

1-1 By: Van de Putte S.B. No. 751
1-2 (In the Senate - Filed February 24, 2005; March 10, 2005,
1-3 read first time and referred to Committee on State Affairs;
1-4 May 9, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 1; May 9, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 751 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to service and disability retirement benefits and death
1-11 benefits for rescue specialists.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 811.001, Government Code, is amended by
1-14 adding Subdivision (13-a) to read as follows:

1-15 (13-a) "Rescue specialist" means a member of the
1-16 retirement system who is employed by the adjutant general to fight
1-17 aircraft fires at a Texas National Guard installation.

1-18 SECTION 2. Section 811.006, Government Code, is amended by
1-19 amending Subsection (a) and adding Subsection (c) to read as
1-20 follows:

1-21 (a) Except as provided by Subsection (c), a [A] rate of
1-22 member or state contributions to or a rate of interest required for
1-23 the establishment of credit in the retirement system may not be
1-24 reduced or eliminated, a type of service may not be made creditable
1-25 in the retirement system, a limit on the maximum permissible amount
1-26 of a type of creditable service may not be removed or raised, a new
1-27 monetary benefit payable by the retirement system may not be
1-28 established, and the determination of the amount of a monetary
1-29 benefit from the system may not be increased, if, as a result of the
1-30 particular action, the time, as determined by an actuarial
1-31 valuation, required to amortize the unfunded actuarial liabilities
1-32 of the retirement system would be increased to a period that exceeds
1-33 30 years by one or more years.

1-34 (c) This section does not apply to any action described by
1-35 Subsection (a) that affects only a member for whom the federal
1-36 government fully pays any applicable:

1-37 (1) member or state contributions to the retirement
1-38 system; and

1-39 (2) retirement system benefits.

1-40 SECTION 3. The heading to Section 814.107, Government Code,
1-41 is amended to read as follows:

1-42 Sec. 814.107. SERVICE RETIREMENT BENEFITS FOR CERTAIN PEACE
1-43 OFFICERS AND RESCUE SPECIALISTS.

1-44 SECTION 4. Subsections (a), (b), (c), (e), (f), and (g),
1-45 Section 814.107, Government Code, are amended to read as follows:

1-46 (a) A member who has at least 20 years of service credit as a
1-47 law enforcement officer, ~~or~~ custodial officer, or rescue
1-48 specialist is eligible to retire regardless of age and receive a
1-49 standard service retirement annuity in an amount and to be funded as
1-50 provided by this section.

1-51 (b) The standard service retirement annuity payable for at
1-52 least 20 years of service credit as a law enforcement officer, ~~or~~
1-53 custodial officer, or rescue specialist is an amount computed on
1-54 the basis of the member's average monthly compensation for the 36
1-55 highest months of compensation in the employee class, times the sum
1-56 of the percentage factor used in the computation of a standard
1-57 service retirement annuity under Section 814.105 plus .5 percent.

1-58 (c) The standard combined service retirement annuity that
1-59 is payable under this section is based on retirement on or after the
1-60 attainment of the normal retirement age, which for purposes of this
1-61 section is the earlier of either the age of 50 or the age at which
1-62 the sum of the member's age and amount of service credit in the
1-63 employee class equals the number 80. A law enforcement officer,

2-1 [~~or~~] custodial officer, or rescue specialist who retires before
 2-2 attaining the normal retirement age is entitled to an annuity that
 2-3 is actuarially reduced from the annuity available at the normal
 2-4 retirement age to the law enforcement officer, [~~or~~] custodial
 2-5 officer, or rescue specialist service credit annuity amount
 2-6 available at the sum of the member's age and amount of employee
 2-7 class service credit. The annuity is payable from the law
 2-8 enforcement and custodial officer supplemental retirement fund.

