

BILL ANALYSIS

Senate Research Center
86R31849 YDB/KFF-D

C.S.H.B. 2384
By: Leach et al. (Huffman)
State Affairs
5/17/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2384 amends current law 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.105(a), Family Code, as follows:

(a) Entitles an associate judge appointed under this subchapter (Associate Judge For Title IV-D Cases) to a salary in the amount equal to 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, rather than to a salary to be determined by a majority vote of the presiding judges of the administrative judicial regions and that is prohibited from exceeding 90 percent of the salary paid to a district judge as set by the General Appropriations Act.

SECTION 2. Amends Section 201.205(a), Family Code, to make conforming and nonsubstantive changes.

SECTION 3. Amends Section 25.0005, Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires a statutory county court judge, other than a statutory county court judge who engages in the private practice of law, to be paid a total annual salary set by the commissioners court at an amount that is not less than \$1,000 less than the sum of the annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the statutory county court judge and any state or county contributions and supplements paid to a district judge in the county, other than contributions received as compensation under Section 74.051 (Compensation). Provides that a statutory county court judge's total annual salary includes any state or county contributions and supplements paid to the judge. Provides that, for purposes of this subsection, the years of service of a statutory county court judge include any years of service as an appellate court, district court, multicounty statutory county court, or statutory probate court justice or judge. Makes nonsubstantive changes.

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

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

SECTION 4. Amends Section 25.0015, Government Code, as follows:

Sec. 25.0015. STATE CONTRIBUTION. Deletes designation of Subsection (a) and makes nonsubstantive changes. Requires the state, beginning on the first day of the state fiscal year, to annually compensate each county in an amount equal to 60 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) for certain statutory county court judges in the county, rather than in an amount equal to 60 percent of the state salary of a district court judge in the county for certain statutory county court judges in the county.

SECTION 5. Amends Section 25.0023, Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires the commissioners court to set the total annual salary of each judge of a statutory probate court at an amount that is at least equal to the sum of the annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the statutory probate court judge and any state or county contributions and supplements paid to a district judge in the county, other than contributions received as compensation under Section 74.051, rather than requiring the commissioners court to set the annual salary of each judge of a statutory probate court at an amount that is at least equal to the total annual salary received by a district judge in the county and providing that a district judge's or statutory probate court judge's total annual salary includes contributions and supplements by the state or a county, other than contributions received as compensation under Section 25.0022(e) (relating to a requirement that the presiding judge's salary be equal to the salary for a presiding judge of an administrative region and requirements for payment of the salary). Provides that a statutory probate court judge's total annual salary includes any state or county contributions and supplements paid to the judge, other than contributions paid under Section 25.0022(e). Provides that, for purposes of this subsection, the years of service of a statutory probate court judge include any years of service as an appellate court, district court, multicounty statutory county court, or statutory county court justice or judge. Makes nonsubstantive changes.

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

(a-2) Provides that, notwithstanding Subsection (a), the maximum annual salary of a statutory probate court judge is \$1,000 less than the sum of the maximum combined annual salary from all state and county sources paid to a district judge entitled to a salary under Section 659.012(b)(2) and any longevity pay received by a district judge in accordance with Section 659.0445(d) (relating to authorization for the commissioners court to provide longevity pay for certain judges and justices).

SECTION 6. Amends Section 25.2607(d), Government Code, as follows:

(a) Requires the state, notwithstanding Section 25.0015, to annually compensate the administrative county of a multicounty statutory county court for the salary of the judge of the multicounty statutory county court in an amount equal to 100 percent of the state base salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the judge of the multicounty statutory county court, rather than to annually compensate the administrative county of a multicounty statutory county court in an amount equal to 100 percent of the state salary

of a district court judge in the county for the salary of the judge of the multicounty statutory county court.

SECTION 7. Amends Section 26.006(a), Government Code, as follows:

(a) Entitles a county judge to an annual salary supplement from the state in an amount equal to 18 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), rather than equal to 18 percent of the annual compensation provided for a district judge in the General Appropriations Act if at least 40 percent of the functions that the judge performs are judicial functions.

SECTION 8. Amends Section 41.013, Government Code, as follows:

Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. Entitles a district attorney or criminal district attorney, except as otherwise provided by law, to receive from the state annual compensation in an amount equal to at least 80 percent of the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the district attorney or criminal district attorney, rather than annual compensation equal to at least 80 percent of the annual compensation provided for a district judge in the General Appropriations Act.

SECTION 9. Amends Section 46.001(2), Government Code, to redefine "benchmark salary."

