

1-1 By: Haggerty, et al. (Senate Sponsor - Brimer) H.B. No. 3355  
1-2 (In the Senate - Received from the House May 9, 2007;  
1-3 May 10, 2007, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by  
1-5 the following vote: Yeas 3, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the board of trustees, benefits, and contributions of  
1-9 certain fire and police pension funds.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 ARTICLE 1. CONTINGENT PROVISIONS EFFECTIVE SEPTEMBER 1, 2007

1-12 SECTION 1.01. Sections 1(a) and (b), Chapter 101, Acts of  
1-13 the 43rd Legislature, 1st Called Session, 1933 (Article 6243b,  
1-14 Vernon's Texas Civil Statutes), are amended to read as follows:

1-15 (a) In all incorporated cities and towns containing more  
1-16 than 550,000 inhabitants and less than 600,000 inhabitants, having  
1-17 a fully or partially paid fire department, three (3) citizens of  
1-18 said city or town to be designated by the mayor ~~[or the mayor's~~  
1-19 ~~authorized representative],~~ two (2) citizens of said city or town  
1-20 to be designated by the city manager of said city or town ~~[mayor,~~  
1-21 ~~the chief of police or the chief's authorized representative, the~~  
1-22 ~~chief of the fire department or the chief's authorized~~  
1-23 ~~representative, and the successors of the mayor, chief of police,~~  
1-24 ~~and chief of the fire department],~~ three (3) policemen ~~[other than~~  
1-25 ~~the chief or assistant chief,]~~ to be elected by members of the  
1-26 policemen's pension fund, and three (3) firemen ~~[other than the~~  
1-27 ~~chief or assistant chief,]~~ to be elected by members of the firemen's  
1-28 pension fund, composing eleven (11) members, seven (7) of which  
1-29 shall be a quorum, shall constitute a board of trustees of the  
1-30 Firemen and Policemen Pension Fund, to provide for the disbursement  
1-31 of the same and to designate the beneficiaries thereof. ~~[The three~~  
1-32 ~~policemen and the three firemen named above shall be elected to a~~  
1-33 ~~term of four (4) years. The term for a citizen designated by the~~  
1-34 ~~mayor is four (4) years.]~~ The board shall be known as the Board of  
1-35 Firemen and Policemen Pension Fund, \_\_\_\_\_, Texas. Said board  
1-36 shall organize by choosing one member as Chairman and by appointing  
1-37 a secretary. Such board shall have charge of and administer said  
1-38 fund and shall order payments therefrom in pursuance of the  
1-39 provisions of this law. It shall report annually to the governing  
1-40 body of such city or town the condition of the said fund and the  
1-41 receipts and disbursements on account of the same with a complete  
1-42 list of beneficiaries of said fund and the amounts paid them.

1-43 (b) The members of the board of trustees serve four-year  
1-44 terms. ~~[Of the first two (2) citizens designated by the mayor to~~  
1-45 ~~serve on the board of trustees after the effective date of this~~  
1-46 ~~subsection, one shall serve a four-year term and the other a~~  
1-47 ~~two-year term. Thereafter all terms shall be for four (4) years.~~  
1-48 ~~Of the first six (6) firemen and policemen elected after the~~  
1-49 ~~effective date of this subsection, three (3) of the firemen and~~  
1-50 ~~policemen shall serve four-year terms and three (3) of the firemen~~  
1-51 ~~and policemen shall serve two-year terms. The first four-year~~  
1-52 ~~terms shall not be served by all three members elected from the~~  
1-53 ~~firemen's fund nor by all three members elected from the policemen's~~  
1-54 ~~fund. This determination shall be made by lot under the supervision~~  
1-55 ~~of the board. Thereafter all elected terms shall be for four (4)~~  
1-56 ~~years.]~~

1-57 SECTION 1.02. Section 2, Chapter 101, Acts of the 43rd  
1-58 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
1-59 Texas Civil Statutes), is amended to read as follows:

1-60 Sec. 2. PARTICIPATION IN FUND; WAGE DEDUCTIONS. Each  
1-61 member fireman and policeman in the employment of such city or town  
1-62 must participate in said fund, except in times of national  
1-63 emergency those persons as are employed during that time shall not  
1-64 be required to participate in the fund, and said city or town shall

