

1-1 By: Leach, et al. H.B. No. 2384  
 1-2 (Senate Sponsor - Huffman, Zaffirini)  
 1-3 (In the Senate - Received from the House May 1, 2019;  
 1-4 May 3, 2019, read first time and referred to Committee on State  
 1-5 Affairs; May 19, 2019, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-7 May 19, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 2384 By: Huffman

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to judicial compensation and assignment, the  
 1-23 contributions to, benefits from, membership in, and administration  
 1-24 of the Judicial Retirement System of Texas Plan One and Plan Two,  
 1-25 and the compensation and retirement benefits of certain prosecutors  
 1-26 and other members of the elected class of the Employees Retirement  
 1-27 System of Texas.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 201.105(a), Family Code, is amended to  
 1-30 read as follows:

1-31 (a) An associate judge appointed under this subchapter is  
 1-32 entitled to a salary in the amount equal to ~~[be determined by a~~  
 1-33 ~~majority vote of the presiding judges of the administrative~~  
 1-34 ~~judicial regions. The salary may not exceed]~~ 90 percent of the  
 1-35 state base salary paid to a district judge as set by the General  
 1-36 Appropriations Act in accordance with Section 659.012(a),  
 1-37 Government Code.

1-38 SECTION 2. Section 201.205(a), Family Code, is amended to  
 1-39 read as follows:

1-40 (a) An associate judge appointed under this subchapter is  
 1-41 entitled to a salary in the amount equal to ~~[as determined by a~~  
 1-42 ~~majority vote of the presiding judges of the administrative~~  
 1-43 ~~judicial regions. The salary may not exceed]~~ 90 percent of the  
 1-44 state base salary paid to a district judge as set by the [state]  
 1-45 General Appropriations Act in accordance with Section 659.012(a),  
 1-46 Government Code.

1-47 SECTION 3. Section 25.0005, Government Code, is amended by  
 1-48 amending Subsection (a) and adding Subsections (a-1) and (a-2) to  
 1-49 read as follows:

1-50 (a) A statutory county court judge, other than a statutory  
 1-51 county court judge who engages in the private practice of law, shall  
 1-52 be paid a total annual salary set by the commissioners court at an  
 1-53 amount that is not less than \$1,000 less than the sum of the [total]  
 1-54 annual salary as set by the General Appropriations Act in  
 1-55 accordance with Section 659.012 paid to [received by] a district  
 1-56 judge with comparable years of service as the statutory county  
 1-57 court judge and any state or county [in the county. A district  
 1-58 judge's or statutory county court judge's total annual salary  
 1-59 includes] contributions and supplements paid to a district judge in  
 1-60 the county, [paid by the state or a county,] other than

2-1 contributions received as compensation under Section 74.051. A  
2-2 statutory county court judge's total annual salary includes any  
2-3 state or county contributions and supplements paid to the judge.  
2-4 For purposes of this subsection, the years of service of a statutory  
2-5 county court judge include any years of service as an appellate  
2-6 court, district court, multicounty statutory county court, or  
2-7 statutory probate court justice or judge.

2-8 (a-1) The minimum salary prescribed by Subsection (a) that  
2-9 is to be based on the annual salary of a district judge under  
2-10 Section 659.012(b) becomes effective on the first day of the  
2-11 county's fiscal year following the date the statutory county court  
2-12 judge accrues the years of service required for an increase in  
2-13 salary under Subsection (a).

2-14 (a-2) Notwithstanding Subsection (a), the maximum annual  
2-15 salary of a statutory county court judge is \$1,000 less than the sum  
2-16 of the maximum combined annual salary from all state and county  
2-17 sources paid to a district judge entitled to a salary under Section  
2-18 659.012(b)(2) and any longevity pay received by a district judge in  
2-19 accordance with Section 659.0445(d).

2-20 SECTION 4. Section 25.0015, Government Code, is amended to  
2-21 read as follows:

2-22 Sec. 25.0015. STATE CONTRIBUTION. [~~(a)~~] Beginning on the  
2-23 first day of the state fiscal year, the state shall annually  
2-24 compensate each county in an amount equal to 60 percent of the state  
2-25 base salary paid to ~~of~~ a district ~~court~~ judge as set by the  
2-26 General Appropriations Act in accordance with Section 659.012(a)  
2-27 ~~[in the county]~~ for each statutory county court judge in the county  
2-28 who:

- 2-29 (1) does not engage in the private practice of law; and
- 2-30 (2) presides over a court with at least the  
2-31 jurisdiction provided by Section 25.0003.

2-32 SECTION 5. Section 25.0023, Government Code, is amended by  
2-33 amending Subsection (a) and adding Subsections (a-1) and (a-2) to  
2-34 read as follows:

2-35 (a) The commissioners court shall set the total annual  
2-36 salary of each judge of a statutory probate court at an amount that  
2-37 is at least equal to the sum of the ~~[total]~~ annual salary as set by  
2-38 the General Appropriations Act in accordance with Section 659.012  
2-39 paid to ~~[received by]~~ a district judge with comparable years of  
2-40 service as the statutory probate court judge and any state or county  
2-41 ~~[in the county. A district judge's or statutory probate court~~  
2-42 ~~judge's total annual salary includes]~~ contributions and  
2-43 supplements paid to a district judge in the county ~~[by the state or~~  
2-44 ~~a county]~~, other than contributions received as compensation under  
2-45 Section 74.051 ~~[25.0022(e)]~~. A statutory probate court judge's  
2-46 total annual salary includes any state or county contributions and  
2-47 supplements paid to the judge, other than contributions paid under  
2-48 Section 25.0022(e). For purposes of this subsection, the years of  
2-49 service of a statutory probate court judge include any years of  
2-50 service as an appellate court, district court, multicounty  
2-51 statutory county court, or statutory county court justice or judge.

