

BILL ANALYSIS

Senate Research Center

C.S.S.B. 222
By: Sibley
Jurisprudence
2-10-97
Committee Report (Substituted)

DIGEST

Currently, an elected prosecutor contributes 6 percent of his or her gross salary each month to a retirement account. A participant in the system with at least 12 years service credit is allowed to retire at age 50 or 60 with at least 8 years of service credit. A judge contributes the same amount of his or her salary. However, upon retirement a district judge can receive nearly 50 percent greater benefits than an equally tenured prosecutor. This bill amends the existing law to change the multiplier used in calculating state-paid prosecutor retirement benefits to a graduated scale. This change will bring about parity for district attorney benefits compared to those received by a judge with similar years service credit.

PURPOSE

As proposed, C.S.S.B. 222 provides a formula to calculate the amount of a standard service retirement annuity for a district or criminal district attorney.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 814B, Government Code, by adding Section 814.1031, as follows:

Sec. 814.1031. SERVICE RETIREMENT BENEFITS FOR SERVICE AS DISTRICT OR CRIMINAL DISTRICT ATTORNEY OR COUNTY ATTORNEY WITH DISTRICT ATTORNEY DUTIES. Provides that the standard service retirement annuity for service performed as a district or criminal district attorney or county attorney performing the duties of a district attorney is an amount equal to the number of years of service credit, multiplied by a percentage of the state salary, adjusted from time to time. Sets forth the schedule from which the percentages are derived. Provides the percentages of the state salary. Prohibits the service retirement annuity for service performed as a district or criminal district attorney or county attorney performing the duties of a district attorney from exceeding at any time 100 percent of the state salary being paid a district judge.

SECTION 2. Amends Section 812.002(a), Government Code, to provide that membership in the elected class of the retirement system is limited to district or criminal district attorneys and county attorneys performing the duties of a district attorney, among others.

SECTION 3. Amends Section 814.108(a), Government Code, to make conforming changes.

SECTION 4. Provides that the change in law by this Act to Section 812.002(a), Government Code, is intended to clarify the law that was in effect before the effective date of this Act.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 814.1031, Government Code, to add a county attorney with district attorney duties to the list of persons whose calculations for service retirement annuities would be affected.

Amends SECTION 2, Section 812.002(a), Government Code, to make a conforming change.

Amends SECTION 4, to provide that changes in Section 812.002(a), Government Code, were intended to clarify the law.

Amends SECTIONS 3 and 5 and adds SECTION 6, by redesignating them from SECTIONS 2, 3, and 4.