2-1 be authorized to deduct a sum of not less than one per cent (1%) nor  
 2-2 in excess of six per cent (6%) of his wages from each month to form a  
 2-3 part of the fund known as the Firemen and Policemen Pension Fund,  
 2-4 except that the city or town shall deduct a sum less than one per  
 2-5 cent (1%) or more than six per cent (6%) of the member's wages each  
 2-6 month to form a part of the fund if the board of trustees of that  
 2-7 fund increases or decreases the percentage of wages to be  
 2-8 contributed to the fund under the provisions of Section 10A or 14A  
 2-9 of this Act. The amount to be deducted from the wages of those named  
 2-10 above who must participate in the fund is to be determined by the  
 2-11 board of trustees as provided for in Section 1 of this Act within  
 2-12 the minimum and maximum deductions herein provided or as otherwise  
 2-13 provided under the provisions of Section 10A or 14A of this Act.

2-14 SECTION 1.03. Section 3, Chapter 101, Acts of the 43rd  
 2-15 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
 2-16 Texas Civil Statutes), is amended to read as follows:

2-17 Sec. 3. PAYMENTS TO FUND. There shall be deducted for such  
 2-18 fund from the wages of each fireman and policeman a sum to be  
 2-19 determined by the board of trustees under the provisions of  
 2-20 Sections [Section] 2, [or] 10A, and 14A of this Act. Any donations  
 2-21 made to such fund and rewards received by any member of either of  
 2-22 said funds, and all funds received from any source for such fund  
 2-23 shall be deposited in like manner to the credit of such fund.

2-24 SECTION 1.04. Section 10A, Chapter 101, Acts of the 43rd  
 2-25 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
 2-26 Texas Civil Statutes), is amended to read as follows:

2-27 Sec. 10A. MODIFICATION OF BENEFITS, MEMBERSHIP  
 2-28 QUALIFICATIONS, ELIGIBILITY REQUIREMENTS AND CONTRIBUTIONS;  
 2-29 CONDITIONS. (a) Notwithstanding anything to the contrary in other  
 2-30 parts of this Act and subject to Subsections (b) and (c) of this  
 2-31 section, the Board of Trustees may, by majority vote of the whole  
 2-32 board, make from time to time one or more of the following changes,  
 2-33 or modifications:

2-34 (1) modify or change prospectively or retroactively in  
 2-35 any manner whatsoever any of the benefits provided by this Act,  
 2-36 except that any retroactive change or modification shall only  
 2-37 increase pensions or benefits;

2-38 (2) modify or change prospectively in any manner  
 2-39 whatsoever any of the membership qualifications;

2-40 (3) modify or change prospectively or retroactively in  
 2-41 any manner whatsoever any of the eligibility requirements for  
 2-42 pensions or benefits;

2-43 (4) increase or decrease prospectively the percentage  
 2-44 of wages less than the one per cent (1%) minimum or above the six per  
 2-45 cent (6%) maximum provided in Section 2 of this Act to be  
 2-46 contributed to the fund; or

2-47 (5) provide prospectively for refunds, in whole or in  
 2-48 part, and with or without interest, of contributions made to the  
 2-49 fund by employees who leave the city service before qualifying for a  
 2-50 pension.

2-51 (b) None of the changes made under Subsection (a) of this  
 2-52 section may be made unless all of the following conditions are  
 2-53 sequentially complied with:

2-54 (1) the change must be approved by a qualified actuary  
 2-55 selected by a four-fifths vote of the Board; the actuary's approval  
 2-56 must be based on an actuarial finding that the change is supported  
 2-57 by the existing funding status of the fund; the actuary, if an  
 2-58 individual, must be a Fellow of the Society of Actuaries or a Fellow  
 2-59 of the Conference of Actuaries in Public Practice or a Member of the  
 2-60 American Academy of Actuaries; the actuary, if an actuarial  
 2-61 consulting firm, must be established in the business of providing  
 2-62 actuarial consulting services to pension plans and have experienced  
 2-63 personnel able to provide the requested services; the findings upon  
 2-64 which the properly selected and qualified actuary's approval are  
 2-65 based are not subject to judicial review;

