

AN ACT

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

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

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

(a) An associate judge appointed under this subchapter is entitled to a salary in the amount equal to ~~[be determined by a majority vote of the presiding judges of the administrative judicial regions. The salary may not exceed]~~ 90 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), Government Code.

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

(a) An associate judge appointed under this subchapter is entitled to a salary in the amount equal to ~~[as determined by a majority vote of the presiding judges of the administrative judicial regions. The salary may not exceed]~~ 90 percent of the 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.

24 (a-1) The minimum salary prescribed by Subsection (a) that  
25 is to be based on the annual salary of a district judge under  
26 Section 659.012(b) becomes effective on the first day of the  
27 county's fiscal year following the date the statutory county court

1 judge accrues the years of service required for an increase in  
2 salary under Subsection (a).

3 (a-2) Notwithstanding Subsection (a), the maximum annual  
4 salary of a statutory county court judge is \$1,000 less than the sum  
5 of the maximum combined annual salary from all state and county  
6 sources paid to a district judge entitled to a salary under Section  
7 659.012(b)(2) and any longevity pay received by a district judge in  
8 accordance with Section 659.0445(d).

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

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

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

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

24 (a) The commissioners court shall set the total annual  
25 salary of each judge of a statutory probate court at an amount that  
26 is at least equal to the sum of the [total] annual salary as set by  
27 the General Appropriations Act in accordance with Section 659.012

1 paid to [~~received by~~] a district judge with comparable years of  
2 service as the statutory probate court judge and any state or county  
3 [~~in the county. A district judge's or statutory probate court~~  
4 ~~judge's total annual salary includes~~] contributions and  
5 supplements paid to a district judge in the county [~~by the state or~~  
6 ~~a county~~], other than contributions received as compensation under  
7 Section 74.051 [~~25.0022(e)~~]. A statutory probate court judge's  
8 total annual salary includes any state or county contributions and  
9 supplements paid to the judge, other than contributions paid under  
10 Section 25.0022(e). For purposes of this subsection, the years of  
11 service of a statutory probate court judge include any years of  
12 service as an appellate court, district court, multicounty  
13 statutory county court, or statutory county court justice or judge.

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

19 (a-2) Notwithstanding Subsection (a), the maximum annual  
20 salary of a statutory probate court judge is \$1,000 less than the  
21 sum of the maximum combined annual salary from all state and county  
22 sources paid to a district judge entitled to a salary under Section  
23 659.012(b)(2) and any longevity pay received by a district judge in  
24 accordance with Section 659.0445(d).

25 SECTION 6. Section 25.2607(d), Government Code, is amended  
26 to read as follows:

27 (d) Notwithstanding Section 25.0015, the state shall

1 annually compensate the administrative county of a multicounty  
2 statutory county court for the salary of the judge of the  
3 multicounty statutory county court in an amount equal to 100  
4 percent of the state base salary paid to ~~[of]~~ a district ~~[court]~~  
5 judge as set by the General Appropriations Act in accordance with  
6 Section 659.012(a) ~~[in the county for the salary of the judge of the~~  
7 ~~multicounty statutory county court]~~.

8 SECTION 7. Section 26.006(a), Government Code, is amended  
9 to read as follows:

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

16 SECTION 8. Section 41.013, Government Code, is amended to  
17 read as follows:

18 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. Except  
19 as otherwise provided by law, a district attorney or criminal  
20 district attorney is entitled to receive from the state annual  
21 compensation in an amount equal to at least 80 percent of the state  
22 annual salary as set by ~~[compensation provided for a district judge~~  
23 ~~in]~~ the General Appropriations Act in accordance with Section  
24 659.012 paid to a district judge with comparable years of service as  
25 the district attorney or criminal district attorney.

26 SECTION 9. Section 46.001(2), Government Code, is amended  
27 to read as follows:

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

6           SECTION 10. Section 46.003, Government Code, is amended by  
7 amending Subsection (a) and adding Subsections (c) and (d) to read  
8 as follows:

9           (a) The state prosecuting attorney and each state  
10 prosecutor is entitled to receive from the state a salary in an  
11 amount [~~compensation~~] equal to the state annual salary as set by  
12 [~~compensation that is provided for a district judge in~~] the General  
13 Appropriations Act in accordance with Section 659.012 paid to a  
14 district judge with comparable years of service as the state  
15 prosecuting attorney or state prosecutor.

