

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 29, 2023

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HJR107 by Price (Proposing a constitutional amendment to increase the mandatory age of retirement for state justices and judges.), **As Introduced**

It is assumed that there would be an indeterminate negative impact to the state due to judges electing to serve longer; however, the number of judges that would serve longer and the additional number of years they would serve is unknown.

The cost to the state for publication of the resolution is \$204,406.

The joint resolution would propose to amend the Texas Constitution to increase the mandatory age of retirement for for state justices and judges from the current age of 75 to 79.

The joint resolution would delete constitutional text that makes an office vacant on December 31 of the fourth year of the term to which a justice or judge was elected where a justice or judge elected to serve or fill the remainder of a six-year term reaches age 75 during the first four years of the term.

The cost to the state for publication of the resolution is \$204,406.

Based on information provided by the Comptroller of Public Accounts and the Office of Court Administration, the fiscal impact to the state cannot be determined. Extending the mandatory retirement age is anticipated to result in judges serving longer, which would have implications for tenured salaries, longevity pay, and retirement annuities. However, the number of judges that may elect to serve longer and the length of time they would serve is unknown.

The fiscal implications to the state cannot be determined because the number of judges that may elect to serve longer is unknown.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 327 Employees Retirement System

LBB Staff: JMc, KDw, MW, JPa