2-66 (2) the change must be approved by a majority of all  
 2-67 persons then making contributions to the fund as employees of a  
 2-68 department to which the change would directly apply, voting by  
 2-69 secret ballot at an election held after ten (10) days' notice given

3-1 by posting at a prominent place in every station or substation of a  
 3-2 department to which the change would directly apply and in the city  
 3-3 hall;

3-4 (3) the changes, except changes made under the  
 3-5 provisions of Subdivision (1), Subsection (a), of this section,  
 3-6 shall apply only to active member employees who are members of the  
 3-7 affected departments at the time the change becomes effective and  
 3-8 those who enter the departments thereafter; and

3-9 (4) the changes shall not deprive any person, without  
 3-10 his written consent, of any right to receive a pension or benefits  
 3-11 which have already become vested and matured.

3-12 (c) If the Board of Trustees proposes to change benefits  
 3-13 under Subdivision (1), Subsection (a), of this section, the change  
 3-14 is not effective until the change is finally approved in accordance  
 3-15 with this subsection. The Board shall submit the change for  
 3-16 approval by the city's or town's governing body. If disapproved by  
 3-17 the governing body, or if the governing body fails to act within  
 3-18 sixty (60) days of presentation to the governing body, the Board, by  
 3-19 resolution passed by a majority of the whole Board, plus one, may  
 3-20 require the city's or town's governing body to hold an election, as  
 3-21 soon as practicable, for approval of the change by the qualified  
 3-22 voters of the city or town. Any change proposed and subsequently  
 3-23 approved by the voters under this subsection becomes effective as  
 3-24 of the beginning of the city's or town's next fiscal year.

3-25 SECTION 1.05. Chapter 101, Acts of the 43rd Legislature,  
 3-26 1st Called Session, 1933 (Article 6243b, Vernon's Texas Civil  
 3-27 Statutes), is amended by adding Section 14A to read as follows:

3-28 Sec. 14A. CONTRIBUTION INCREASES. (a) If at any time a  
 3-29 qualified actuary that meets the requirements of Subdivision (1),  
 3-30 Subsection (b), Section 10A of this Act, determines that the total  
 3-31 contribution rate, expressed as a percentage of wages, is  
 3-32 insufficient to amortize the unfunded actuarial accrued liability,  
 3-33 as defined under the Governmental Accounting Standards Board  
 3-34 Statement No. 25, over a period not to exceed forty (40) years:

3-35 (1) the city's or town's governing body may increase  
 3-36 the city or town contribution rate; and

3-37 (2) to the extent that the city or town contribution  
 3-38 rate increases under Subdivision (1) of this subsection, the member  
 3-39 contribution rate must increase by an amount equal to the member  
 3-40 contribution rate before the increase multiplied by a fraction:

3-41 (A) the numerator of which is the increase in the  
 3-42 amount of city or town contribution rate; and

3-43 (B) the denominator of which is the amount of the  
 3-44 city or town contribution rate before the increase.

3-45 (b) The sum of the city or town contribution rate and the  
 3-46 member contribution rate after an increase under this section may  
 3-47 not exceed the total contribution rate determined by the qualified  
 3-48 actuary to be necessary to amortize the unfunded actuarial accrued  
 3-49 liability over a forty (40) year period.

3-50 SECTION 1.06. (a) In this section:

3-51 (1) "Board of trustees" means a board of trustees  
 3-52 constituted under Section 1(a), Chapter 101, Acts of the 43rd  
 3-53 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
 3-54 Texas Civil Statutes).

3-55 (2) "City or town" means a city or town that operates a  
 3-56 Firemen and Policemen Pension Fund under Chapter 101, Acts of the  
 3-57 43rd Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
 3-58 Texas Civil Statutes).

3-59 (b) The two citizen members of the board of trustees who are  
 3-60 designated by the mayor of the city or town and who are serving on  
 3-61 the board of trustees on the effective date of this article shall  
 3-62 continue to serve for the remainder of the members' four-year  
 3-63 terms.

