

By: Coleman

H.B. No. 2523

A BILL TO BE ENTITLED

AN ACT

relating to retirement benefits for law enforcement officers
employed and commissioned by institutions of higher education.

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

SECTION 1. Section 811.001, Government Code, is amended by
adding Subdivision (8-a) and amending Subdivision (9) to read as
follows:

(8-a) "Institution of higher education" has the
meaning assigned by Section 61.003, Education Code.

(9) "Law enforcement officer" means a member of the
retirement system who has been commissioned as a law enforcement
officer by the Department of Public Safety, the Texas Alcoholic
Beverage Commission, the Texas State Board of Pharmacy, an
institution of higher education, or the Parks and Wildlife
Department and who is recognized as a commissioned law enforcement
officer by the Commission on Law Enforcement Officer Standards and
Education.

SECTION 2. Section 812.003(a), Government Code, is amended
to read as follows:

(a) Except as provided by Subsection (b), membership in the
employee class of the retirement system includes:

(1) all employees and appointed officers of every
department, commission, board, agency, or institution of the state
except:

1 (A) [~~(1)~~] independent contractors and their
2 employees performing work for the state; and

3 (B) [~~(2)~~] persons disqualified from membership
4 under Section 812.201; and

5 (2) all law enforcement officers commissioned and
6 employed by an institution of higher education except persons
7 disqualified from membership under Section 812.201.

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

10 (b) A member who is at least 55 years old and who has at
11 least 10 years of service credit as a commissioned peace officer
12 engaged in criminal law enforcement activities of the Department of
13 Public Safety, the Texas Alcoholic Beverage Commission, the Texas
14 State Board of Pharmacy, an institution of higher education, or the
15 Parks and Wildlife Department, or as a custodial officer, is
16 eligible to retire and receive a service retirement annuity.

17 SECTION 4. Section 815.505, Government Code, is amended to
18 read as follows:

19 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
20 CUSTODIAL OFFICERS. Not later than the 12th day of the month
21 following the month in which a person begins or ceases employment as
22 a law enforcement officer or custodial officer, the Public Safety
23 Commission, the Texas Alcoholic Beverage Commission, the Parks and
24 Wildlife Commission, the Texas State Board of Pharmacy, an
25 institution of higher education, the Board of Pardons and Paroles,
26 or the Texas Board of Criminal Justice, as applicable, shall
27 certify to the retirement system, in the manner prescribed by the

1 system, the name of the employee and such other information as the
2 system determines is necessary for the crediting of service and
3 financing of benefits under this subtitle.

4 SECTION 5. Section 821.001(6), Government Code, is
5 amended to read as follows:

6 (6) "Employee" means a person who is employed, as
7 determined by the retirement system, on other than a temporary
8 basis by an employer for at least one-half time at a regular rate of
9 pay comparable to that of other persons employed in similar
10 positions. This term does not include a person employed as a law
11 enforcement officer by an institution of higher education as that
12 term is defined by Section 811.001.

13 SECTION 6. Section 822.002, Government Code, is amended to
14 read as follows:

15 Sec. 822.002. EXCEPTIONS TO MEMBERSHIP REQUIREMENT. (a)
16 An employee of the public school system is not permitted to be a
17 member of the retirement system if the employee:

18 (1) is eligible and elects to participate in the
19 optional retirement program under Chapter 830;

20 (2) is solely employed by a public institution of
21 higher education that as a condition of employment requires the
22 employee to be enrolled as a student in the institution; or

23 (3) has retired under the retirement system and has
24 not been reinstated to membership pursuant to Section 824.005 or
25 824.307.

26 (b) A person commissioned and employed as a law enforcement
27 officer by an institution of higher education is not a member of the

1 retirement system.

2 SECTION 7. (a) All persons who were commissioned and
3 employed on August 31, 2005, as law enforcement officers by an
4 institution of higher education, as defined by Section 811.001,
5 Government Code, as amended by this Act, who were contributing
6 members of the Teacher Retirement System of Texas on that date, and
7 who remain in employment described by this subsection on September
8 1, 2005, become members of the Employees Retirement System of Texas
9 on September 1, 2005.

10 (b) Service credit in the Teacher Retirement System of Texas
11 as a commissioned law enforcement officer by a person whose
12 retirement system membership is transferred under this section is
13 considered as if it were service credit in the Employees Retirement
14 System of Texas for the purpose of determining eligibility for
15 benefits from the Employees Retirement System of Texas.

16 (c) At the time of the retirement or death of a person whose
17 membership is transferred under this section, the Teacher
18 Retirement System of Texas and the Employees Retirement System of
19 Texas shall make a computation and transfer of money in the manner
20 provided by Section 805.008, Government Code, and the person's
21 service credit as a law enforcement officer described by this
22 section in the Teacher Retirement System of Texas will be
23 transferred to the Employees Retirement System of Texas.

24 SECTION 8. Before October 1, 2005, each institution of
25 higher education, as defined by Section 811.001, Government Code,
26 as amended by this Act, shall certify to the Employees Retirement
27 System of Texas, in the manner prescribed by the retirement system,

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1 the name of each person employed by the institution on September 1,
2 2005, as a law enforcement officer, as defined by Section 811.001,
3 Government Code, as amended by this Act, and any other information
4 the system determines is necessary for the crediting of service and
5 financing of benefits under Subtitle B, Title 8, Government Code.

6 SECTION 9. This Act takes effect September 1, 2005.