

By: King, et al. (Senate Sponsor - Brimer) H.J.R. No. 54
(In the Senate - Received from the House April 30, 2003;
May 7, 2003, read first time and referred to Committee on State
Affairs; May 26, 2003, reported adversely, with favorable
Committee Substitute by the following vote: Yeas 6, Nays 0;
May 26, 2003, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.J.R. No. 54 By: Armbrister

HOUSE JOINT RESOLUTION

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

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

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

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

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

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

(1) health benefits;
(2) life insurance benefits; or
(3) disability benefits that a retirement system
determines are no longer payable under the terms of the retirement
system as those terms existed on the date the retirement system
began paying the disability benefits.

(d) On or after the effective date of this section, a change
in service or disability retirement benefits or death benefits of a
retirement system may not reduce or otherwise impair benefits
accrued by a person if the person:

(1) could have terminated employment or has terminated
employment before the effective date of the change; and
(2) would have been eligible for those benefits,
without accumulating additional service under the retirement
system, on any date on or after the effective date of the change had
the change not occurred.

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

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

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

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

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

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

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

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

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