SECTION 10. Amends Section 46.003, Government Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Entitles the state prosecuting attorney and each state prosecutor to receive from the state a salary in an amount equal to the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 paid to a district judge with comparable years of service as the state prosecuting attorney or state prosecutor, rather than to receive from the state compensation equal to the compensation that is provided for a district judge in the General Appropriations Act.

(c) Requires the comptroller of public accounts of the State of Texas (comptroller), notwithstanding Subsection (a), if the amount of a state prosecutor's total annual salary from state and county sources exceeds the amount of a maximum combined salary from all state and county sources provided by Section 659.012 for a district judge with comparable years of service as the state prosecutor, to reduce the state prosecutor's state annual salary by the amount equal to the excess amount, except that the comptroller is prohibited from reducing the state prosecutor's state annual salary to an amount that is less than the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a).

(d) Requires the comptroller to calculate the amount of the state annual salary to be paid to a state prosecutor under this section for a state fiscal year based on sworn statements the state prosecutor files annually with the comptroller at the time and in the manner the comptroller requires that specify the amount of county compensation to be paid to the state prosecutor for that year.

SECTION 11. Amends Section 46.0031(d), Government Code, to require the comptroller, for purposes of calculating the amount of a contribution to certain counties to supplement the salary of the county prosecutor, to use the benchmark salary applicable to the county prosecutor on September 1 of the state fiscal year in which the payment is made.

SECTION 12. Amends Section 54.653(b), Government Code, as follows:

(b) Prohibits the salary of a full-time magistrate from exceeding an amount equal to 90 percent, rather than from exceeding 90 percent, of the sum of:

(1) the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a), rather than the salary paid to a district judge by the state under Section 659.012; and

(2) makes no changes to this subdivision.

SECTION 13. Amends Sections 74.003(b), (c), and (e), Government Code, as follows:

(b) Includes a qualified former justice or judge among certain court officials that the chief justice of the Supreme Court of Texas (supreme court) is authorized to assign to a court of appeals for active service regardless of whether a vacancy exists in the court to which the justice or judge is assigned and makes conforming changes.

(c) Makes conforming and nonsubstantive changes.

(e) Entitles a former justice or judge assigned as provided by this section (Assignment of Justices and Judges For Appellate Courts) to receive, pro rata for the time serving on assignment, from money appropriated from the general revenue fund for that purpose, an amount equal to the compensation from the state received by a justice of the court of appeals to which assigned, and from county sources, an amount equal to the compensation received from county sources by a justice of the court of appeals to which assigned. Provides that, for purposes of determining the amount to be paid to a former or retired justice or judge under this subsection, the compensation received from the state by a justice of the court of appeals to which the retired justice or judge is assigned is the amount equal to the state base salary paid to a justice of that court of appeals as set by the General Appropriations Act in accordance with Section 659.012(a).

SECTION 14. Amends Sections 74.051(b) and (c), Government Code, as follows:

(b) Requires a presiding judge, except as provided by Subsection (c), to receive a salary in an amount not to exceed 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), rather than a salary not to exceed \$33,000 a year. Makes a nonsubstantive change.

(c) Entitles 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 on the list maintained under Section 74.055 (List of Retired and Former Judges Subject to Assignment) for the administrative region to an annual salary for each fiscal year in an amount equal to one of certain proportionate amounts of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a), rather than one of certain specified salaries, based on the number of courts and judges in the region.

SECTION 15. Amends Sections 74.061(b), (h), and (i), Government Code, as follows:

(b) Provides that if the judge of the court to which the assigned judge is assigned is paid an annual salary from the state in accordance with Section 659.012(b), the amount by which that annual salary exceeds the amount of the state base salary as set by the General Appropriations Act for the judge's position in accordance with Section 659.012(a) is not included in the compensation of the judge for purposes of determining the compensation of the assigned judge under this subsection. Makes nonsubstantive changes.

(h) Provides that, notwithstanding Subsection (c), the salary from the state of a retired judge or justice assigned to a district court is determined pro rata based on the sum of the regular judge's salary from the county plus the amount of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a). Deletes existing text relating to a determination of salary based on the greater of the regular judge's salary from the state on August 31, 2007, or 100 percent of the

regular judge's salary from the state, as established by the General Appropriations Act for any fiscal year.

(i) Provides that, notwithstanding Subsection (d), the salary from the state of a former judge or justice assigned to a district court is determined pro rata based on the amount of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a). Makes conforming changes.

SECTION 16. Amends Section 75.016(c), Government Code, to provide that, notwithstanding any other law, compensation paid the presiding criminal judge of Travis County under this subsection is not included as part of the judge's combined base salary from all state and county sources, rather than the judge's combined salary from state and county sources, for purposes of the salary limitations provided by Section 659.012.

