

By: Van de Putte

S.B. No. 751

A BILL TO BE ENTITLED

AN ACT

1
2 relating to service and disability retirement benefits and death
3 benefits for rescue specialists.

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 (13-a) to read as follows:

7 (13-a) "Rescue specialist" means a member of the
8 retirement system who is employed by the adjutant general to fight
9 aircraft fires at a Texas National Guard installation.

10 SECTION 2. Section 811.006, Government Code, is amended by
11 amending Subsection (a) and adding Subsection (c) to read as
12 follows:

13 (a) Except as provided by Subsection (c), a [A] rate of
14 member or state contributions to or a rate of interest required for
15 the establishment of credit in the retirement system may not be
16 reduced or eliminated, a type of service may not be made creditable
17 in the retirement system, a limit on the maximum permissible amount
18 of a type of creditable service may not be removed or raised, a new
19 monetary benefit payable by the retirement system may not be
20 established, and the determination of the amount of a monetary
21 benefit from the system may not be increased, if, as a result of the
22 particular action, the time, as determined by an actuarial
23 valuation, required to amortize the unfunded actuarial liabilities
24 of the retirement system would be increased to a period that exceeds

1 30 years by one or more years.

2 (c) This section does not apply to any action described by
3 Subsection (a) that affects only a member for whom the federal
4 government fully pays any applicable:

5 (1) member or state contributions to the retirement
6 system; and

7 (2) retirement system benefits.

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

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

12 SECTION 4. Subsections (a), (b), (c), (e), (f), and (g),
13 Section 814.107, Government Code, are amended to read as follows:

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

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

26 (c) The standard combined service retirement annuity that
27 is payable under this section is based on retirement on or after the

1 attainment of the normal retirement age, which for purposes of this
2 section is the earlier of either the age of 50 or the age at which
3 the sum of the member's age and amount of service credit in the
4 employee class equals the number 80. A law enforcement officer,
5 ~~[or]~~ custodial officer, or rescue specialist who retires before
6 attaining the normal retirement age is entitled to an annuity that
7 is actuarially reduced from the annuity available at the normal
8 retirement age to the law enforcement officer, ~~[or]~~ custodial
9 officer, or rescue specialist service credit annuity amount
10 available at the sum of the member's age and amount of employee
11 class service credit. The annuity is payable from the law
12 enforcement and custodial officer supplemental retirement fund.

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

22 (f) The standard combined service retirement annuity
23 payable for at least 20 years of service credit as a law enforcement
24 officer, ~~[or]~~ custodial officer, or rescue specialist may not
25 exceed 100 percent of the average compensation computed under
26 Subsection (b).

27 (g) For purposes of this section, service as a law

1 enforcement officer, [~~or~~] custodial officer, or rescue specialist
2 is creditable as provided by rule of the board of trustees or on a
3 month-to-month basis, whichever is greater.

4 SECTION 5. The heading to Section 814.207, Government Code,
5 is amended to read as follows:

6 Sec. 814.207. DISABILITY RETIREMENT BENEFITS FOR CERTAIN
7 PEACE OFFICERS AND RESCUE SPECIALISTS.

8 SECTION 6. Subsections (a) through (d), Section 814.207,
9 Government Code, are amended to read as follows:

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

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

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

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

10 SECTION 7. Section 814.305, Government Code, is amended to
11 read as follows:

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

20 SECTION 8. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2005.