

BILL ANALYSIS

C.S.H.B. 2384
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As the population of Texas continues to grow, there are calls for the state to make every effort to support a stable judiciary to ensure that its citizens and businesses can manage affairs effectively. It has been suggested that adequate judicial compensation is key to attracting qualified candidates and retaining experienced judges. C.S.H.B. 2384 seeks to increase the compensation for members of the judiciary.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2384 revises provisions relating to judicial compensation and participation in the Judicial Retirement System of Texas Plan One (JRS-1) or the Judicial Retirement System of Texas Plan Two (JRS-2). The bill amends the Government Code to establish that the annual state base salary for a district judge as set by the General Appropriations Act is an amount equal to at least \$140,000 and provides for a differential salary from all state and county sources. The bill conforms the salary of a justice of the court of appeals, a justice of the supreme court, a judge of the court of criminal appeals, and the chief justice or presiding judge of an appellate court to that state base salary. The bill sets out a pay raise schedule for those judges or justices based on the accrual of years of the following service credit:

- contributing service credit in the JRS-1 or JRS-2 as a judge, justice, or commissioner of the supreme court, the court of criminal appeals, a court of appeal, a district court, or a commissioner to such courts;
- service as a judge of a statutory county court, multicounty statutory court, or statutory probate court; or
- a combination of such contributing service credit and service of such a judge.

The bill provides an exception to the limitation on the combined base salary from all state and county sources for those judges and justices based on the compensation levels according to the accrual of years of service credit set under the bill's provisions.

C.S.H.B. 2384 conforms the computation of annual salary, salary supplements, and service retirement benefits of certain judicial actors to the state base salary. The bill also does the following:

- revises the computation of the annual state salary paid to a statutory county court judge or statutory probate county court judge and provides that, for such computation, years of service includes any years of service as an appellate court, district court, multicounty statutory county court, or statutory probate court justice or judge in the years of service of such a judge;
- changes the amount the state is required to annually compensate each county that collects additional fees in statutory probate courts;
- removes the requirement that a county judge, in order to receive a state salary supplement, must file an affidavit stating that at least 40 percent of the functions performed by the judge are judicial functions;
- requires the comptroller of public accounts, for purposes of calculating the compensation of county prosecutors, to use the benchmark salary, as defined by the bill, applicable to the county prosecutor on September 1 of the state fiscal year in which the payment is made;
- authorizes the chief justice of the supreme court to assign a former justice or judge of the supreme court, of the court of criminal appeals, or of a court of appeals to a court of appeals for active service and entitles such a former justice or judge to certain compensation;
- changes the additional salary for an active judge who is a presiding judge of an administrative judicial region from a set amount to a percentage of the state base salary;
- changes the salary schedule, which is based on the number of courts and judges in a region, for a presiding judge who is a retired or former district judge or a retired appellate judge from set amounts to certain percent amounts of the state base salary;
- revises provisions establishing the state salary for a judge or justice serving in a county outside the official's judicial district or county;
- revises provisions establishing the state salary for retired and former judges or justices serving on assignment to provide that the salary is based on the new state base salary;
- revises the provision entitling a retired judge appointed to a multidistrict litigation (MDL) pretrial court to certain compensation and benefits by including a retired justice and a former judge or justice assigned to a district court under applicable provisions in that entitlement;
- defines "contributing service" for purposes of provisions relating to service retirement benefits for elected class service;
- sets the standard service retirement annuity for service credited in the elected class of membership for a district and criminal district attorney who retires on or after September 1, 2019; and
- for purposes of the standard service retirement annuity under JRS-2, clarifies that the relevant salary is the salary the member received on the member's last day of service while in elected office and prohibits the salary earned as a visiting judge from being used to determine the person's service retirement annuity.

C.S.H.B. 2384 requires the medical board of the Employees Retirement System of Texas (ERS) to review all medical examinations required by statutory provisions relating to JRS-1.

C.S.H.B. 2384 repeals and removes statutory provisions providing for disability retirement benefits under JRS-1 and repeals a provision requiring the chief justice of the supreme court to certify that an applicant for the annuity under JRS-1 is entitled to the annuity.

C.S.H.B. 2384 authorizes a member of JRS-2 to apply for a disability retirement annuity by filing an application for retirement with the ERS board of trustees or having an application filed

with the ERS board of trustees by the member's spouse, employer, or legal representative and revises provisions relating to eligibility certification. The bill sets the deadline by which such application must be filed. The bill revises provisions relating to disability determination and authorizes the ERS medical board, in determining whether a member of JRS-2 is mentally or physically incapacitated for the further performance of regular judicial duties, to apply certain statutory disability standards.

C.S.H.B. 2384 revises the member contribution to JRS-2 by removing the variable percentage amounts based on dates of service and setting the amount at 9.5 percent of state compensation for service rendered after September 1, 2019. The bill changes the contribution of a member who elects to make contributions to JRS-1 after 20 years of service credit from six percent of the member's state compensation for each payroll period to the member contribution amount under JRS-2.

C.S.H.B. 2384 amends the Family Code to set the salary for an associate judge for Title IV-D cases and an associate judge for child protection cases at 90 percent of the state base salary and removes the requirement for a majority vote of the presiding judges of the administrative judicial region to set the salary.

C.S.H.B. 2384 amends the Insurance Code to make a conforming change.

C.S.H.B. 2384 repeals the following Government Code provisions:

- Section 834.003
- Subchapter C, Chapter 834
- Section 840.202(c)

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2384 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the pay raise schedule for a district judge, a justice of the court of appeals, a justice of the supreme court, a judge of the court of criminal appeals, and the chief justice or presiding judge of an appellate court to account for service as a judge of a statutory county court, multicounty statutory court, or statutory probate court.

The substitute includes provisions relating to the following:

- a standard service retirement annuity for service credited as a district or criminal district attorney who retires on or after September 1, 2019;
- a computation of the salary of a statutory court and statutory probate court judge;
- an amount of the annual state compensation to a county that collects additional fees in statutory probate courts;
- a requirement for the state to compensate the administrative county of a multicounty statutory county court for certain salaries;
- a calculation of the compensation of county prosecutors using a certain benchmark salary;
- an assignment of certain former justices or judges to a court of appeals for active service as provided under the bill's provisions and compensation for such a justice or judge;
- an entitlement of a former or retired judge or justice appointed to an MDL pretrial court

- to certain revised compensation and benefits; and
- a prohibition on the salary earned by a person as a visiting judge being used to determine the person's service retirement annuity under JRS-2.

The substitute changes the treatment of disability retirement benefits under JRS-1 by repealing and removing statutory provisions providing for such benefits. The substitute changes provisions relating to disability benefits under JRS-2.

The substitute changes the general provision revising the calculation of judicial salaries based on the district judge salary and makes changes conforming to that revision.

The substitute changes a provision clarifying the relevant salary to be used in calculating the amount of the standard service retirement annuity under JRS-2.

The substitute does not include provisions relating to the resumption of membership in JRS-2 after retirement.