

By: Van de Putte

S.B. No. 751

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

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

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

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

27 (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.