

BILL ANALYSIS

Senate Research Center
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S.B. 1144
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State Affairs
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As Filed

DIGEST

Currently, an elected prosecutor contributes 6 percent of his or her gross salary each month to a retirement account. A participant in the retirement system with at least 12 years service credit is allowed to retire at age 50 or 60 with at least eight years of service credit. Although a judge contributes the same amount of salary, upon retirement, a district judge can receive nearly 50 percent greater benefits than an equally tenured prosecutor. A change in the multiplier computing the annuity will bring parity for district attorney benefits compared to those received by a judge with similar years of service credit. S.B. 1144 would amend the existing law to change the multiplier used in calculating state-paid prosecutor retirement benefits to a graduated scale.

PURPOSE

As proposed, S.B. 1144 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 PERFORMING DISTRICT ATTORNEY DUTIES. Provides that the standard service retirement annuity for service performed as a district or criminal district attorney or a county attorney performing the duties of a district attorney is an amount equal to the number of years of service credit in that position, multiplied by a percentage of the state salary, as adjusted from time to time, being paid a district judge. Sets forth a schedule to derive the percentage.

SECTION 2. Amends Section 812.002(a), Government Code, to include county attorneys performing the duties of a district attorney as a member in the elected class of a certain retirement system.

SECTION 3. Amends Section 814.108(a), Government Code, to provide that certain annuities may elect to receive an optional annuity, instead of the standard annuity payable under Section 814.1031.

SECTION 4. Requires the Employees Retirement System of Texas to recompute each annuity being paid on August 31, 1999, and based on the service of a district or criminal district attorney or a country attorney performing the duties of a district attorney, as if Section 814.1031, Government Code, had been in effect on the date of the retirement or death for which the annuity is payable. Makes application of this section prospective.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.