

By: Riddle

H.B. No. 2088

A BILL TO BE ENTITLED

1 AN ACT

2 relating to service and disability benefits for certain  
3 state-employed fire fighters.

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

5 SECTION 1. Section 811.001, Government Code, is amended by  
6 adding Subdivision (8-a) to read as follows:

7 (8-a) "Fire fighter" means a member of the retirement  
8 system who is employed by the adjutant general as a full-time  
9 civilian fire fighter assigned to the 147th Fighter Wing at  
10 Ellington Air National Guard Base.

11 SECTION 2. Section 813.513(a), Government Code, is amended  
12 to read as follows:

13 (a) An eligible member may establish not more than 60 months  
14 of equivalent membership service credit, including law enforcement  
15 officer, [~~or~~] custodial officer, or fire fighter service, in either  
16 the elected class or the employee class.

17 SECTION 3. Section 814.104(b), Government Code, is amended  
18 to read as follows:

19 (b) A member who is at least 55 years old and who has at  
20 least 10 years of service credit as a commissioned peace officer  
21 engaged in criminal law enforcement activities of the Department of  
22 Public Safety, the Texas Alcoholic Beverage Commission, the State  
23 Board of Pharmacy, or the Parks and Wildlife Department, [~~or~~] as a  
24 custodial officer, or as a fire fighter is eligible to retire and

1 receive a service retirement annuity.

2 SECTION 4. The heading to Section 814.107, Government Code,  
3 is amended to read as follows:

4 Sec. 814.107. SERVICE RETIREMENT BENEFITS FOR CERTAIN PEACE  
5 OFFICERS AND FIRE FIGHTERS.

6 SECTION 5. Sections 814.107(a), (b), (c), (e), (f), and  
7 (g), Government Code, are amended to read as follows:

8 (a) A member who has at least 20 years of service credit as a  
9 law enforcement officer, [~~or~~] custodial officer, or fire fighter is  
10 eligible to retire regardless of age and receive a standard service  
11 retirement annuity in an amount and to be funded as provided by this  
12 section.

13 (b) The standard service retirement annuity payable for at  
14 least 20 years of service credit as a law enforcement officer, [~~or~~]  
15 custodial officer, or fire fighter is an amount computed on the  
16 basis of the member's average monthly compensation for the 36  
17 highest months of compensation in the employee class, times the sum  
18 of the percentage factor used in the computation of a standard  
19 service retirement annuity under Section 814.105 plus .5 percent.

20 (c) The standard combined service retirement annuity that  
21 is payable under this section is based on retirement on or after the  
22 attainment of the normal retirement age, which for purposes of this  
23 section is the earlier of either the age of 50 or the age at which  
24 the sum of the member's age and amount of service credit in the  
25 employee class equals the number 80. A law enforcement officer,  
26 [~~or~~] custodial officer, or fire fighter who retires before  
27 attaining the normal retirement age is entitled to an annuity that

1 is actuarially reduced from the annuity available at the normal  
2 retirement age to the law enforcement officer, [~~or~~] custodial  
3 officer, or fire fighter service credit annuity amount available at  
4 the sum of the member's age and amount of employee class service  
5 credit. The annuity is payable from the law enforcement and  
6 custodial officer supplemental retirement fund.

7 (e) The amount payable from the law enforcement and  
8 custodial officer supplemental retirement fund is reducible by the  
9 amount paid from the trust fund established by Section 815.310 for  
10 service as a law enforcement officer, [~~or~~] custodial officer, or  
11 fire fighter. The total combined amount of an annuity under this  
12 section may not be less than the authorized benefit under  
13 Subsection (b) subtracted by any amount necessary because of  
14 selection of an optional annuity, because of retirement before the  
15 normal retirement age, or as provided by Subsection (f).

16 (f) The standard combined service retirement annuity  
17 payable for at least 20 years of service credit as a law enforcement  
18 officer, [~~or~~] custodial officer, or fire fighter may not exceed 100  
19 percent of the average compensation computed under Subsection (b).

20 (g) For purposes of this section, service as a law  
21 enforcement officer, [~~or~~] custodial officer, or fire fighter is  
22 creditable as provided by rule of the board of trustees or on a  
23 month-to-month basis, whichever is greater.

24 SECTION 6. The heading to Section 814.207, Government Code,  
25 is amended to read as follows:

26 Sec. 814.207. DISABILITY RETIREMENT BENEFITS FOR CERTAIN  
27 LAW ENFORCEMENT OFFICERS, PEACE OFFICERS, AND FIRE FIGHTERS.

1 SECTION 7. Sections 814.207(a), (b), (c), and (d),  
2 Government Code, are amended to read as follows:

3 (a) An annuity payable for an occupational disability  
4 resulting from a risk to which law enforcement officers, [or]  
5 custodial officers, or fire fighters are exposed because of the  
6 nature of law enforcement officer, [or] custodial officer, or fire  
7 fighter duties is payable under the same terms and conditions that  
8 apply to other occupational disability retirement annuities under  
9 this subtitle, except that the source and amount of the annuity are  
10 as provided by this section.