SECTION 17. Amends Section 659.012, Government Code, as follows:

Sec. 659.012. JUDICIAL SALARIES. (a) Provides that, notwithstanding Section 659.011 (Salaries Set in Appropriations Act) and subject to Subsections (b) and (b-1), rather than notwithstanding Section 659.011:

(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 \$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, is prohibited from exceeding 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, rather than a judge of a district court is entitled to an annual salary from the state of at least \$125,000, except that the combined salary of a district judge from state and county sources, including compensation for any extrajudicial services performed on behalf of the county, is prohibited from exceeding the amount that is \$5,000 less than the salary provided for a justice of a court of appeals other than a chief justice;

(2) makes conforming changes and provides that 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, is prohibited from exceeding the amount that is \$5,000 less than the base salary for a justice of the supreme court as determined under this subsection;

(3) makes conforming and nonsubstantive changes and provides that the annual base salary from the state that a justice of the supreme court other than the chief justice or a judge of the Court of Criminal Appeals (CCA) other than the presiding judge is entitled to from the state is 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) makes conforming and nonsubstantive changes and provides that 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 is prohibited from exceeding the amount equal to \$2,500 less than the base salary for a justice of the supreme court as determined under this subsection.

(b) Entitles a judge or justice for whom the amount of a state base salary is prescribed by Subsection (a) 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);

(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

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

(c) Creates this subsection from existing text and provides that, to the extent of any conflict, the salary limitations provided by Subsection (a), rather than this section, for the combined base salary of a state judge or justice from state and local sources prevail over any provision of Chapter 31 (Additional Compensation of Justices of Courts of Appeal) or 32 (Additional Compensation of District Judges) that authorizes the payment of additional compensation to a state judge or justice. Makes a nonsubstantive change.

(d) Provides that, notwithstanding any other provision in this section or other law, in a county with more than five district courts, a district judge who serves as a local administrative district judge under Section 74.091 (Local Administrative District Judge) is entitled to an annual base salary from the state in the amount equal to \$5,000 more than the maximum salary from the state to which the judge is otherwise entitled under Subsection (a) or (b), rather than being entitled to an annual salary from the state that is \$5,000 more than the salary from the state to which the judge is otherwise entitled.

(e) Requires the comptroller, for the purpose of salary payments by the state, to determine from sworn statements filed by the justices of the courts of appeals and district judges that the required salary limitations provided by Subsection (a), rather than provided by this section, are maintained. Requires the comptroller, if the state base salary for a judge or justice prescribed by Subsection (a) combined with additional compensation from a county would exceed the limitations provided by Subsection (a), to reduce the salary payment made by the state by the amount of the excess, rather than requiring the comptroller, if a salary combined with additional compensation from a county would be in excess of the limitations provided by this section, to reduce the state salary by the amount of the excess.

(f) Provides that, for purposes of Subsection (b), "contributing service credit" means service credit established in the:

(1) Judicial Retirement System of Texas Plan One under Section 833.101 (Current Service) or 833.106 (Credit For Year in Which Eligible For Office) for each month of service in which the member held a judicial office described by Section 832.001(a) (relating to eligibility for membership in the Judicial Retirement System of Texas Plan One), including service credit established under either section that was previously canceled but reestablished under Section 833.102 (Service Credit Previously Canceled); or

(2) Judicial Retirement System of Texas Plan Two under Section 838.101 (Current Service) or 838.106 (Credit For Year in Which Eligible for Office) for each month of service in which the member held a judicial office described by Section 837.001(a) (relating to eligibility for membership in the Judicial Retirement System of Texas Plan Two), including service credit established under either section that was previously canceled but reestablished under Section 838.102 (Service Credit Previously Canceled).

SECTION 18. Amends Section 659.0125, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Entitles a retired judge appointed to an MDL pretrial court, as defined by Section 90.001 (Definitions), Civil Practice and Remedies Code, to receive the same compensation and benefits to which a district judge is entitled from the state. Provides that, for purposes of this subsection, the compensation to which a district judge is entitled from the state is the amount equal to the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a).

(d) Entitles a former or retired judge or justice assigned under Chapter 74 (Court Administration Act) or 75 (Other Court Administration) to a matter referred to an MDL pretrial court, as defined by Section 90.001, Civil Practice and Remedies Code, to receive the same compensation and benefits to which a former or retired judge or justice assigned under Chapter 74 is entitled under Section 74.061 (Compensation While Assigned) is entitled.

