

By: Noriega

H.B. No. 3160

A BILL TO BE ENTITLED

AN ACT

relating to service and disability retirement benefits and death benefits for rescue specialists.

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

SECTION 1. Section 811.001, Government Code, is amended by adding Subdivision (13-a) to read as follows:

(13-a) "Rescue specialist" means a member of the retirement system who is employed by the adjutant general to fight aircraft fires at a Texas National Guard installation.

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

Sec. 814.107. SERVICE RETIREMENT BENEFITS FOR CERTAIN PEACE OFFICERS AND RESCUE SPECIALISTS.

SECTION 3. Sections 814.107(a)-(c) and (e)-(g), Government Code, are amended to read as follows:

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

(b) The standard service retirement annuity payable for at least 20 years of service credit as a law enforcement officer, ~~[or]~~ custodial officer, or rescue specialist is an amount computed on the basis of the member's average monthly compensation for the 36

highest months of compensation in the employee class, times the sum of the percentage factor used in the computation of a standard service retirement annuity under Section 814.105 plus .5 percent.

(c) The standard combined service retirement annuity that is payable under this section is based on retirement on or after the attainment of the normal retirement age, which for purposes of this section is the earlier of either the age of 50 or the age at which the sum of the member's age and amount of service credit in the employee class equals the number 80. A law enforcement officer, ~~[or]~~ custodial officer, or rescue specialist who retires before attaining the normal retirement age is entitled to an annuity that is actuarially reduced from the annuity available at the normal retirement age to the law enforcement officer, ~~[or]~~ custodial officer, or rescue specialist service credit annuity amount available at the sum of the member's age and amount of employee class service credit. The annuity is payable from the law enforcement and custodial officer supplemental retirement fund.

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

(f) The standard combined service retirement annuity

1 payable for at least 20 years of service credit as a law enforcement
2 officer, [~~or~~] custodial officer, or rescue specialist may not
3 exceed 100 percent of the average compensation computed under
4 Subsection (b).

5 (g) For purposes of this section, service as a law
6 enforcement officer, [~~or~~] custodial officer, or rescue specialist
7 is creditable as provided by rule of the board of trustees or on a
8 month-to-month basis, whichever is greater.

9 SECTION 4. The heading to Section 814.207, Government Code,
10 is amended to read as follows:

11 Sec. 814.207. DISABILITY RETIREMENT BENEFITS FOR CERTAIN
12 PEACE OFFICERS AND RESCUE SPECIALISTS.

13 SECTION 5. Sections 814.207(a)-(d), Government Code, are
14 amended to read as follows:

15 (a) An annuity payable for an occupational disability
16 resulting from a risk to which law enforcement officers, [~~or~~]
17 custodial officers, or rescue specialists are exposed because of
18 the nature of law enforcement officer, [~~or~~] custodial officer, or
19 rescue specialist duties is payable under the same terms and
20 conditions that apply to other occupational disability retirement
21 annuities under this subtitle, except that the source and amount of
22 the annuity are as provided by this section.

23 (b) Except as provided by Subsection (c), an occupational
24 disability retirement annuity under this section is an amount, but
25 not more than 100 percent, computed on the basis of the officer's or
26 rescue specialist's average monthly compensation, times a
27 percentage derived by application of Section 814.107(b).

1 (c) A disability retirement annuity under this section is
2 not reducible because of age and may not be less than 50 percent of
3 the officer's or rescue specialist's average monthly compensation
4 regardless of the amount of service credited to the officer or
5 rescue specialist in the employee class.

6 (d) The portions of the annuity under this section payable
7 from the law enforcement and custodial officer supplemental
8 retirement fund are the amount remaining after deduction of any
9 amount payable under Section 814.206, except the portion of an
10 amount that exceeds the minimum payments provided by Section
11 814.206(b) and that is made for service other than as a law
12 enforcement officer, ~~[or]~~ custodial officer, or rescue specialist
13 and any amount by which an annuity is increased under Subsection
14 (e).

15 SECTION 6. Section 814.305, Government Code, is amended to
16 read as follows:

17 Sec. 814.305. ANNUITY FOR SURVIVOR OF LAW ENFORCEMENT OR
18 CUSTODIAL OFFICER OR RESCUE SPECIALIST. If a member who has at
19 least 20 years of service credit as a law enforcement officer, ~~[or]~~
20 custodial officer, or rescue specialist dies, the amount of the
21 death benefit annuity payable for the member's service as a law
22 enforcement officer, ~~[or]~~ custodial officer, or rescue specialist
23 is an amount computed and funded as provided by Section 814.107,
24 including any applicable reduction factors.

25 SECTION 7. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.