2-9 (e) The amount payable from the law enforcement and
 2-10 custodial officer supplemental retirement fund is reducible by the
 2-11 amount paid from the trust fund established by Section 815.310 for
 2-12 service as a law enforcement officer, [~~or~~] custodial officer, or
 2-13 rescue specialist. The total combined amount of an annuity under
 2-14 this section may not be less than the authorized benefit under
 2-15 Subsection (b) subtracted by any amount necessary because of
 2-16 selection of an optional annuity, because of retirement before the
 2-17 normal retirement age, or as provided by Subsection (f).

2-18 (f) The standard combined service retirement annuity
 2-19 payable for at least 20 years of service credit as a law enforcement
 2-20 officer, [~~or~~] custodial officer, or rescue specialist may not
 2-21 exceed 100 percent of the average compensation computed under
 2-22 Subsection (b).

2-23 (g) For purposes of this section, service as a law
 2-24 enforcement officer, [~~or~~] custodial officer, or rescue specialist
 2-25 is creditable as provided by rule of the board of trustees or on a
 2-26 month-to-month basis, whichever is greater.

2-27 SECTION 5. The heading to Section 814.207, Government Code,
 2-28 is amended to read as follows:

2-29 Sec. 814.207. DISABILITY RETIREMENT BENEFITS FOR CERTAIN
 2-30 PEACE OFFICERS AND RESCUE SPECIALISTS.

2-31 SECTION 6. Subsections (a) through (d), Section 814.207,
 2-32 Government Code, are amended to read as follows:

2-33 (a) An annuity payable for an occupational disability
 2-34 resulting from a risk to which law enforcement officers, [~~or~~]
 2-35 custodial officers, or rescue specialists are exposed because of
 2-36 the nature of law enforcement officer, [~~or~~] custodial officer, or
 2-37 rescue specialist duties is payable under the same terms and
 2-38 conditions that apply to other occupational disability retirement
 2-39 annuities under this subtitle, except that the source and amount of
 2-40 the annuity are as provided by this section.

2-41 (b) Except as provided by Subsection (c), an occupational
 2-42 disability retirement annuity under this section is an amount, but
 2-43 not more than 100 percent, computed on the basis of the officer's or
 2-44 rescue specialist's average monthly compensation, times a
 2-45 percentage derived by application of Section 814.107(b).

2-46 (c) A disability retirement annuity under this section is
 2-47 not reducible because of age and may not be less than 50 percent of
 2-48 the officer's or rescue specialist's average monthly compensation
 2-49 regardless of the amount of service credited to the officer or
 2-50 rescue specialist in the employee class.

2-51 (d) The portions of the annuity under this section payable
 2-52 from the law enforcement and custodial officer supplemental
 2-53 retirement fund are the amount remaining after deduction of any
 2-54 amount payable under Section 814.206, except the portion of an
 2-55 amount that exceeds the minimum payments provided by Section
 2-56 814.206(b) and that is made for service other than as a law
 2-57 enforcement officer, [~~or~~] custodial officer, or rescue specialist
 2-58 and any amount by which an annuity is increased under Subsection
 2-59 (e).

2-60 SECTION 7. Section 814.305, Government Code, is amended to
 2-61 read as follows:

2-62 Sec. 814.305. ANNUITY FOR SURVIVOR OF LAW ENFORCEMENT OR
 2-63 CUSTODIAL OFFICER OR RESCUE SPECIALIST. If a member who has at
 2-64 least 20 years of service credit as a law enforcement officer, [~~or~~]
 2-65 custodial officer, or rescue specialist dies, the amount of the
 2-66 death benefit annuity payable for the member's service as a law
 2-67 enforcement officer, [~~or~~] custodial officer, or rescue specialist
 2-68 is an amount computed and funded as provided by Section 814.107,
 2-69 including any applicable reduction factors.

3-1 SECTION 8. This Act takes effect immediately if it receives
3-2 a vote of two-thirds of all the members elected to each house, as
3-3 provided by Section 39, Article III, Texas Constitution. If this
3-4 Act does not receive the vote necessary for immediate effect, this
3-5 Act takes effect September 1, 2005.

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