GOVERNMENT CODE

TITLE 8. PUBLIC RETIREMENT SYSTEMS

SUBTITLE E. JUDICIAL RETIREMENT SYSTEM OF TEXAS PLAN TWO

CHAPTER 837. MEMBERSHIP

SUBCHAPTER A. MEMBERSHIP

Sec. 837.001. ELIGIBILITY FOR MEMBERSHIP. (a) Membership in the retirement system is limited to persons who have never been eligible for membership in the Judicial Retirement System of Texas or the Judicial Retirement System of Texas Plan One and who at any time on or after the effective date of this Act are judges, justices, or commissioners of:

(1) the supreme court;

(2) the court of criminal appeals;

(3) a court of appeals;

(4) the business court;

(5) a district court; or

(6) a commission to a court specified in this subsection.

(b) Repealed by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 15.03(6), eff. September 1, 2019.

(c) Membership in the retirement system is mandatory for eligible persons.

(d) Membership in the retirement system begins on the first day an eligible person holds a judicial office specified in Subsection (a).

Added by Acts 1985, 69th Leg., ch. 602, Sec. 1, Sept. 1, 1985. Renumbered from Vernon's Ann.Civ.St. Title 110B, Sec. 72.001 and amended by Acts 1989, 71st Leg., ch. 179, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 15.03(6), eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 380 (H.B. 19), Sec. 3, eff. September 1, 2023.

Sec. 837.002. TERMINATION OF MEMBERSHIP. A person's membership in the retirement system is terminated by:

(1) death of the person;

(2) retirement based on service credited in the retirement system; or

(3) withdrawal of all of the person's accumulated contributions.

Added by Acts 1985, 69th Leg., ch. 602, Sec. 1, Sept. 1, 1985. Renumbered from Vernon's Ann.Civ.St. Title 110B, Sec. 72.002 and amended by Acts 1989, 71st Leg., ch. 179, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 618 (S.B. 1459), Sec. 17, eff. September 1, 2013.

Sec. 837.003. WITHDRAWAL OF CONTRIBUTIONS. (a) If a member resigns a judicial office or otherwise ceases to be a judicial officer, the member may withdraw all of the member's accumulated contributions in the retirement system.

(b) A withdrawal of contributions cancels the person's service credit in the retirement system and terminates the person's rights to benefits based on the credit.

(c) A member initiates a withdrawal of contributions by filing an application for a refund with the retirement system.

(d) Deposits representing interest or membership fees that are required of a member to establish service credit under Section 838.102 or 838.103 are not refundable.

(e) At the time a service retirement, disability retirement, or death benefit annuity becomes payable, the retirement system shall refund any contributions, interest, or membership fees used to establish service credit that is not used in computing the amount of the annuity.

Added by Acts 1985, 69th Leg., ch. 602, Sec. 1, Sept. 1, 1985. Renumbered from Vernon's Ann.Civ.St. Title 110B, Sec. 72.003 and amended by Acts 1989, 71st Leg., ch. 179, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1308 (H.B. 2559), Sec. 26, eff. September 1, 2009.

SUBCHAPTER B. RESUMPTION OF JUDICIAL SERVICE BY RETIREE

Sec. 837.101. JUDICIAL ASSIGNMENT. A retiree who makes an election under Subchapter C of Chapter 74 may not rejoin or receive credit in the retirement system for the period of an appointment or for any service performed under assignment.

Added by Acts 1985, 69th Leg., ch. 602, Sec. 1, Sept. 1, 1985. Renumbered from Vernon's Ann.Civ.St. Title 110B, Sec. 72.101 and amended by Acts 1989, 71st Leg., ch. 179, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 4.03, eff. September 1, 2019.

Sec. 837.102. RESUMPTION OF FULL-TIME JUDICIAL SERVICE. (a) A retiree who resumes service as a judicial officer other than by assignment described in Section 837.101 may not rejoin or receive credit in the retirement system for the resumed service, unless an election is made as provided by Section 837.103.

(b) The retirement system shall suspend annuity payments to a retiree who resumes service described by this section. A suspension of payments begins on the date a retiree takes the oath of office and ends on a date when:

(1) the retiree no longer holds the office; and

(2) the retiree, or the retiree's beneficiary if the retiree has died, has applied to the retirement system for resumption of payments.

(c) Time during which annuity payments are suspended as provided by this section does not reduce the number of months payments are to be made under an optional benefit plan providing for a specific amount of benefits for a guaranteed number of months after retirement.

(d) Before a retiree takes the oath of office for a position as a judicial officer other than under appointment or assignment

described by Section 837.101, the retiree shall notify the retirement system in writing of the resumption of office and the projected dates of service.

Added by Acts 1985, 69th Leg., ch. 602, Sec. 1, Sept. 1, 1985. Renumbered from Vernon's Ann.Civ.St. Title 110B, Sec. 72.102 and amended by Acts 1989, 71st Leg., ch. 179, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1092 (S.B. 1245), Sec. 4, eff. June 18, 2023.

For expiration of this section, see Subsection (e).

Sec. 837.103. RESUMPTION OF FULL-TIME JUDICIAL SERVICE BY CERTAIN RETIREES; OPTIONAL ELECTION TO REJOIN SYSTEM. (a) This section does not apply to a retiree receiving a cash balance annuity under Chapter 840A.

(b) Notwithstanding Sections 837.001(c) and 837.002(2) and subject to Subsection (d), a retiree described by Section 837.102(a) may elect to rejoin the retirement system as a member and receive service credit in the system for resuming service as a judicial officer if, before taking the oath of office, the retiree has been separated from judicial service for at least six full consecutive months. The retiree shall provide notice of the election to the system in the manner prescribed by the system.

(c) For a person who makes an election under this section, on the resumption of annuity payments that have been suspended under Section 837.102, the retirement system shall recompute the annuity selected at the time of the person's original retirement to include the person's additional service credit established during membership under this section. If, at the time of the person's original retirement, the person selected an optional retirement annuity payable under Section 839.103(a)(3) or (4), the retirement system shall reduce the number of months of payments by the number of months for which the annuity was paid before the person resumed service.

(d) A person may make an election under this section only once.

(e) The retirement system shall implement this section only if the system is considered actuarially sound. For purposes of this subsection, the system is considered actuarially sound if, based on an actuarial valuation of the system prepared under Section 840.204(d) on or after September 1, 2023, the amount of contributions to the system are sufficient to cover the normal cost of the system and to amortize the unfunded actuarial accrued liability of the system within 30 years. Not later than the 30th day after the date an actuarial valuation is prepared showing the system is actuarially sound, the system shall implement this section. On September 1, 2025:

(1) if this section is implemented, this subsection expires; or

(2) if this section is not implemented, this section expires.

Added by Acts 2023, 88th Leg., R.S., Ch. 1092 (S.B. 1245), Sec. 5, eff. June 18, 2023.