16           (c) Notwithstanding Subsection (a), if the amount of a state  
17 prosecutor's total annual salary from state and county sources  
18 exceeds the amount of the maximum combined base salary from all  
19 state and county sources provided by Section 659.012 for a district  
20 judge with comparable years of service as the state prosecutor, the  
21 comptroller shall reduce the state prosecutor's state annual salary  
22 by the amount equal to the excess amount, except that the  
23 comptroller may not reduce the state prosecutor's state annual  
24 salary to an amount that is less than the state base salary paid to a  
25 district judge as set by the General Appropriations Act in  
26 accordance with Section 659.012(a).

27           (d) The comptroller shall calculate the amount of the state

1 annual salary to be paid to a state prosecutor under this section  
2 for a state fiscal year based on sworn statements the state  
3 prosecutor files annually with the comptroller at the time and in  
4 the manner the comptroller requires that specify the amount of  
5 county compensation to be paid to the state prosecutor for that  
6 year.

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

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

16 SECTION 12. Section 54.653(b), Government Code, is amended  
17 to read as follows:

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

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

23 (2) the maximum amount of county contributions and  
24 supplements allowed by law to be paid to a district judge under  
25 Section 659.012.

26 SECTION 13. Sections 74.003(b), (c), and (e), Government  
27 Code, are amended to read as follows:

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

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

12           (2) not have been removed from office;

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

15           (A) the justice or judge has never been publicly  
16 reprimanded or censured by the State Commission on Judicial  
17 Conduct; and

18           (B) the justice or judge:

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

25           (ii) if the justice or judge did resign from  
26 office under circumstances described by Subparagraph (i), the  
27 justice or judge was not publicly reprimanded or censured as a



1 result of the investigation;

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

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

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

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

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

9 SECTION 14. Sections 74.051(b) and (c), Government Code,  
10 are amended to read as follows:

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

22 (c) A presiding judge who is a retired or former district  
23 judge or a retired appellate judge and who presides over an  
24 administrative region with 30 or more district courts, statutory  
25 county courts, and retired and former judges named on the list  
26 maintained under Section 74.055 for the administrative region is  
27 entitled to an annual salary for each fiscal year in an amount equal

1 to [~~as follows~~]:

2	Number of Courts and Judges	Salary
3	30 to 49	<u>30 percent of the state base</u>
4		<u>salary paid to a district</u>
5		<u>judge as set by the General</u>
6		<u>Appropriations Act in</u>
7		<u>accordance with Section</u>
8		<u>659.012(a) [<del>\$35,000</del>]</u>
9	50 to 69	<u>35 percent of the state base</u>
10		<u>salary paid to a district</u>
11		<u>judge as set by the General</u>
12		<u>Appropriations Act in</u>
13		<u>accordance with Section</u>
14		<u>659.012(a) [<del>\$40,000</del>]</u>
15	70 to 89	<u>40 percent of the state base</u>
16		<u>salary paid to a district</u>
17		<u>judge as set by the General</u>
18		<u>Appropriations Act in</u>
19		<u>accordance with Section</u>
20		<u>659.012(a) [<del>\$45,000</del>]</u>
21	90 or more	<u>45 percent of the state base</u>
22		<u>salary paid to a district</u>
23		<u>judge as set by the General</u>
24		<u>Appropriations Act in</u>
25		<u>accordance with Section</u>
26		<u>659.012(a) [<del>\$50,000</del>]</u>

27 SECTION 15. Sections [74.061](#)(b), (h), and (i), Government

1 Code, are amended to read as follows:

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

21 (h) Notwithstanding Subsection (c), the salary from the  
22 state of a retired judge or justice assigned to a district court is  
23 determined pro rata based on the sum of the regular judge's salary  
24 from the county plus the amount of the state base salary paid to a  
25 district judge as set by the General Appropriations Act in  
26 accordance with Section 659.012(a) [~~greater of:~~

27 [~~(1) the regular judge's salary from the state on~~

1 ~~August 31, 2007; or~~

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

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

10 ~~[(1) the regular judge's salary from the state on~~  
11 ~~August 31, 2007; or~~

12 ~~[(2) 100 percent of the regular judge's salary from the~~  
13 ~~state, as established by the General Appropriations Act for any~~  
14 ~~fiscal year].~~

15 SECTION 16. Section 75.016(c), Government Code, is amended  
16 to read as follows:

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

26 SECTION 17. Section 659.012, Government Code, is amended to  
27 read as follows:

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

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

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

23           (3) a justice of the supreme court other than the chief  
24 justice or a judge of the court of criminal appeals other than the  
25 presiding judge is entitled to an annual base salary from the state  
26 in the amount ~~[that is]~~ equal to 120 percent of the state base  
27 salary of a district judge as set by the General Appropriations Act;

