Substitute the following for H.B. No. 4540:

A BILL TO BE ENTITLED

1   AN ACT

2   relating to certain benefits payable by the Judicial Retirement

3   System of Texas Plan One and the Judicial Retirement System of Texas

4   Plan Two.

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

6   SECTION 1. If the 88th Legislature, Regular Session, 2023,

7   enacts legislation that becomes law that increases the state salary

8   used to compute the service retirement annuity of a judge under

9   Section 834.102(a) or (c) or Section 839.102(a) or (c), Government

10   Code, notwithstanding that legislation or any other law, including

11   Section 311.025, Government Code, on the effective date of the

12   salary increase, the Employees Retirement System of Texas shall

13   recompute each annuity being paid under Section 834.102, 834.103,

14   834.203, 834.301, 834.302, 839.102, 839.103, 839.203, 839.301, or

15   839.302, Government Code, using the salary prescribed under Section

16   659.012(b)(2) that is in effect on the effective date of the salary

17   increase for the judge of a court of the same classification as the

18   court on which the former member on whose service the annuity is

19   based last served before the member retired or died, as applicable.

20   This section applies only to an annuity payment that becomes

21   payable on or after the effective date of this Act.

22   SECTION 2. (a) This section applies only:

23   (1) if the 88th Legislature, Regular Session, 2023,

24   does not enact legislation that becomes law that increases the

1 state salary used to compute the service retirement annuity of a
2 judge under Section 834.102(a) or (c) or Section 839.102(a) or (c),
3 Government Code;

4   (2) to an annuitant under the Judicial Retirement
5 System of Texas Plan One or the Judicial Retirement System of Texas
6 Plan Two who is eligible to receive:

7   (A) a service or disability retirement annuity
8 under Section 834.102, 834.103, 834.203, 839.102, 839.103, or
9 839.203, Government Code, that is based on an effective date of
10 retirement that occurred before September 1, 2019; or

11   (B) a death benefit annuity under Section
12 834.301, 834.302, 839.301, or 839.302, Government Code, that is
13 based on a death that occurred before September 1, 2019; and

14   (3) to an annuity payment that becomes payable on or
15 after the effective date of this Act.

16   (b) On the effective date of this Act, the Employees
17 Retirement System of Texas shall recompute each annuity being paid
18 an annuitant under Section 834.102, 834.103, 834.203, 834.301,
19 834.302, 839.102, 839.103, 839.203, 839.301, or 839.302,
20 Government Code, using the salary prescribed under Section
21 659.012(b)(2) that was in effect on September 1, 2019, for the judge
22 of a court of the same classification as the court on which the
23 former member on whose service the annuity is based last served
24 before the member retired or died, as applicable. This section
25 applies only to an annuity payment that becomes payable on or after
26 the effective date of this Act.

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