2-52 (a-1) The minimum salary prescribed by Subsection (a) that  
2-53 is to be based on the annual salary of a district judge under  
2-54 Section 659.012(b) becomes effective on the first day of the  
2-55 county's fiscal year following the date the judge accrues the years  
2-56 of service required for an increase in salary under Subsection (a).

2-57 (a-2) Notwithstanding Subsection (a), the maximum annual  
2-58 salary of a statutory probate court judge is \$1,000 less than the  
2-59 sum of the maximum combined annual salary from all state and county  
2-60 sources paid to a district judge entitled to a salary under Section  
2-61 659.012(b)(2) and any longevity pay received by a district judge in  
2-62 accordance with Section 659.0445(d).

2-63 SECTION 6. Section 25.2607(d), Government Code, is amended  
2-64 to read as follows:

2-65 (d) Notwithstanding Section 25.0015, the state shall  
2-66 annually compensate the administrative county of a multicounty  
2-67 statutory county court for the salary of the judge of the  
2-68 multicounty statutory county court in an amount equal to 100  
2-69 percent of the state base salary paid to ~~of~~ a district ~~court~~

3-1 judge as set by the General Appropriations Act in accordance with  
3-2 Section 659.012(a) [~~in the county for the salary of the judge of the~~  
3-3 ~~multicounty statutory county court~~].

3-4 SECTION 7. Section 26.006(a), Government Code, is amended  
3-5 to read as follows:

3-6 (a) A county judge is entitled to an annual salary  
3-7 supplement from the state in an amount equal to 18 percent of the  
3-8 state base salary paid to [~~annual compensation provided for~~] a  
3-9 district judge as set by [~~in~~] the General Appropriations Act in  
3-10 accordance with Section 659.012(a) if at least 40 percent of the  
3-11 functions that the judge performs are judicial functions.

3-12 SECTION 8. Section 41.013, Government Code, is amended to  
3-13 read as follows:

3-14 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. Except  
3-15 as otherwise provided by law, a district attorney or criminal  
3-16 district attorney is entitled to receive from the state annual  
3-17 compensation in an amount equal to at least 80 percent of the state  
3-18 annual salary as set by [~~compensation provided for a district judge~~  
3-19 ~~in~~] the General Appropriations Act in accordance with Section  
3-20 659.012 paid to a district judge with comparable years of service as  
3-21 the district attorney or criminal district attorney.

3-22 SECTION 9. Section 46.001(2), Government Code, is amended  
3-23 to read as follows:

3-24 (2) "Benchmark salary" means the state annual salary  
3-25 as set by [~~that is provided for a district judge in~~] the General  
3-26 Appropriations Act in accordance with Section 659.012 paid to a  
3-27 district judge with comparable years of service as the county  
3-28 prosecutor.

3-29 SECTION 10. Section 46.003, Government Code, is amended by  
3-30 amending Subsection (a) and adding Subsections (c) and (d) to read  
3-31 as follows:

3-32 (a) The state prosecuting attorney and each state  
3-33 prosecutor is entitled to receive from the state a salary in an  
3-34 amount [~~compensation~~] equal to the state annual salary as set by  
3-35 [~~compensation that is provided for a district judge in~~] the General  
3-36 Appropriations Act in accordance with Section 659.012 paid to a  
3-37 district judge with comparable years of service as the state  
3-38 prosecuting attorney or state prosecutor.

3-39 (c) Notwithstanding Subsection (a), if the amount of a state  
3-40 prosecutor's total annual salary from state and county sources  
3-41 exceeds the amount of the maximum combined base salary from all  
3-42 state and county sources provided by Section 659.012 for a district  
3-43 judge with comparable years of service as the state prosecutor, the  
3-44 comptroller shall reduce the state prosecutor's state annual salary  
3-45 by the amount equal to the excess amount, except that the  
3-46 comptroller may not reduce the state prosecutor's state annual  
3-47 salary to an amount that is less than the state base salary paid to a  
3-48 district judge as set by the General Appropriations Act in  
3-49 accordance with Section 659.012(a).

3-50 (d) The comptroller shall calculate the amount of the state  
3-51 annual salary to be paid to a state prosecutor under this section  
3-52 for a state fiscal year based on sworn statements the state  
3-53 prosecutor files annually with the comptroller at the time and in  
3-54 the manner the comptroller requires that specify the amount of  
3-55 county compensation to be paid to the state prosecutor for that  
3-56 year.

3-57 SECTION 11. Section 46.0031(d), Government Code, is amended  
3-58 to read as follows:

3-59 (d) At least annually the comptroller shall pay to the  
3-60 salary fund of each county that is entitled to receive funds under  
3-61 this section an amount authorized under this section to supplement  
3-62 the salary of the county prosecutor. For purposes of calculating  
3-63 that amount, the comptroller shall use the benchmark salary  
3-64 applicable to the county prosecutor on September 1 of the state  
3-65 fiscal year in which the payment is made.

3-66 SECTION 12. Section 54.653(b), Government Code, is amended  
3-67 to read as follows:

3-68 (b) The salary of a full-time magistrate may not exceed an  
3-69 amount equal to 90 percent of the sum of:

4-1 (1) the state base salary paid to a district judge as  
4-2 set by the General Appropriations Act in accordance with [~~by the~~  
4-3 ~~state under~~] Section 659.012(a) [659.012]; and

4-4 (2) the maximum amount of county contributions and  
4-5 supplements allowed by law to be paid to a district judge under  
4-6 Section 659.012.

4-7 SECTION 13. Sections 74.003(b), (c), and (e), Government  
4-8 Code, are amended to read as follows:

4-9 (b) The chief justice of the supreme court may assign a  
4-10 qualified former or retired justice or judge of the supreme court,  
4-11 of the court of criminal appeals, or of a court of appeals to a court  
4-12 of appeals for active service regardless of whether a vacancy  
4-13 exists in the court to which the justice or judge is assigned. To be  
4-14 eligible for assignment under this subsection, a former or retired  
4-15 justice or judge must:

4-16 (1) have served as an active justice or judge for at  
4-17 least 96 months in a district, statutory probate, statutory county,  
4-18 or appellate court, with at least 48 of those months in an appellate  
4-19 court;

4-20 (2) not have been removed from office;

4-21 (3) certify under oath to the chief justice of the  
4-22 supreme court, on a form prescribed by the chief justice, that:

4-23 (A) the justice or judge has never been publicly  
4-24 reprimanded or censured by the State Commission on Judicial  
4-25 Conduct; and

4-26 (B) the justice or judge:

4-27 (i) did not resign or retire from office  
4-28 after the State Commission on Judicial Conduct notified the justice  
4-29 or judge of the commencement of a full investigation into an  
4-30 allegation or appearance of misconduct or disability of the justice  
4-31 or judge as provided in Section 33.022 and before the final  
4-32 disposition of that investigation; or

4-33 (ii) if the justice or judge did resign from  
4-34 office under circumstances described by Subparagraph (i), the  
4-35 justice or judge was not publicly reprimanded or censured as a  
4-36 result of the investigation;

4-37 (4) annually demonstrate that the justice or judge has  
4-38 completed in the past state fiscal year the educational  
4-39 requirements for active appellate court justices or judges; and

4-40 (5) certify to the chief justice of the supreme court a  
4-41 willingness not to appear and plead as an attorney in any court in  
4-42 this state for a period of two years.

4-43 (c) An active, former, or retired justice or judge assigned  
4-44 as provided by this section out of the county of the justice's or  
4-45 judge's [~~his~~] residence is entitled to receive the same expenses  
4-46 and per diem as those allowed a district judge assigned as provided  
4-47 by Subchapter C. The state shall pay the expenses and per diem on  
4-48 certificates of approval by the chief justice of the supreme court  
4-49 or the chief justice of the court of appeals to which the justice or  
4-50 judge is assigned. The compensation authorized by this subsection  
4-51 is in addition to all other compensation authorized by law.

4-52 (e) A retired justice or judge assigned as provided by this  
4-53 section is entitled to receive, pro rata for the time serving on  
4-54 assignment, from money appropriated from the general revenue fund  
4-55 for that purpose, an amount equal to the compensation received from  
4-56 state and county sources by a justice of the court of appeals to  
4-57 which assigned. A former justice or judge assigned as provided by  
4-58 this section is entitled to receive, pro rata for the time serving  
4-59 on assignment, from money appropriated from the general revenue  
4-60 fund for that purpose, an amount equal to the compensation from the  
4-61 state received by a justice of the court of appeals to which  
4-62 assigned, and from county sources, an amount equal to the  
4-63 compensation received from county sources by a justice of the court  
4-64 of appeals to which assigned. For purposes of determining the  
4-65 amount to be paid to a former or retired justice or judge under this  
4-66 subsection, the compensation received from the state by a justice  
4-67 of the court of appeals to which the retired justice or judge is  
4-68 assigned is the amount equal to the state base salary paid to a  
4-69 justice of that court of appeals as set by the General

5-1 Appropriations Act in accordance with Section 659.012(a).

5-2 SECTION 14. Sections 74.051(b) and (c), Government Code,  
5-3 are amended to read as follows:

5-4 (b) Except as provided by Subsection (c), a presiding judge  
5-5 shall receive a salary in an amount not to exceed 30 percent of the  
5-6 state base salary paid to a district judge as set by the General  
5-7 Appropriations Act in accordance with Section 659.012(a) [~~\$33,000 a~~  
5-8 year]. The Texas Judicial Council shall set the salary biennially  
5-9 and, in arriving at the amount of the salary, shall consider whether  
5-10 the presiding judge is active in administrative duties, performs  
5-11 part time, or is a retired judge. The salary set by the Texas  
5-12 Judicial Council shall be apportioned to each county in the region  
5-13 according to the population of the counties in [~~comprising~~] the  
5-14 region and shall be paid through the county budget process.

