

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that certain
2 benefits in certain public retirement systems may not be reduced or
3 impaired.

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

5 SECTION 1. Article XVI, Texas Constitution, is amended by
6 adding Section 66 to read as follows:

7 Sec. 66. PROTECTED BENEFITS UNDER CERTAIN PUBLIC RETIREMENT
8 SYSTEMS. (a) This section applies only to a public retirement
9 system that is not a statewide system and that provides service and
10 disability retirement benefits and death benefits to public
11 officers and employees.

12 (b) This section does not apply to a public retirement
13 system that provides service and disability retirement benefits and
14 death benefits to firefighters and police officers employed by the
15 City of San Antonio.

16 (c) This section does not apply to benefits that are:

17 (1) health benefits;

18 (2) life insurance benefits; or

19 (3) disability benefits that a retirement system
20 determines are no longer payable under the terms of the retirement
21 system as those terms existed on the date the retirement system
22 began paying the disability benefits.

23 (d) On or after the effective date of this section, a change
24 in service or disability retirement benefits or death benefits of a

1 retirement system may not reduce or otherwise impair benefits
2 accrued by a person if the person:

3 (1) could have terminated employment or has terminated
4 employment before the effective date of the change; and

5 (2) would have been eligible for those benefits,
6 without accumulating additional service under the retirement
7 system, on any date on or after the effective date of the change had
8 the change not occurred.

9 (e) Benefits granted to a retiree or other annuitant before
10 the effective date of this section and in effect on that date may
11 not be reduced or otherwise impaired.

12 (f) The political subdivision or subdivisions and the
13 retirement system that finance benefits under the retirement system
14 are jointly responsible for ensuring that benefits under this
15 section are not reduced or otherwise impaired.

16 (g) This section does not create a liability or an
17 obligation to a retirement system for a member of the retirement
18 system other than the payment by active members of a required
19 contribution or a future required contribution to the retirement
20 system.

21 (h) A retirement system described by Subsection (a) and the
22 political subdivision or subdivisions that finance benefits under
23 the retirement system are exempt from the application of this
24 section if:

25 (1) the political subdivision or subdivisions hold an
26 election on the date in May 2004 that political subdivisions may use
27 for the election of their officers;

1 (2) the majority of the voters of a political
2 subdivision voting at the election favor exempting the political
3 subdivision and the retirement system from the application of this
4 section; and

5 (3) the exemption is the only issue relating to the
6 funding and benefits of the retirement system that is presented to
7 the voters at the election.

8 SECTION 2. This constitutional amendment shall be submitted
9 to the voters at an election to be held September 13, 2003. The
10 ballot shall be printed to allow for voting for or against the
11 proposition: "The constitutional amendment providing that certain
12 benefits under certain local public retirement systems may not be
13 reduced or impaired."

H.J.R. No. 54

President of the Senate

Speaker of the House

I certify that H.J.R. No. 54 was passed by the House on April 29, 2003, by the following vote: Yeas 137, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 54 on May 30, 2003, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.J.R. No. 54

I certify that H.J.R. No. 54 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State