

By: Turner of Tarrant, Keffer, Flynn, et al.

H.B. No. 408

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the retirement benefits for certain elected state
3 officials.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 813.503, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) Subject to Subsection (a-1), a [A] member may establish
9 in, or have transferred to, the employee class all service credited
10 in the elected class, if the contributions made to establish the
11 service in the elected class equal or exceed contributions required
12 of a member of the employee class for the same amount of service
13 during the same time and at the same rate of compensation. Subject
14 to Subsection (a-1), a [A] member or retiree who has, or had at the
15 time of retirement, at least eight years of service credit in the
16 elected class of membership, exclusive of military service, may
17 transfer service credit between classes before or after retirement.

18 (a-1) A member or retiree who takes the oath of office for a
19 position included in the elected class of membership, other than a
20 district attorney or criminal district attorney, may not transfer
21 service to the employee class under Subsection (a) until the person
22 no longer holds that position.

23 SECTION 2. Section 814.104, Government Code, is amended by
24 amending Subsections (a) and (d) and adding Subsection (e) to read

1 as follows:

2 (a) Except as provided by Subsections [~~Subsection~~] (d) and
3 (e) of this section, Section 814.102, or by rule adopted under
4 Section 813.304(d) or 803.202(a)(2), a member who has service
5 credit in the retirement system is eligible to retire and receive a
6 service retirement annuity if the member:

7 (1) is at least 60 years old and has at least 5 years of
8 service credit in the employee class; or

9 (2) has at least 5 years of service credit in the
10 employee class and the sum of the member's age and amount of service
11 credit in the employee class, including months of age and credit,
12 equals or exceeds the number 80.

13 (d) Except as provided by Subsection (e) of this section,
14 Section 814.102, or by rule adopted under Section 813.304(d) or
15 803.202(a)(2), a member who was not a member on the date hired, was
16 hired on or after September 1, 2009, and has service credit in the
17 retirement system is eligible to retire and receive a service
18 retirement annuity if the member:

19 (1) is at least 65 years old and has at least 10 years
20 of service credit in the employee class; or

21 (2) has at least 10 years of service credit in the
22 employee class and the sum of the member's age and amount of service
23 credit in the employee class, including months of age and credit,
24 equals or exceeds the number 80.

25 (e) A member who takes the oath of office for a position
26 included in the elected class of membership, other than a district
27 attorney or criminal district attorney, is not eligible to retire

1 and receive a service retirement annuity under this section that is
2 based on service credit transferred to the employee class from the
3 elected class under Section 813.503 until the member no longer
4 holds that position. This provision does not prohibit a member from
5 retiring and receiving a service retirement annuity under this
6 section that is based on service credit earned in a position
7 included in the employee class of membership under Section 812.003.

8 SECTION 3. The change in law made by this Act applies only
9 to a person who takes the oath of office for a position included in
10 the elected class of membership under Section 812.002, Government
11 Code, on or after the effective date of this Act.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2015.