5-15 (c) A presiding judge who is a retired or former district  
5-16 judge or a retired appellate judge and who presides over an  
5-17 administrative region with 30 or more district courts, statutory  
5-18 county courts, and retired and former judges named on the list  
5-19 maintained under Section 74.055 for the administrative region is  
5-20 entitled to an annual salary for each fiscal year in an amount equal  
5-21 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) [<del>\$35,000]</del></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) [<del>\$40,000]</del></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) [<del>\$45,000]</del></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 accordance with Section 659.012(a) [<del>\$50,000]</del></u>

5-47 SECTION 15. Sections 74.061(b), (h), and (i), Government  
5-48 Code, are amended to read as follows:

5-49 (b) While serving in a county outside the judge's [~~his~~]  
5-50 judicial district or county, an assigned [~~a~~] judge is entitled to  
5-51 receive, in addition to the assigned judge's [~~his~~] necessary  
5-52 expenses, additional compensation from the county to which the  
5-53 assigned judge [~~he~~] is assigned in an amount not to exceed the  
5-54 difference between the compensation of the assigned judge from all  
5-55 sources, exclusive of the per diem provided by Subsection (f), and  
5-56 the compensation received from all sources by the judge of the court  
5-57 to which the assigned judge [~~he~~] is assigned. If the judge of the  
5-58 court to which the assigned judge is assigned is paid an annual  
5-59 salary from the state in accordance with Section 659.012(b), the  
5-60 amount by which that annual salary exceeds the amount of the state  
5-61 base salary as set by the General Appropriations Act for the judge's  
5-62 position in accordance with Section 659.012(a) is not included in  
5-63 the compensation of the judge for purposes of determining the  
5-64 compensation of the assigned judge under this subsection. The  
5-65 county shall pay the compensation provided by this subsection on  
5-66 approval of the presiding judge of the administrative region in  
5-67 which the court to which the assigned judge is assigned is located.

5-68 (h) Notwithstanding Subsection (c), the salary from the  
5-69 state of a retired judge or justice assigned to a district court is

6-1 determined pro rata based on the sum of the regular judge's salary  
 6-2 from the county plus the amount of the state base salary paid to a  
 6-3 district judge as set by the General Appropriations Act in  
 6-4 accordance with Section 659.012(a) [greater of:

- 6-5 ~~(1) the regular judge's salary from the state on~~
- 6-6 ~~August 31, 2007; or~~
- 6-7 ~~(2) 100 percent of the regular judge's salary from the~~
- 6-8 ~~state, as established by the General Appropriations Act for any~~
- 6-9 ~~fiscal year].~~

6-10 (i) Notwithstanding Subsection (d), the salary from the  
 6-11 state of a former judge or justice assigned to a district court is  
 6-12 determined pro rata based on the amount of the state base salary  
 6-13 paid to a district judge as set by the General Appropriations Act in  
 6-14 accordance with Section 659.012(a) [greater of:

- 6-15 ~~(1) the regular judge's salary from the state on~~
- 6-16 ~~August 31, 2007; or~~
- 6-17 ~~(2) 100 percent of the regular judge's salary from the~~
- 6-18 ~~state, as established by the General Appropriations Act for any~~
- 6-19 ~~fiscal year].~~

6-20 SECTION 16. Section 75.016(c), Government Code, is amended  
 6-21 to read as follows:

6-22 (c) The Commissioners Court of Travis County may set  
 6-23 additional compensation to be paid to the presiding criminal judge  
 6-24 by the county in any amount that does not exceed the amount the  
 6-25 local administrative district judge of Travis County receives from  
 6-26 this state. Notwithstanding any other law, compensation paid the  
 6-27 presiding criminal judge under this subsection is not included as  
 6-28 part of the judge's combined base salary from all state and county  
 6-29 sources for purposes of the salary limitations provided by Section  
 6-30 659.012.

6-31 SECTION 17. Section 659.012, Government Code, is amended to  
 6-32 read as follows:

6-33 Sec. 659.012. JUDICIAL SALARIES. (a) Notwithstanding  
 6-34 Section 659.011 and subject to Subsections (b) and (b-1):

6-35 (1) a judge of a district court is entitled to an  
 6-36 annual base salary from the state as set by the General  
 6-37 Appropriations Act in an amount equal to [of] at least \$140,000  
 6-38 [\$125,000], except that the combined base salary of a district  
 6-39 judge from all state and county sources, including compensation for  
 6-40 any extrajudicial services performed on behalf of the county, may  
 6-41 not exceed the amount that is \$5,000 less than the maximum combined  
 6-42 base salary from all state and county sources [provided] for a  
 6-43 justice of a court of appeals other than a chief justice as  
 6-44 determined under this subsection;

6-45 (2) a justice of a court of appeals other than the  
 6-46 chief justice is entitled to an annual base salary from the state in  
 6-47 the amount [that is] equal to 110 percent of the state base salary  
 6-48 of a district judge as set by the General Appropriations Act, except  
 6-49 that the combined base salary of a justice of the court of appeals  
 6-50 other than the chief justice from all state and county sources,  
 6-51 including compensation for any extrajudicial services performed on  
 6-52 behalf of the county, may not exceed the amount that is \$5,000 less  
 6-53 than the base salary [provided] for a justice of the supreme court  
 6-54 as determined under this subsection;

6-55 (3) a justice of the supreme court other than the chief  
 6-56 justice or a judge of the court of criminal appeals other than the  
 6-57 presiding judge is entitled to an annual base salary from the state  
 6-58 in the amount [that is] equal to 120 percent of the state base  
 6-59 salary of a district judge as set by the General Appropriations Act;  
 6-60 and

6-61 (4) the chief justice or presiding judge of an  
 6-62 appellate court is entitled to an annual base salary from the state  
 6-63 in the amount equal to [that is] \$2,500 more than the state base  
 6-64 salary provided for the other justices or judges of the court,  
 6-65 except that the combined base salary of the chief justice of a court  
 6-66 of appeals from all state and county sources may not exceed the  
 6-67 amount equal to [that is] \$2,500 less than the base salary  
 6-68 [provided] for a justice of the supreme court as determined under  
 6-69 this subsection.

