

House Bill 2779
Senate Amendments
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HOUSE VERSION

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

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

- (1) functions that the judge performs are judicial functions; or
- (2) total hours that the judge works are in the performance of judicial functions.

No equivalent provision.

SENATE VERSION (IE)

No equivalent provision.

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

(b) Except as provided by Subsection (c), a presiding judge shall receive a salary in an amount not to exceed 40 [~~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). The Texas Judicial Council shall set the salary biennially and, in arriving at the amount of the salary, shall consider whether the presiding judge is active in administrative duties, performs part time, or is a retired judge. The salary set by the Texas Judicial Council shall be apportioned to each county in the region according to the population of the counties in the region and shall be paid through the county budget process.

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

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on the list maintained under Section 74.055 for the administrative region is entitled to an annual salary for each fiscal year in an amount equal to:

Number of Courts and Judges Salary

30 to 49 40 [~~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)

50 to 69 45 [~~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)

70 to 89 50 [~~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)

90 or more 55 [~~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) [FA1(2)]

No equivalent provision.

SECTION 2. Section 659.012(a), Government Code, is amended to read as follows:

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

(1) a judge of a district court is entitled to an annual base salary from the state as set by the General Appropriations Act in an amount equal to at least \$172,494 [~~\$140,000~~], except that the combined base salary of a district judge from all state and county sources, including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the maximum combined base salary from all state and county sources for a justice of a court of appeals other than a chief justice as determined under this subsection;

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

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

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

No equivalent provision.

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SECTION 1. Section 659.012(b), Government Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION __. (a) Subject to Subsection (b) of this section, Section 659.012(b), Government Code, is amended to read as follows:

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

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

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

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

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

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

No equivalent provision.

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

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

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

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

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

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

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

(b) If H.B. No. 3474, Acts of the 88th Legislature, Regular Session, 2023, relating to the operation and administration of and practices and procedures regarding proceedings in the judicial branch of state government becomes law, Subsection (a) of this section takes effect on the effective date of this Act and Section 1 of this Act, also amending Section 659.012(b), Government Code, has no effect. If H.B. No. 3474 does not take effect, this section has no effect. [FA1(2)]

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No equivalent provision.

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

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

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

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

(d) The retirement system, on receipt of notice of a conviction under Subsection (e) or (k), any similar notice of a conviction of a qualifying felony from a United States district court or United States attorney, or any other information that the retirement system determines by rule is sufficient to establish a conviction of a qualifying felony, shall suspend payments of a service retirement annuity to a

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SECTION 2. Section 659.0445(b), Government Code, is amended to read as follows:

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

(1) is equal to the product of 0.05 multiplied by the amount of the judge's or justice's current monthly state salary; and

(2) becomes payable beginning with the month following the month in which the judge or justice completes 14 [~~12~~] years of service for which credit is established in the applicable retirement system.

No equivalent provision.

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person the system determines is ineligible to receive the annuity under Subsection (c)(1). A person whose conviction is overturned on appeal or who meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code:

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

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

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

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

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

(a) Except as provided by Subsection (a-1) or (b), the standard service retirement annuity for service credited in the elected class of membership is an amount equal to the number of years of service credit in that class, times 2.3

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SECTION 3. Sections 814.103(a) and (a-1), Government Code, are amended to read as follows:

(a) Except as provided by Subsection (a-1) or (b), the standard service retirement annuity for service credited in the elected class of membership is an amount equal to the number of years of service credit in that class, times 2.3

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percent of ~~the sum of \$140,000 plus any applicable increases determined by the Texas Ethics Commission to reflect inflation or any other relevant factors [the state base salary, excluding longevity pay payable under Section 659.0445 and as adjusted from time to time, being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a)].~~

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

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

(c) For purposes of this section, a member of the elected class of membership under Section 812.002(a)(2) shall have the member's accumulated account balance computed as if the contributions to the account were based on an annual ~~[the state base]~~ salary equal to the dollar amount used to compute the standard service retirement annuity for service credited in the elected class of membership under Section 814.103(a)], ~~excluding longevity pay payable under Section~~

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percent of ~~the state base salary, excluding longevity pay payable under Section 659.0445 [and as adjusted from time to time]~~, being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a).

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

~~No equivalent provision.~~

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~~659.0445, being paid a district judge as set by the General Appropriations Act in accordance with Section 659.012(a)].~~

No equivalent provision.

SECTION 6. Section 26.006(a), Government Code, as amended by this Act, applies only to a salary payment for a pay period beginning on or after the effective date of this Act. A salary payment for a pay period beginning before the effective date of this Act is governed by the law in effect on

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SECTION 4. Section 834.102(a), Government Code, is amended to read as follows:

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

(1) before September 1, 2019, is an amount equal to 50 percent of the state base salary~~[, as adjusted from time to time,]~~ being paid in accordance with Section 659.012(a) to a judge of a court of the same classification as the court on which the retiree last served before retirement; ~~[or; FA1(1A)]~~

(2) on or after September 1, 2019, and before September 1, 2023, is an amount equal to 50 percent of the state salary~~[, as adjusted from time to time,]~~ being paid in accordance with Section 659.012(b)(2) to a judge of a court of the same classification as the court on which the retiree last served before retirement; or [FA1(1B)-(1C)]

(3) on or after September 1, 2023, is an amount equal to 50 percent of the state salary being paid in accordance with Section 659.012(b)(3) to a judge of a court of the same classification as the court on which the retiree last served before retirement. [FA1(1C)]

No equivalent provision.

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the date the pay period began, and that law is continued in effect for that purpose.

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

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

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No equivalent provision.

SECTION 5. Same as House version.

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