1 and

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

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

14 (1) 110 percent of the state base salary paid in  
15 accordance with Subsection (a) for the judge's or justice's  
16 position, beginning with the pay period that begins after the judge  
17 or justice accrues four years of:

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

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

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

26 (2) 120 percent of the state base salary paid in  
27 accordance with Subsection (a) for the judge's or justice's

1 position, beginning with the pay period that begins after the judge  
2 or justice accrues eight years of:

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

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

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

11 (b-1) A limitation on the combined base salary from all  
12 state and county sources prescribed by Subsection (a)(1) or (2)  
13 applies to a judge or justice to whom Subsection (b) applies, except  
14 that the amount by which the annual salary from the state paid to  
15 the judge or justice in accordance with Subsection (b) exceeds the  
16 amount of the state base salary for the judge's or justice's  
17 position set by the General Appropriations Act in accordance with  
18 Subsection (a) is not included as part of the judge's or justice's  
19 combined base salary from all state and county sources for purposes  
20 of determining whether the judge's or justice's salary exceeds the  
21 limitation.

22 (c) To the extent of any conflict, the salary limitations  
23 provided by Subsection (a) [~~this section~~] for the combined base  
24 salary of a state judge or justice from state and local sources  
25 prevail [~~prevails~~] over any provision of Chapter 31 or 32 that  
26 authorizes the payment of additional compensation to a state judge  
27 or justice.



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

8 (e) For the purpose of salary payments by the state, the  
9 comptroller shall determine from sworn statements filed by the  
10 justices of the courts of appeals and district judges that the  
11 required salary limitations provided by Subsection (a) ~~[this~~  
12 ~~section]~~ are maintained. If the state base ~~[a]~~ salary for a judge  
13 or justice prescribed by Subsection (a) combined with additional  
14 compensation from a county would exceed ~~[be in excess of]~~ the  
15 limitations provided by Subsection (a) ~~[this section]~~, the  
16 comptroller shall reduce the ~~[state]~~ salary payment made by the  
17 state by the amount of the excess.

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

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

25 (2) Judicial Retirement System of Texas Plan Two under  
26 Section 838.101 or 838.106 for each month of service in which the  
27 member held a judicial office described by Section 837.001(a),

1 including service credit established under either section that was  
2 previously canceled but reestablished under Section 838.102.

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

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

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

20 SECTION 19. Section 659.0445(b), Government Code, is  
21 amended to read as follows:

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

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

27 (2) becomes payable beginning with the month following

1 the month in which the judge or justice completes 12 [~~16~~] years of  
2 service for which credit is established in the applicable  
3 retirement system.

4 SECTION 20. Section [814.103](#), Government Code, is amended to  
5 read as follows:

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

15 (a-1) Except as provided by Subsection (b), the standard  
16 service retirement annuity for service credited in the elected  
17 class of membership for a member of the class under Section  
18 [812.002](#)(a)(3) whose effective date of retirement is on or after  
19 September 1, 2019, is an amount equal to the number of years of  
20 service credit in that class, times 2.3 percent of the state salary,  
21 excluding longevity pay payable under Section [659.0445](#) and as  
22 adjusted from time to time, being paid in accordance with Section  
23 [659.012](#) to a district judge who has the same number of years of  
24 contributing service credit as the member on the member's last day  
25 of service as a district or criminal district attorney, as  
26 applicable.

27 (b) The standard service retirement annuity for service

1 credited in the elected class may not exceed at any time 100 percent  
2 of the state salary of ~~[being paid]~~ a district judge on which the  
3 annuity is based under Subsection (a) or (a-1), as applicable.

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

6 (1) a member means service credit established in the  
7 elected class under Section 813.201 or 813.402 for each month of  
8 service in which the member held a position described by Section  
9 812.002(a)(3), including service credit established under either  
10 section that was previously canceled but reestablished under  
11 Section 813.102; and

12 (2) a district judge has the meaning assigned by  
13 Section 659.012(f).

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

16 (c) The medical board shall:

17 (1) review all medical examinations required by this  
18 subtitle and Subtitle D;

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

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

24 SECTION 22. Section 834.001, Government Code, is amended to  
25 read as follows:

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

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

4 SECTION 23. Section 834.002, Government Code, is amended to  
5 read as follows:

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

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

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

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

19 (2) on or after September 1, 2019, is an amount equal  
20 to 50 percent of the state salary, as adjusted from time to time,  
21 being paid in accordance with Section 659.012(b)(2) to a judge of a  
22 court of the same classification as the court on which the retiree  
23 last served before retirement.