7-1           (b) A judge or justice for whom the amount of a state base  
7-2 salary is prescribed by Subsection (a) is entitled to an annual  
7-3 salary from the state in the amount equal to:  
7-4           (1) 110 percent of the state base salary paid in  
7-5 accordance with Subsection (a) for the judge's or justice's  
7-6 position, beginning with the pay period that begins after the judge  
7-7 or justice accrues four years of:  
7-8           (A) contributing service credit in the Judicial  
7-9 Retirement System of Texas Plan One or the Judicial Retirement  
7-10 System of Texas Plan Two;  
7-11           (B) service as a judge of a statutory county  
7-12 court, multicounty statutory county court, or statutory probate  
7-13 court; or  
7-14           (C) combined contributing service credit and  
7-15 service as provided by Paragraphs (A) and (B); and  
7-16           (2) 120 percent of the state base salary paid in  
7-17 accordance with Subsection (a) for the judge's or justice's  
7-18 position, beginning with the pay period that begins after the judge  
7-19 or justice accrues eight years of:  
7-20           (A) contributing service credit in the Judicial  
7-21 Retirement System of Texas Plan One or the Judicial Retirement  
7-22 System of Texas Plan Two;  
7-23           (B) service as a judge of a statutory county  
7-24 court, multicounty statutory county court, or statutory probate  
7-25 court; or  
7-26           (C) combined contributing service credit and  
7-27 service as provided by Paragraphs (A) and (B).  
7-28           (b-1) A limitation on the combined base salary from all  
7-29 state and county sources prescribed by Subsection (a)(1) or (2)  
7-30 applies to a judge or justice to whom Subsection (b) applies, except  
7-31 that the amount by which the annual salary from the state paid to  
7-32 the judge or justice in accordance with Subsection (b) exceeds the  
7-33 amount of the state base salary for the judge's or justice's  
7-34 position set by the General Appropriations Act in accordance with  
7-35 Subsection (a) is not included as part of the judge's or justice's  
7-36 combined base salary from all state and county sources for purposes  
7-37 of determining whether the judge's or justice's salary exceeds the  
7-38 limitation.  
7-39           (c) To the extent of any conflict, the salary limitations  
7-40 provided by Subsection (a) [~~this section~~] for the combined base  
7-41 salary of a state judge or justice from state and local sources  
7-42 prevail [~~prevails~~] over any provision of Chapter 31 or 32 that  
7-43 authorizes the payment of additional compensation to a state judge  
7-44 or justice.  
7-45           (d) Notwithstanding any other provision in this section or  
7-46 other law, in a county with more than five district courts, a  
7-47 district judge who serves as a local administrative district judge  
7-48 under Section 74.091 is entitled to an annual base salary from the  
7-49 state in the amount equal to [~~that is~~] \$5,000 more than the maximum  
7-50 salary from the state to which the judge is otherwise entitled under  
7-51 Subsection (a) or (b).  
7-52           (e) For the purpose of salary payments by the state, the  
7-53 comptroller shall determine from sworn statements filed by the  
7-54 justices of the courts of appeals and district judges that the  
7-55 required salary limitations provided by Subsection (a) [~~this~~  
7-56 section] are maintained. If the state base [~~a~~] salary for a judge  
7-57 or justice prescribed by Subsection (a) combined with additional  
7-58 compensation from a county would exceed [~~be in excess of~~] the  
7-59 limitations provided by Subsection (a) [~~this section~~], the  
7-60 comptroller shall reduce the [~~state~~] salary payment made by the  
7-61 state by the amount of the excess.  
7-62           (f) For purposes of Subsection (b), "contributing service  
7-63 credit" means service credit established in the:  
7-64           (1) Judicial Retirement System of Texas Plan One under  
7-65 Section 833.101 or 833.106 for each month of service in which the  
7-66 member held a judicial office described by Section 832.001(a),  
7-67 including service credit established under either section that was  
7-68 previously canceled but reestablished under Section 833.102; or  
7-69           (2) Judicial Retirement System of Texas Plan Two under

8-1 Section 838.101 or 838.106 for each month of service in which the  
8-2 member held a judicial office described by Section 837.001(a),  
8-3 including service credit established under either section that was  
8-4 previously canceled but reestablished under Section 838.102.

8-5 SECTION 18. Section 659.0125, Government Code, is amended  
8-6 by amending Subsection (c) and adding Subsection (d) to read as  
8-7 follows:

8-8 (c) A retired judge appointed to an MDL pretrial court, as  
8-9 defined by Section 90.001, Civil Practice and Remedies Code, is  
8-10 entitled to receive the same compensation and benefits to which a  
8-11 district judge is entitled from the state. For purposes of this  
8-12 subsection, the compensation to which a district judge is entitled  
8-13 from the state is the amount equal to the state base salary paid to a  
8-14 district judge as set by the General Appropriations Act in  
8-15 accordance with Section 659.012(a).

8-16 (d) A former or retired judge or justice assigned under  
8-17 Chapter 74 or 75 to a matter referred to an MDL pretrial court, as  
8-18 defined by Section 90.001, Civil Practice and Remedies Code, is  
8-19 entitled to receive the same compensation and benefits to which a  
8-20 former or retired judge or justice assigned under Chapter 74 is  
8-21 entitled under Section 74.061.

8-22 SECTION 19. Section 659.0445(b), Government Code, is  
8-23 amended to read as follows:

8-24 (b) The monthly amount of longevity pay under this section  
8-25 to which a judge or justice described by Subsection (a) is entitled:

8-26 (1) is equal to the product of 0.05 [~~0.031~~]  
8-27 by the amount of the judge's or justice's current monthly state  
8-28 salary; and

8-29 (2) becomes payable beginning with the month following  
8-30 the month in which the judge or justice completes 12 [~~16~~]  
8-31 years of service for which credit is established in the applicable  
8-32 retirement system.

8-33 SECTION 20. Section 814.103, Government Code, is amended to  
8-34 read as follows:

8-35 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS  
8-36 SERVICE. (a) Except as provided by Subsection (a-1) or (b), the  
8-37 standard service retirement annuity for service credited in the  
8-38 elected class of membership is an amount equal to the number of  
8-39 years of service credit in that class, times 2.3 [~~two~~] percent of  
8-40 the state base salary, excluding longevity pay payable under  
8-41 Section 659.0445 and as adjusted from time to time, being paid to a  
8-42 district judge as set by the General Appropriations Act in  
8-43 accordance with Section 659.012(a).

8-44 (a-1) Except as provided by Subsection (b), the standard  
8-45 service retirement annuity for service credited in the elected  
8-46 class of membership for a member of the class under Section  
8-47 812.002(a)(3) whose effective date of retirement is on or after  
8-48 September 1, 2019, is an amount equal to the number of years of  
8-49 service credit in that class, times 2.3 percent of the state salary,  
8-50 excluding longevity pay payable under Section 659.0445 and as  
8-51 adjusted from time to time, being paid in accordance with Section  
8-52 659.012 to a district judge who has the same number of years of  
8-53 contributing service credit as the member on the member's last day  
8-54 of service as a district or criminal district attorney, as  
8-55 applicable.

8-56 (b) The standard service retirement annuity for service  
8-57 credited in the elected class may not exceed at any time 100 percent  
8-58 of the state salary of being paid a district judge on which the  
8-59 annuity is based under Subsection (a) or (a-1), as applicable.

8-60 (c) For purposes of this section, "contributing service  
8-61 credit" with respect to:

8-62 (1) a member means service credit established in the  
8-63 elected class under Section 813.201 or 813.402 for each month of  
8-64 service in which the member held a position described by Section  
8-65 812.002(a)(3), including service credit established under either  
8-66 section that was previously canceled but reestablished under  
8-67 Section 813.102; and

8-68 (2) a district judge has the meaning assigned by  
8-69 Section 659.012(f).



9-1 SECTION 21. Section 815.204(c), Government Code, is amended  
9-2 to read as follows:

- 9-3 (c) The medical board shall:
- 9-4 (1) review all medical examinations required by this
- 9-5 subtitle and Subtitle D;
- 9-6 (2) investigate essential statements and certificates
- 9-7 made by or on behalf of a member of the retirement system in
- 9-8 connection with an application for disability retirement; and
- 9-9 (3) report in writing to the executive director its
- 9-10 conclusions and recommendations on all matters referred to it.

9-11 SECTION 22. Section 834.001, Government Code, is amended to  
9-12 read as follows:

9-13 Sec. 834.001. TYPES OF BENEFITS. The types of benefits  
9-14 payable by the retirement system are:

- 9-15 (1) service retirement benefits; and
- 9-16 (2) ~~[disability retirement benefits; and~~
- 9-17 ~~[-(3)-]~~ death benefits.

9-18 SECTION 23. Section 834.002, Government Code, is amended to  
9-19 read as follows:

9-20 Sec. 834.002. APPLICATION FOR RETIREMENT. A member may  
9-21 apply for service ~~[or disability]~~ retirement by filing an  
9-22 application for retirement with the board of trustees before the  
9-23 date the member wishes to retire.

9-24 SECTION 24. Sections 834.102(a) and (d), Government Code,  
9-25 are amended to read as follows:

9-26 (a) The base service retirement annuity for a person whose  
9-27 effective date of retirement is:

9-28 (1) before September 1, 2019, is an amount equal to 50  
9-29 percent of the state base salary, as adjusted from time to time,  
9-30 being paid in accordance with Section 659.012(a) to a judge of a  
9-31 court of the same classification as the court on which the retiree  
9-32 last served before retirement; or

9-33 (2) on or after September 1, 2019, is an amount equal  
9-34 to 50 percent of the state salary, as adjusted from time to time,  
9-35 being paid in accordance with Section 659.012(b)(2) to a judge of a  
9-36 court of the same classification as the court on which the retiree  
9-37 last served before retirement.