SECTION 19. Amends Section 659.0445(b), Government Code, as follows:

(b) Provides that 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, rather than .031, 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 12 years, rather than 16 years, of service for which the credit is established in the applicable retirement system.

SECTION 20. Amends Section 814.103, Government Code, as follows:

Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS SERVICE. (a) Provides that, 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 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), rather than providing that, except as provided by Subsection (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 two percent of the state salary, excluding longevity pay payable under Section 659.045 and as adjusted from time to time, being paid a district judge.

(a-1) Provides that, 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) (relating to membership for district and criminal district attorneys in the elected class of ERS) 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.

(b) Prohibits the standard service retirement annuity for service credited in the elected class from exceeding at any time 100 percent of the state salary of a district judge on which the annuity is based under Subsection (a) or (a-1), as applicable. Makes a nonsubstantive change.

(c) Provides that, for purposes of this section, "contributing service credit" with respect to:

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

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

SECTION 21. Amends Section 815.204(c), Government Code, to require the medical board designated by the board of trustees of ERS to review all medical examinations required by Subtitle D (Judicial Retirement System of Texas Plan One).

SECTION 22. Amends Section 834.001, Government Code, to delete disability retirement benefits from a list of types of benefits payable by the Judicial Retirement System of Texas Plan One and to make nonsubstantive changes.

SECTION 23. Amends Section 834.002, Government Code, to make a conforming change.

SECTION 24. Amends Sections 834.102(a) and (d), Government Code, as follows:

(a) Provides that 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

(2) on or after September 1, 2019, 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.

(d) Provides that the service retirement annuity of a person qualifying for retirement under Section 834.101(b) whose effective date of retirement is:

(1) before September 1, 2019, in an amount computed as a percentage of the state base salary, as adjusted from time to time, being paid in accordance with Section 659.012(a) to a judge of the court of the same classification as the court on which the retiree last served before retirement, according to a certain specified schedule; or

(2) on or after September 1, 2019, is an amount computed as a percentage 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, according to a certain specified schedule.

SECTION 25. Amends Section 834.304(c), Government Code, to prohibit a death benefit from being paid under this section (Return of Excess Contributions) if an optional retirement annuity has been selected as provided by Section 834.103 (Optional Service Retirement Annuity), rather than provided by Section 834.103 or 834.203 (Disability Retirement Annuity).

SECTION 26. Amends Section 835.1015(b), Government Code, to require a member of the Judicial Retirement System of Texas Plan One who elects to make contributions under Subsection (a) (relating to certain authorized actions of a member of the Judicial Retirement System of Texas Plan One who has accrued 20 years of service credit) to contribute at the member contribution rate required under Section 840.102(a) multiplied by the member's state compensation for each payroll period, rather than to contribute six percent of the member's state compensation for each payroll period, in the manner provided by Sections 835.101(a) and (b).

SECTION 27. Reenacts Section 839.102(a), Government Code, as amended by Chapters 1033 (H.B. 1114) and 1203 (H.B. 617), Acts of the 79th Legislature, Regular Session, 2005, and amends it, as follows:

(a) Provides that, except as provided by Subsections (b), (c), (d), and (f) (related to calculation of the standard service annuity for certain qualifying members of the Judicial Retirement System of Texas Plan Two), the standard service retirement annuity is an amount equal to 50 percent of the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 being paid to a judge of a court of the same classification as the last court to which the retiring member of the Judicial Retirement System of Texas Plan Two held judicial office who has the same number of years of contributing service credit as the member on the member's last day of service on the court, rather than providing that, except as provided by Subsections (b), (c), (d), and (f), the standard service retirement annuity is an amount equal to 50 percent of the state salary being paid at the time the member retires to a judge of a court of the same classification as the last court to which the retiring member was elected or appointed.

SECTION 28. Amends Section 839.102, Government Code, by amending Subsection (c) and adding Subsection (g) and (h), as follows:

(c) Provides that the standard service retirement annuity of a person qualifying for retirement under Section 839.101(b) is an amount computed, according to a certain

specified schedule, as a percentage of the state annual salary as set by the General Appropriations Act in accordance with Section 659.012 being paid to a judge of a court of the same classification as the last court to which the retiring member held judicial office who has the same number of years of contributing service credit as the member on the member's last day of service on the court. Makes conforming and nonsubstantive changes.

(g) Prohibits the salary earned by a person as a visiting judge under Chapter 74 from being used to determine the person's service retirement annuity under this section.

(h) Defines "contributing service credit" for purposes of this section.

SECTION 29. Amends Sections 839.201(a) and (b), Government Code, as follows:

(a) Provides that a member of the Judicial Retirement System of Texas Plan Two, other than a member who is eligible to receive a service retirement annuity under Section 839.101, is eligible, regardless of age, to retire from regular active service for disability and receive a disability retirement annuity if the member has at least seven years of service credit in the retirement system.

(b) Prohibits a member otherwise eligible from receiving a disability retirement annuity if the member is an active judge, as defined by Section 74.041 (Definitions), rather than prohibiting a member otherwise eligible from receiving a disability annuity unless the chief justice of the supreme court and the medical board certify that the member is mentally or physically incapacitated for the further performance of regular judicial duties.

SECTION 30. Amends Section 839.202, Government Code, as follows:

Sec. 839.202. New heading: APPLICATION FOR DISABILITY RETIREMENT ANNUITY. (a) Authorizes a member to apply for a disability retirement annuity by filing an application for retirement with the board of trustees of the Judicial Retirement System of Texas Plan Two or by having an application filed with the board of trustees by the member's spouse, employer, or legal representative. Deletes existing text requiring that a member who applies for retirement because of physical incapacity file with the retirement system and the chief justice of the supreme court written reports by two physicians licensed to practice medicine in this state, fully reporting the claimed physical incapacity.

(b) Deletes existing text requiring the retirement system to refer an application for disability retirement to the medical board for its recommendations and deletes existing text authorizing the medical board to require an applicant to submit any additional information it considers necessary to enable it to make its recommendations. Prohibits an application for a disability retirement annuity from being made:

(1) after the earlier of:

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

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

(2) earlier than the 90th day before the date the retirement is to become effective.

(c) Requires an applicant for a disability retirement annuity to submit to a medical examination and provide other pertinent information as may be required by the retirement system. Deletes existing text authorizing the chief justice of the Supreme Court of Texas to direct the retirement system to employ a physician under Section 840.203 (Other Physicians) or to direct the medical board to require additional information under Subsection (b).

SECTION 31. Amends Subchapter C, Chapter 839, Government Code, by adding Section 839.2025, as follows:

Sec. 839.2025. DETERMINATION OF DISABILITY. (a) Authorizes the medical board designated under Section 840.202 (Medical Board), in determining whether a member of the Judicial Retirement System of Texas Plan Two is mentally or physically incapacitated for the further performance of regular judicial duties, to apply the standard prescribed by Section 814.203 (Certification of Disability).

(b) Provides that a retiree who receives a disability retirement annuity under this subchapter (Disability Retirement Benefits) is subject to Section 814.208 (Medical Examination of Disability Retiree) to the same extent as a disability retiree under that subchapter.

SECTION 32. Amends Section 840.102(a), Government Code, as follows:

(a) Requires, except as provided by Subsections (g) and (h) (relating to exceptions to the collection of member dues for members who accrue certain amounts of service credit), a judicial officer who is a member of the Judicial Retirement System of Texas Plan Two, each payroll period, to contribute 9.5 percent of the officer's state compensation for service rendered after September 1, 2019, rather than requiring a judicial officer who is a member of the retirement system, each payroll period, to contribute certain increasing percentages of the officer's state compensation for service rendered within certain date ranges.

(1)–(5) Deletes these subdivisions and existing text relating to increasing percentages of the officer's state compensation for service rendered within certain date ranges.

SECTION 33. Amends Section 1551.102(f), Insurance Code, to delete existing text relating to an annuity under Section 834.201 (Eligibility For Disability Retirement Annuity) for purposes of establishing eligibility to participate in the Texas employees group benefits program.

SECTION 34. Repealer: Section 25.2292(f) (relating to the requirement that the annual salary of the judge of a county court at law in Travis County be at least equal to the salary paid district judges from the general revenue fund but not more than a certain amount), Government Code.

Repealer: Section 25.2292(g) (relating to a requirement that salaries of certain judges be paid out of the Travis County general fund by warrants drawn on the county treasury on orders of the commissioners court), Government Code.

Repealer: Section 834.003 (Certification by Chief Justice), Government Code.

Repealer: Subchapter C (Disability Retirement Benefits), Chapter 834, Government Code.

Repealer: Section 840.202(c) (relating to a requirement that the medical board appointed by the board of trustees of the Judicial Retirement System of Texas Plan Two report in writing to the chief justice of the supreme court its conclusions and recommendations on all matters referred to it).

SECTION 35. Makes application of Section 839.102, Government Code, as amended by this Act, prospective.

SECTION 36. Makes application of Sections 839.201(b) and 839.202, Government Code, as amended by this Act, and Section 839.2025, Government Code, as added by this Act, prospective.

SECTION 37. Provides that the comptroller is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the comptroller, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 38. Effective date: September 1, 2019.