

1-1 By: Turner of Tarrant, et al. H.B. No. 408
 1-2 (Senate Sponsor - Menéndez)
 1-3 (In the Senate - Received from the House May 6, 2015;
 1-4 May 6, 2015, read first time and referred to Committee on State
 1-5 Affairs; May 21, 2015, reported favorably by the following vote:
 1-6 Yeas 8, Nays 1; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the retirement benefits for certain elected state
 1-21 officials.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 813.503, Government Code, is amended by
 1-24 amending Subsection (a) and adding Subsection (a-1) to read as
 1-25 follows:

1-26 (a) Subject to Subsection (a-1), a [A] member may establish
 1-27 in, or have transferred to, the employee class all service credited
 1-28 in the elected class, if the contributions made to establish the
 1-29 service in the elected class equal or exceed contributions required
 1-30 of a member of the employee class for the same amount of service
 1-31 during the same time and at the same rate of compensation. Subject
 1-32 to Subsection (a-1), a [A] member or retiree who has, or had at the
 1-33 time of retirement, at least eight years of service credit in the
 1-34 elected class of membership, exclusive of military service, may
 1-35 transfer service credit between classes before or after retirement.

1-36 (a-1) A member or retiree who takes the oath of office for a
 1-37 position included in the elected class of membership, other than a
 1-38 district attorney or criminal district attorney, may not transfer
 1-39 service to the employee class under Subsection (a) until the person
 1-40 no longer holds that position.

1-41 SECTION 2. Section 814.104, Government Code, is amended by
 1-42 amending Subsections (a) and (d) and adding Subsection (e) to read
 1-43 as follows:

1-44 (a) Except as provided by Subsections ~~[Subsection]~~ (d) and
 1-45 (e) of this section, Section 814.102, or by rule adopted under
 1-46 Section 813.304(d) or 803.202(a)(2), a member who has service
 1-47 credit in the retirement system is eligible to retire and receive a
 1-48 service retirement annuity if the member:

1-49 (1) is at least 60 years old and has at least 5 years of
 1-50 service credit in the employee class; or

1-51 (2) has at least 5 years of service credit in the
 1-52 employee class and the sum of the member's age and amount of service
 1-53 credit in the employee class, including months of age and credit,
 1-54 equals or exceeds the number 80.

1-55 (d) Except as provided by Subsection (e) of this section,
 1-56 Section 814.102, or by rule adopted under Section 813.304(d) or
 1-57 803.202(a)(2), a member who was not a member on the date hired, was
 1-58 hired on or after September 1, 2009, and has service credit in the
 1-59 retirement system is eligible to retire and receive a service
 1-60 retirement annuity if the member:

1-61 (1) is at least 65 years old and has at least 10 years

2-1 of service credit in the employee class; or
2-2 (2) has at least 10 years of service credit in the
2-3 employee class and the sum of the member's age and amount of service
2-4 credit in the employee class, including months of age and credit,
2-5 equals or exceeds the number 80.

2-6 (e) A member who takes the oath of office for a position
2-7 included in the elected class of membership, other than a district
2-8 attorney or criminal district attorney, is not eligible to retire
2-9 and receive a service retirement annuity under this section that is
2-10 based on service credit transferred to the employee class from the
2-11 elected class under Section 813.503 until the member no longer
2-12 holds that position. This provision does not prohibit a member from
2-13 retiring and receiving a service retirement annuity under this
2-14 section that is based on service credit earned in a position
2-15 included in the employee class of membership under Section 812.003.

2-16 SECTION 3. The change in law made by this Act applies only
2-17 to a person included in the elected class of membership on or after
2-18 the effective date of this Act, other than a person who, on the
2-19 effective date of this Act, is receiving a service retirement
2-20 annuity based on service transferred to the employee class.

2-21 SECTION 4. This Act takes effect immediately if it receives
2-22 a vote of two-thirds of all the members elected to each house, as
2-23 provided by Section 39, Article III, Texas Constitution. If this
2-24 Act does not receive the vote necessary for immediate effect, this
2-25 Act takes effect September 1, 2015.

2-26 * * * * *