9-38 (d) The service retirement annuity of a person qualifying  
9-39 for retirement under Section 834.101(b) whose effective date of  
9-40 retirement is:

9-41 (1) before September 1, 2019, is an amount computed as  
9-42 a percentage of the state base salary, as adjusted from time to  
9-43 time, being paid in accordance with Section 659.012(a) to a judge of  
9-44 a court of the same classification as the court on which the retiree  
9-45 last served before retirement, according to the following schedule:

age at retirement	percentage of state salary
at least 60 but less than 61	40 percent
at least 61 but less than 62	41.7 percent
at least 62 but less than 63	43.6 percent
at least 63 but less than 64	45.6 percent
at least 64 but less than 65	47.7 percent; <u>or</u>

9-52 (2) on or after September 1, 2019, is an amount  
9-53 computed as a percentage of the state salary, as adjusted from time  
9-54 to time, being paid in accordance with Section 659.012(b)(2) to a  
9-55 judge of a court of the same classification as the court on which  
9-56 the retiree last served before retirement, according to the  
9-57 following schedule:

<u>age at retirement</u>	<u>percentage of state salary</u>
<u>at least 60 but less than 61</u>	<u>40 percent</u>
<u>at least 61 but less than 62</u>	<u>41.7 percent</u>
<u>at least 62 but less than 63</u>	<u>43.6 percent</u>
<u>at least 63 but less than 64</u>	<u>45.6 percent</u>
<u>at least 64 but less than 65</u>	<u>47.7 percent</u>

9-64 SECTION 25. Section 834.304(c), Government Code, is amended  
9-65 to read as follows:

9-66 (c) A death benefit may not be paid under this section if an  
9-67 optional retirement annuity has been selected as provided by  
9-68 Section 834.103 ~~[or 834.203]~~.

9-69 SECTION 26. Section 835.1015(b), Government Code, is

10-1 amended to read as follows:

10-2 (b) A member who elects to make contributions under  
 10-3 Subsection (a) shall contribute at the member contribution rate  
 10-4 required under Section 840.102(a) multiplied by [six percent of]  
 10-5 the member's state compensation for each payroll period in the  
 10-6 manner provided by Sections 835.101(a) and (b).

10-7 SECTION 27. Section 839.102(a), Government Code, as amended  
 10-8 by Chapters 1033 (H.B. 1114) and 1203 (H.B. 617), Acts of the 79th  
 10-9 Legislature, Regular Session, 2005, is reenacted and amended to  
 10-10 read as follows:

10-11 (a) Except as provided by Subsections (b), (c), (d), and  
 10-12 (f), the standard service retirement annuity is an amount equal to  
 10-13 50 percent of the state annual salary as set by the General  
 10-14 Appropriations Act in accordance with Section 659.012 being paid  
 10-15 [at the time the member retires] to a judge of a court of the same  
 10-16 classification as the last court to which the retiring member held  
 10-17 judicial office who has the same number of years of contributing  
 10-18 service credit as the member on the member's last day of service on  
 10-19 the court [was elected or appointed].

10-20 SECTION 28. Section 839.102, Government Code, is amended by  
 10-21 amending Subsection (c) and adding Subsections (g) and (h) to read  
 10-22 as follows:

10-23 (c) The standard service retirement annuity of a person  
 10-24 qualifying for retirement under Section 839.101(b) is an amount  
 10-25 computed, according to the following schedule, as a percentage of  
 10-26 the state annual salary as set by the General Appropriations Act in  
 10-27 accordance with Section 659.012 being paid [at the time the member  
 10-28 retires] to a judge of a court of the same classification as the  
 10-29 last court to which the retiring member held judicial office who has  
 10-30 the same number of years of contributing service credit as the  
 10-31 member on the member's last day of service on the court [was elected  
 10-32 or appointed, according to the following schedule]:

age at retirement	percentage of state salary
10-34 at least 60 but less than 61	40 percent
10-35 at least 61 but less than 62	41.7 percent
10-36 at least 62 but less than 63	43.6 percent
10-37 at least 63 but less than 64	45.6 percent
10-38 at least 64 but less than 65	47.7 percent.

10-39 (g) The salary earned by a person as a visiting judge under  
 10-40 Chapter 74 may not be used to determine the person's service  
 10-41 retirement annuity under this section.

10-42 (h) For purposes of this section, "contributing service  
 10-43 credit" has the meaning assigned by Section 659.012(f).

10-44 SECTION 29. Sections 839.201(a) and (b), Government Code,  
 10-45 are amended to read as follows:

10-46 (a) A member, other than a member who is eligible to receive  
 10-47 a service retirement annuity under Section 839.101, is eligible,  
 10-48 regardless of age, to retire from regular active service for  
 10-49 disability and receive a disability retirement annuity if the  
 10-50 member has at least seven years of service credit in the retirement  
 10-51 system.

10-52 (b) A member otherwise eligible may not receive a disability  
 10-53 retirement annuity if the member is an active judge, as defined by  
 10-54 Section 74.041 [unless the chief justice of the supreme court and  
 10-55 the medical board certify that the member is mentally or physically  
 10-56 incapacitated for the further performance of regular judicial  
 10-57 duties].

10-58 SECTION 30. Section 839.202, Government Code, is amended to  
 10-59 read as follows:

10-60 Sec. 839.202. APPLICATION FOR DISABILITY RETIREMENT  
 10-61 ANNUITY [REPORTS]. (a) A member may apply for a disability  
 10-62 retirement annuity by:

10-63 (1) filing an application for retirement with the  
 10-64 board of trustees; or

10-65 (2) having an application filed with the board of  
 10-66 trustees by the member's spouse, employer, or legal representative  
 10-67 [who applies for retirement because of physical incapacity shall  
 10-68 file with the retirement system and the chief justice of the supreme  
 10-69 court written reports by two physicians licensed to practice

11-1 ~~medicine in this state, fully reporting the claimed physical~~  
 11-2 ~~incapacity].~~

11-3 (b) An ~~[The retirement system shall refer an]~~ application  
 11-4 for a disability retirement annuity may not be made:

11-5 (1) after the earlier of:

11-6 (A) the date the retirement is to become  
 11-7 effective; or

11-8 (B) the second anniversary of the date the member  
 11-9 ceased making contributions to the retirement system; or

11-10 (2) earlier than the 90th day before the date the  
 11-11 retirement is to become effective ~~[to the medical board for its~~  
 11-12 ~~recommendations. The medical board may require an applicant to~~  
 11-13 ~~submit any additional information it considers necessary to enable~~  
 11-14 ~~it to make its recommendations].~~

11-15 (c) An applicant for a disability retirement annuity must  
 11-16 submit to a medical examination and provide other pertinent  
 11-17 information as may be required by the retirement system ~~[The chief~~  
 11-18 ~~justice of the supreme court may direct the retirement system to~~  
 11-19 ~~employ a physician under Section 840.203 or may direct the medical~~  
 11-20 ~~board to require additional information under Subsection (b)].~~

11-21 SECTION 31. Subchapter C, Chapter 839, Government Code, is  
 11-22 amended by adding Section 839.2025 to read as follows:

11-23 Sec. 839.2025. DETERMINATION OF DISABILITY. (a) In  
 11-24 determining whether a member is mentally or physically  
 11-25 incapacitated for the further performance of regular judicial  
 11-26 duties, the medical board designated under Section 840.202 may  
 11-27 apply the standard prescribed by Section 814.203.

11-28 (b) A retiree who receives a disability retirement annuity  
 11-29 under this subchapter is subject to Section 814.208 to the same  
 11-30 extent as a disability retiree under that subchapter.

11-31 SECTION 32. Section 840.102(a), Government Code, is amended  
 11-32 to read as follows:

11-33 (a) Except as provided by Subsections (g) and (h), each  
 11-34 payroll period, a judicial officer who is a member of the retirement  
 11-35 system is required to contribute 9.5~~+~~

11-36 ~~[(1) 6.6] percent of the officer's state compensation~~  
 11-37 ~~for service rendered after [August 31, 2013, and before] September~~  
 11-38 ~~1, 2019 [2014,~~

11-39 ~~[(2) 6.9 percent of the officer's state compensation~~  
 11-40 ~~for service rendered after August 31, 2014, and before September 1,~~  
 11-41 ~~2015,~~

11-42 ~~[(3) 7.2 percent of the officer's state compensation~~  
 11-43 ~~for service rendered after August 31, 2015, and before September 1,~~  
 11-44 ~~2016,~~

11-45 ~~[(4) 7.5 percent of the officer's state compensation~~  
 11-46 ~~for service rendered after August 31, 2016, or~~

11-47 ~~[(5) for service rendered on or after September 1,~~  
 11-48 ~~2017, the lesser of:~~

11-49 ~~[(A) 7.5 percent of the officer's state~~  
 11-50 ~~compensation; or~~

11-51 ~~[(B) a percentage of the officer's state~~  
 11-52 ~~compensation equal to 7.5 percent reduced by one-tenth of one~~  
 11-53 ~~percent for each one-tenth of one percent that the state~~  
 11-54 ~~contribution rate for the fiscal year to which the service relates~~  
 11-55 ~~is less than the state contribution rate established for the 2015~~  
 11-56 ~~fiscal year].~~

11-57 SECTION 33. Section 1551.102(f), Insurance Code, is amended  
 11-58 to read as follows:

11-59 (f) An individual is eligible to participate in the group  
 11-60 benefits program if the individual is certified and qualified as  
 11-61 disabled and receives or is eligible to receive an annuity under  
 11-62 Section 814.202, 814.207, 824.302, only as to higher education,  
 11-63 ~~[834.201,~~ or 839.201, Government Code.

11-64 SECTION 34. The following provisions of the Government Code  
 11-65 are repealed:

- 11-66 (1) Sections 25.2292(f) and (g);
- 11-67 (2) Section 834.003;
- 11-68 (3) Subchapter C, Chapter 834; and
- 11-69 (4) Section 840.202(c).

12-1 SECTION 35. Section 839.102, Government Code, as amended by  
12-2 this Act, applies only to a member of the Judicial Retirement System  
12-3 of Texas Plan Two who retires on or after the effective date of this  
12-4 Act. A member who retires before the effective date of this Act is  
12-5 governed by the law in effect immediately before that date, and the  
12-6 former law is continued in effect for that purpose.

12-7 SECTION 36. Sections 839.201(b) and 839.202, Government  
12-8 Code, as amended by this Act, and Section 839.2025, Government  
12-9 Code, as added by this Act, apply only to an application for a  
12-10 disability retirement annuity filed on or after the effective date  
12-11 of this Act. An application filed before the effective date of this  
12-12 Act is governed by the law in effect on the date the application was  
12-13 filed, and that law is continued in effect for that purpose.

12-14 SECTION 37. The comptroller of public accounts is required  
12-15 to implement a provision of this Act only if the legislature  
12-16 appropriates money specifically for that purpose. If the  
12-17 legislature does not appropriate money specifically for that  
12-18 purpose, the comptroller may, but is not required to, implement a  
12-19 provision of this Act using other appropriations available for that  
12-20 purpose.

12-21 SECTION 38. This Act takes effect September 1, 2019.

12-22 \* \* \* \* \*