

By: Deshotel

H.B. No. 2358

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of credit in the Employees Retirement System of Texas for military service.

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

SECTION 1. Section 813.301, Government Code, is amended to read as follows:

Sec. 813.301. CREDITABLE MILITARY SERVICE. (a) Military service creditable in the retirement system is:

(1) active federal duty as a member of the armed forces of the United States;

(2) service as a member of the Texas National Guard; or

(3) service in any of the reserve components of the armed forces of the United States.

(b) A member may establish [~~one month of service credit for each month or fraction of a month of duty, but~~] not more than 60 months of service credit in the retirement system for military service.

(c) Service is creditable under this section for active federal duty as a member of the armed forces of the United States at the rate of one month of service credit for each month or fraction of a month of that service. Service is creditable under this section for service as a member of the Texas National Guard or for service in any of the reserve components of the armed forces of the United States at the rate of one month of service credit for each

1 three months or fractions of months of that service.

2 SECTION 2. Section 813.302(b), Government Code, is amended
3 to read as follows:

4 (b) A member eligible to establish military service credit
5 is one who:

6 (1) does not receive and is not eligible to receive
7 federal retirement payments based on 20 years or more of active
8 federal military duty or its equivalent;

9 (2) has been released from military duty under
10 honorable conditions [~~not dishonorable~~]; and

11 (3) has credit in the retirement system for membership
12 service performed after the member's date of release from active
13 military duty.

14 SECTION 3. Section 813.505(b), Government Code, is amended
15 to read as follows:

16 (b) A member claiming credit in the employee class for
17 military service not previously established shall, for each month
18 of the creditable service, pay a contribution in an amount equal to
19 the greater of:

20 (1) the amount that the member contributed for the
21 first full month of membership service that is after the member's
22 date of release from military service described by Sec. 813.301(a)
23 [~~active military duty~~] and that is credited in the retirement
24 system; or

25 (2) \$18.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.