24 (d) The service retirement annuity of a person qualifying  
25 for retirement under Section 834.101(b) whose effective date of  
26 retirement is:

27 (1) before September 1, 2019, is an amount computed as

1 a percentage of the state base salary, as adjusted from time to  
 2 time, being paid in accordance with Section 659.012(a) to a judge of  
 3 a court of the same classification as the court on which the retiree  
 4 last served before retirement, according to the following schedule:

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

11 (2) on or after September 1, 2019, is an amount  
 12 computed as a percentage of the state salary, as adjusted from time  
 13 to time, being paid in accordance with Section 659.012(b)(2) to a  
 14 judge of a court of the same classification as the court on which  
 15 the retiree last served before retirement, according to the  
 16 following schedule:

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

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

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

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

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

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

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

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

24 (c) The standard service retirement annuity of a person  
25 qualifying for retirement under Section 839.101(b) is an amount  
26 computed, according to the following schedule, as a percentage of  
27 the state annual salary as set by the General Appropriations Act in

1 accordance with Section 659.012 being paid [~~at the time the member~~  
2 ~~retires~~] to a judge of a court of the same classification as the  
3 last court to which the retiring member held judicial office who has  
4 the same number of years of contributing service credit as the  
5 member on the member's last day of service on the court [~~was elected~~  
6 ~~or appointed, according to the following schedule~~]:

7	age at retirement	percentage of state salary
8	at least 60 but less than 61	40 percent
9	at least 61 but less than 62	41.7 percent
10	at least 62 but less than 63	43.6 percent
11	at least 63 but less than 64	45.6 percent
12	at least 64 but less than 65	47.7 percent.

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

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

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

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

26 (b) A member otherwise eligible may not receive a disability  
27 retirement annuity if the member is an active judge, as defined by



1 Section 74.041 [~~unless the chief justice of the supreme court and~~  
2 ~~the medical board certify that the member is mentally or physically~~  
3 ~~incapacitated for the further performance of regular judicial~~  
4 ~~duties~~].

5 SECTION 30. Section 839.202, Government Code, is amended to  
6 read as follows:

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

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

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

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

21 (1) after the earlier of:

22 (A) the date the retirement is to become  
23 effective; or

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

26 (2) earlier than the 90th day before the date the  
27 retirement is to become effective [~~to the medical board for its~~

1 ~~recommendations. The medical board may require an applicant to~~  
2 ~~submit any additional information it considers necessary to enable~~  
3 ~~it to make its recommendations].~~

4 (c) An applicant for a disability retirement annuity must  
5 submit to a medical examination and provide other pertinent  
6 information as may be required by the retirement system [~~The chief~~  
7 ~~justice of the supreme court may direct the retirement system to~~  
8 ~~employ a physician under Section 840.203 or may direct the medical~~  
9 ~~board to require additional information under Subsection (b)].~~

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

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

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

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

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

25 ~~(1) 6.6]~~ percent of the officer's state compensation  
26 for service rendered after [~~August 31, 2013, and before~~] September  
27 1, 2019 [~~2014,~~

1           ~~[(2) 6.9 percent of the officer's state compensation~~  
2 ~~for service rendered after August 31, 2014, and before September 1,~~  
3 ~~2015;~~

4           ~~[(3) 7.2 percent of the officer's state compensation~~  
5 ~~for service rendered after August 31, 2015, and before September 1,~~  
6 ~~2016;~~

7           ~~[(4) 7.5 percent of the officer's state compensation~~  
8 ~~for service rendered after August 31, 2016; or~~

9           ~~[(5) for service rendered on or after September 1,~~  
10 ~~2017, the lesser of:~~

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

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

19           SECTION 33. Section [1551.102\(f\)](#), Insurance Code, is amended  
20 to read as follows:

21           (f) An individual is eligible to participate in the group  
22 benefits program if the individual is certified and qualified as  
23 disabled and receives or is eligible to receive an annuity under  
24 Section 814.202, 814.207, 824.302, only as to higher education,  
25 [~~834.201~~] or 839.201, Government Code.

26           SECTION 34. The following provisions of the Government Code  
27 are repealed:

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

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

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

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

25 SECTION 38. This Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2384 was passed by the House on May 1, 2019, by the following vote: Yeas 143, Nays 2, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2384 on May 24, 2019, by the following vote: Yeas 136, Nays 2, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2384 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor