section 659.012 being paid
27 [~~at the time the member retires~~] to a judge of a court of the same

1 classification as the last court to which the retiring member held
2 judicial office who has the same number of years of contributing
3 service credit as the member on the member's last day of service on
4 the court [~~was elected or appointed~~].

5 SECTION 28. Section 839.102, Government Code, is amended by
6 adding Subsections (b-1), (g), and (h) and amending Subsection (c)
7 to read as follows:

8 (b-1) If a member who is otherwise eligible to retire under
9 Section 839.101 retires because the member is required to vacate
10 the member's judicial office under Section 1-a(1), Article V, Texas
11 Constitution, the applicable state annual salary under Subsection
12 (a) or (c) includes any increase in the state annual salary
13 authorized by legislation that takes effect on or before the one
14 year anniversary of the member's effective date of retirement,
15 including H.B. 2384, 86th Legislature, Regular Session, 2019. The
16 retirement system shall recompute the annuity of a person subject
17 to this subsection and the recomputed annuity becomes payable
18 beginning with the first annuity payable on or after the date the
19 increase in the applicable state annual salary takes effect.

20 (c) The standard service retirement annuity of a person
21 qualifying for retirement under Section 839.101(b) is an amount
22 computed, according to the following schedule, as a percentage of
23 the state annual salary as set by the General Appropriations Act in
24 accordance with Section 659.012 being paid [~~at the time the member~~
25 ~~retires~~] to a judge of a court of the same classification as the
26 last court to which the retiring member held judicial office who has
27 the same number of years of contributing service credit as the

1 member on the member's last day of service on the court [~~was elected~~
 2 ~~or appointed, according to the following schedule~~]:

3	age at retirement	percentage of state salary
4	at least 60 but less than 61	40 percent
5	at least 61 but less than 62	41.7 percent
6	at least 62 but less than 63	43.6 percent
7	at least 63 but less than 64	45.6 percent
8	at least 64 but less than 65	47.7 percent.

9 (g) The salary earned by a person as a visiting judge under
 10 Chapter 74 may not be used to determine the person's service
 11 retirement annuity under this section.

12 (h) For purposes of this section, "contributing service
 13 credit" has the meaning assigned by Section 659.012(f).

14 SECTION 29. Sections 839.201(a) and (b), Government Code,
 15 are amended to read as follows:

16 (a) A member, other than a member who is eligible to receive
 17 a service retirement annuity under Section 839.101, is eligible,
 18 regardless of age, to retire from regular active service for
 19 disability and receive a disability retirement annuity if the
 20 member has at least seven years of service credit in the retirement
 21 system.

22 (b) A member otherwise eligible may not receive a disability
 23 retirement annuity if the member is an active judge, as defined by
 24 Section 74.041 [~~unless the chief justice of the supreme court and~~
 25 ~~the medical board certify that the member is mentally or physically~~
 26 ~~incapacitated for the further performance of regular judicial~~
 27 ~~duties~~].

1 SECTION 30. Section 839.202, Government Code, is amended to
2 read as follows:

3 Sec. 839.202. APPLICATION FOR DISABILITY RETIREMENT
4 ANNUITY [~~REPORTS~~]. (a) A member may apply for a disability
5 retirement annuity by:

6 (1) filing an application for retirement with the
7 board of trustees; or

8 (2) having an application filed with the board of
9 trustees by the member's spouse, employer, or legal representative
10 [~~who applies for retirement because of physical incapacity shall~~
11 ~~file with the retirement system and the chief justice of the supreme~~
12 ~~court written reports by two physicians licensed to practice~~
13 ~~medicine in this state, fully reporting the claimed physical~~
14 ~~incapacity].~~

15 (b) An [~~The retirement system shall refer an~~] application
16 for a disability retirement annuity may not be made:

17 (1) after the earlier of:

18 (A) the date the retirement is to become
19 effective; or

20 (B) the second anniversary of the date the member
21 ceased making contributions to the retirement system; or

22 (2) earlier than the 90th day before the date the
23 retirement is to become effective [~~to the medical board for its~~
24 ~~recommendations. The medical board may require an applicant to~~
25 ~~submit any additional information it considers necessary to enable~~
26 ~~it to make its recommendations].~~

27 (c) An applicant for a disability retirement annuity must

1 submit to a medical examination and provide other pertinent
2 information as may be required by the retirement system [~~The chief~~
3 ~~justice of the supreme court may direct the retirement system to~~
4 ~~employ a physician under Section 840.203 or may direct the medical~~
5 ~~board to require additional information under Subsection (b)]].~~

6 SECTION 31. Subchapter C, Chapter 839, Government Code, is
7 amended by adding Section 839.2025 to read as follows:

8 Sec. 839.2025. DETERMINATION OF DISABILITY. (a) In
9 determining whether a member is mentally or physically
10 incapacitated for the further performance of regular judicial
11 duties, the medical board designated under Section 840.202 may
12 apply the standard prescribed by Section 814.203.

13 (b) A retiree who receives a disability retirement annuity
14 under this subchapter is subject to Section 814.208 to the same
15 extent as a disability retiree under that subchapter.

16 SECTION 32. Section 840.102(a), Government Code, is amended
17 to read as follows:

18 (a) Except as provided by Subsections (g) and (h), each
19 payroll period, a judicial officer who is a member of the retirement
20 system is required to contribute 9.5 [+

21 ~~[(1) 6.6]~~ percent of the officer's state compensation
22 for service rendered after [~~August 31, 2013, and before~~]
23 1, 2019 [~~2014,~~

24 ~~[(2) 6.9 percent of the officer's state compensation~~
25 ~~for service rendered after August 31, 2014, and before September 1,~~
26 ~~2015,~~

27 ~~[(3) 7.2 percent of the officer's state compensation~~

1 ~~for service rendered after August 31, 2015, and before September 1,~~
2 ~~2016;~~

3 ~~[(4) 7.5 percent of the officer's state compensation~~
4 ~~for service rendered after August 31, 2016; or~~

5 ~~[(5) for service rendered on or after September 1,~~
6 ~~2017, the lesser of:~~

7 ~~[(A) 7.5 percent of the officer's state~~
8 ~~compensation; or~~

9 ~~[(B) a percentage of the officer's state~~
10 ~~compensation equal to 7.5 percent reduced by one-tenth of one~~
11 ~~percent for each one-tenth of one percent that the state~~
12 ~~contribution rate for the fiscal year to which the service relates~~
13 ~~is less than the state contribution rate established for the 2015~~
14 ~~fiscal year].~~

15 SECTION 33. Section 1551.102(f), Insurance Code, is amended
16 to read as follows:

17 (f) An individual is eligible to participate in the group
18 benefits program if the individual is certified and qualified as
19 disabled and receives or is eligible to receive an annuity under
20 Section 814.202, 814.207, 824.302, only as to higher education,
21 ~~[834.201]~~ or 839.201, Government Code.

22 SECTION 34. The following provisions of the Government Code
23 are repealed:

- 24 (1) Sections 25.2292(f) and (g);
25 (2) Section 834.003;
26 (3) Subchapter C, Chapter 834; and
27 (4) Section 840.202(c).

1 SECTION 35. (a) Except as provided by Subsection (b) of
2 this section and subject to Subsection (c) of this section, Section
3 839.102, Government Code, as amended by this Act, applies to a
4 retiree of the Judicial Retirement System of Texas Plan Two
5 regardless of whether the person retired before, on, or after the
6 effective date of this Act.

7 (b) Section 839.102(b-1), Government Code, as added by this
8 Act, applies to a person regardless of whether the person retired
9 before, on, or after the effective date of this Act, except the
10 change in law made by that subsection applies only to a benefit
11 payment made by the Judicial Retirement System of Texas Plan Two
12 that becomes payable on or after the effective date of this Act.

13 (c) The board of trustees of the Employees Retirement System
14 of Texas shall recompute each annuity being paid to an annuitant of
15 the Judicial Retirement System of Texas Plan Two under Section
16 839.102, 839.103, 839.301, or 839.302, Government Code, as if the
17 retirement or death on which the annuity is based occurred on the
18 effective date of this Act. Payments of an annuity recomputed under
19 this subsection begin with the first payments that become due on or
20 after the effective date of this Act.

21 SECTION 36. Sections 839.201(b) and 839.202, Government
22 Code, as amended by this Act, and Section 839.2025, Government
23 Code, as added by this Act, apply only to an application for a
24 disability retirement annuity filed on or after the effective date
25 of this Act. An application filed before the effective date of this
26 Act is governed by the law in effect on the date the application was
27 filed, and that law is continued in effect for that purpose.

1 SECTION 37. This Act takes effect September 1, 2019.