11 (b) Except as provided by Subsection (c), an occupational  
12 disability retirement annuity under this section is an amount, but  
13 not more than 100 percent, computed on the basis of the officer's or  
14 fire fighter's average monthly compensation, times a percentage  
15 derived by application of Section 814.107(b).

16 (c) A disability retirement annuity under this section is  
17 not reducible because of age and may not be less than 50 percent of  
18 the officer's or fire fighter's average monthly compensation  
19 regardless of the amount of service credited to the officer or fire  
20 fighter in the employee class.

21 (d) The portions of the annuity under this section payable  
22 from the law enforcement and custodial officer supplemental  
23 retirement fund are the amount remaining after deduction of any  
24 amount payable under Section 814.206, except the portion of an  
25 amount that exceeds the minimum payments provided by Section  
26 814.206(b) and that is made for service other than as a law  
27 enforcement officer, [or] custodial officer, or fire fighter and

1 any amount by which an annuity is increased under Subsection (e).

2 SECTION 8. Section 814.305, Government Code, is amended to  
3 read as follows:

4 Sec. 814.305. ANNUITY FOR SURVIVOR OF LAW ENFORCEMENT OR  
5 CUSTODIAL OFFICER OR FIRE FIGHTER. If a member who has at least 20  
6 years of service credit as a law enforcement officer, [~~or~~]  
7 custodial officer, or fire fighter dies, the amount of the death  
8 benefit annuity payable for the member's service as a law  
9 enforcement officer, [~~or~~] custodial officer, or fire fighter is an  
10 amount computed and funded as provided by Section 814.107,  
11 including any applicable reduction factors.

12 SECTION 9. Section 815.102(a), Government Code, is amended  
13 to read as follows:

14 (a) Subject to the limitations of this subtitle, the board  
15 of trustees may adopt rules for:

16 (1) eligibility of membership;

17 (2) the administration of the funds of the retirement  
18 system;

19 (3) the program of supplemental benefits for law  
20 enforcement officers, [~~and~~] custodial officers, and fire fighters;

21 (4) hearings on contested cases or disputed claims;

22 and

23 (5) the transaction of any other business of the  
24 board.

25 SECTION 10. Section 815.317(b), Government Code, is amended  
26 to read as follows:

27 (b) The retirement system may use money from the fund only

1 to pay supplemental retirement and death benefits to law  
2 enforcement officers, [and] custodial officers, and fire fighters  
3 as provided by this subtitle and to pay for the administration of  
4 the fund.

5 SECTION 11. Section 815.403(a), Government Code, is amended  
6 to read as follows:

7 (a) During each fiscal year, the state shall contribute to  
8 the retirement system:

9 (1) an amount equal to 7.4 percent of the total  
10 compensation of all members of the retirement system for that year;

11 (2) money to pay lump-sum death benefits for retirees  
12 under Section 814.501;

13 (3) an amount for the law enforcement and custodial  
14 officer supplemental retirement fund equal to 2.13 percent of the  
15 aggregate state compensation of all custodial officers, [and] law  
16 enforcement officers, and fire fighters for that year;

17 (4) money necessary for the administration of the law  
18 enforcement and custodial officer supplemental retirement fund;  
19 and

20 (5) money for service credit not previously  
21 established, as provided by Section 813.202(c) or 813.302(d).

22 SECTION 12. Section 815.505, Government Code, is amended to  
23 read as follows:

24 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND  
25 CUSTODIAL OFFICERS AND FIRE FIGHTERS. Not later than the 12th day  
26 of the month following the month in which a person begins or ceases  
27 employment as a law enforcement officer, [or] custodial officer, or

1 fire fighter, the Public Safety Commission, the Texas Alcoholic  
2 Beverage Commission, the Parks and Wildlife Commission, the State  
3 Board of Pharmacy, the Board of Pardons and Paroles, [~~or~~] the Texas  
4 Board of Criminal Justice, or the adjutant general, as applicable,  
5 shall certify to the retirement system, in the manner prescribed by  
6 the system, the name of the employee and such other information as  
7 the system determines is necessary for the crediting of service and  
8 financing of benefits under this subtitle.

9 SECTION 13. Before October 1, 2005, the adjutant general  
10 shall certify to the Employees Retirement System of Texas, in the  
11 manner prescribed by the retirement system, the name of each person  
12 employed by the adjutant general on September 1, 2005, as a fire  
13 fighter, as defined by Section 811.001, Government Code, as amended  
14 by this Act, and such other information as the system determines is  
15 necessary for the crediting of service and financing of benefits  
16 under Subtitle B, Title 8, Government Code.

17 SECTION 14. This Act takes effect immediately if it  
18 receives a vote of two-thirds of all the members elected to each  
19 house, as provided by Section 39, Article III, Texas Constitution.  
20 If this Act does not receive the vote necessary for immediate  
21 effect, this Act takes effect September 1, 2005.