

By: Gallegos

S.B. No. 1759

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to retirement benefits for law enforcement officers  
3 employed and commissioned by certain institutions of higher  
4 education.

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

6 SECTION 1. Section 811.001, Government Code, is amended by  
7 amending Subdivision (9) and adding Subdivision (19) to read as  
8 follows:

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

17 (19) "Public institution of higher education" means a  
18 general academic teaching institution, a medical and dental unit,  
19 or a university system, as those terms are defined by Section  
20 61.003, Education Code.

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

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

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

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

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

8           (2) all law enforcement officers commissioned and  
9 employed by a public institution of higher education except persons  
10 disqualified from membership under Section 812.201.

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

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

20           SECTION 4. Section 815.505, Government Code, is amended to  
21 read as follows:

22           Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND  
23 CUSTODIAL OFFICERS. Not later than the 12th day of the month  
24 following the month in which a person begins or ceases employment as  
25 a law enforcement officer or custodial officer, the Public Safety  
26 Commission, the Texas Alcoholic Beverage Commission, the Parks and  
27 Wildlife Commission, the Texas State Board of Pharmacy, a public

1 institution of higher education, the Board of Pardons and Paroles,  
2 or the Texas Board of Criminal Justice, as applicable, shall  
3 certify to the retirement system, in the manner prescribed by the  
4 system, the name of the employee and such other information as the  
5 system determines is necessary for the crediting of service and  
6 financing of benefits under this subtitle.

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

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

16 SECTION 6. Section 822.002, Government Code, is amended to  
17 read as follows:

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

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

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

26 (3) has retired under the retirement system and has  
27 not been reinstated to membership pursuant to Section 824.005 or

1 824.307.

2 (b) A person commissioned and employed as a law enforcement  
3 officer by a public institution of higher education, as that term is  
4 defined by Section 811.001, is not a member of the retirement  
5 system.

6 SECTION 7. (a) All persons who were commissioned and  
7 employed on August 31, 2005, as law enforcement officers by a public  
8 institution of higher education, as defined by Section 811.001,  
9 Government Code, as amended by this Act, who were contributing  
10 members of the Teacher Retirement System of Texas on that date, and  
11 who remain in employment described by this subsection on September  
12 1, 2005, become members of the Employees Retirement System of Texas  
13 on September 1, 2005.

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

20 (c) A commissioned law enforcement officer who becomes a  
21 member of the Employees Retirement System of Texas under Subsection  
22 (a) of this section and who has, before September 1, 2005, initiated  
23 payments for previous service credit in the Teacher Retirement  
24 System of Texas under Section 823.202, Government Code, as it  
25 existed before the repeal of that section, or under Section  
26 823.302, 823.3021, 823.304, 823.401, 823.402, or 823.501,  
27 Government Code, may complete the agreed payment plan to establish

1 service credit in the Teacher Retirement System of Texas. Credit  
2 established under this section is considered as if it were service  
3 credit in the Employees Retirement System of Texas for the purpose  
4 of determining eligibility of benefits from the Employees  
5 Retirement System of Texas.

6 (d) At the time of the retirement or death of a person whose  
7 membership is transferred under this section, the Teacher  
8 Retirement System of Texas and the Employees Retirement System of  
9 Texas shall make a computation and transfer of money in the manner  
10 provided by Section 805.008, Government Code, and the person's  
11 service credit as a law enforcement officer described by this  
12 section in the Teacher Retirement System of Texas will be  
13 transferred to the Employees Retirement System of Texas.

14 SECTION 8. Before October 1, 2005, each public institution  
15 of higher education, as defined by Section 811.001, Government  
16 Code, as amended by this Act, shall certify to the Employees  
17 Retirement System of Texas, in the manner prescribed by the  
18 retirement system, the name of each person employed by the  
19 institution on September 1, 2005, as a law enforcement officer, as  
20 defined by Section 811.001, Government Code, as amended by this  
21 Act, and any other information the system determines is necessary  
22 for the crediting of service and financing of benefits under  
23 Subtitle B, Title 8, Government Code.

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