3-64 (c) The mayor of the city or town or the mayor's authorized  
 3-65 representative who is serving on the board of trustees on the  
 3-66 effective date of this article shall continue to serve until the  
 3-67 mayor appoints a third citizen member under this subsection. As  
 3-68 soon as practicable after the effective date of this article, the  
 3-69 mayor shall appoint a citizen member to serve a four-year term.

4-1 (d) The chief of police or the chief's authorized  
 4-2 representative and the chief of the fire department or the chief's  
 4-3 authorized representative who are serving on the board of trustees  
 4-4 on the effective date of this article shall continue to serve until  
 4-5 the city manager of the city or town appoints two citizen members to  
 4-6 the board of trustees under this subsection. As soon as practicable  
 4-7 after the effective date of this article, the city manager shall  
 4-8 appoint the two citizen members. The city manager shall designate  
 4-9 one citizen member appointed under this subsection to serve a  
 4-10 four-year term and, notwithstanding Section 1(b), Chapter 101, Acts  
 4-11 of the 43rd Legislature, 1st Called Session, 1933 (Article 6243b,  
 4-12 Vernon's Texas Civil Statutes), as amended by this article, shall  
 4-13 designate one citizen member to serve a two-year term. The  
 4-14 successors of the individuals appointed under this subsection shall  
 4-15 serve four-year terms in accordance with Section 1(b), Chapter 101,  
 4-16 Acts of the 43rd Legislature, 1st Called Session, 1933 (Article  
 4-17 6243b, Vernon's Texas Civil Statutes), as amended by this article.

4-18 (e) A member of the board of trustees elected by the members  
 4-19 of a firemen's pension fund or the members of a policemen's pension  
 4-20 fund and serving on the effective date of this article shall  
 4-21 continue to serve on the board for the remainder of the member's  
 4-22 term.

4-23 SECTION 1.07. (a) This article is contingent on the  
 4-24 deposit, not later than July 31, 2007, of at least \$100 million to a  
 4-25 Firemen and Policemen Pension Fund by a city or town that operates  
 4-26 such a fund under Chapter 101, Acts of the 43rd Legislature, 1st  
 4-27 Called Session, 1933 (Article 6243b, Vernon's Texas Civil  
 4-28 Statutes).

4-29 (b) If no city or town described by Subsection (a) of this  
 4-30 section makes the deposit described by that subsection on or before  
 4-31 July 31, 2007, this article has no effect.

4-32 (c) A city or town described by Subsection (a) of this  
 4-33 section that makes the deposit described by that subsection shall  
 4-34 publish notice of the deposit in the Texas Register as soon as  
 4-35 practicable after the date of the deposit.

4-36 SECTION 1.08. Subject to Section 1.07 of this article, this  
 4-37 article takes effect September 1, 2007.

4-38 ARTICLE 2. CONTINGENT PROVISIONS EFFECTIVE SEPTEMBER 1, 2009

4-39 SECTION 2.01. Section 1(a), Chapter 101, Acts of the 43rd  
 4-40 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
 4-41 Texas Civil Statutes), is reenacted to read as follows:

4-42 (a) In all incorporated cities and towns containing more  
 4-43 than 550,000 inhabitants and less than 600,000 inhabitants, having  
 4-44 a fully or partially paid fire department, the mayor or the mayor's  
 4-45 authorized representative, two (2) citizens of said city or town to  
 4-46 be designated by the mayor, the chief of police or the chief's  
 4-47 authorized representative, the chief of the fire department or the  
 4-48 chief's authorized representative, and the successors of the mayor,  
 4-49 chief of police, and chief of the fire department, three (3)  
 4-50 policemen other than the chief or assistant chief, to be elected by  
 4-51 members of the policemen's pension fund, three (3) firemen other  
 4-52 than the chief or assistant chief, to be elected by members of the  
 4-53 firemen's pension fund, composing eleven (11) members, seven (7) of  
 4-54 which shall be a quorum, shall constitute a board of trustees of the  
 4-55 Firemen and Policemen Pension Fund, to provide for the disbursement  
 4-56 of the same and to designate the beneficiaries thereof. The three  
 4-57 policemen and the three firemen named above shall be elected to a  
 4-58 term of four (4) years. The term for a citizen designated by the  
 4-59 mayor is four (4) years. The board shall be known as the Board of  
 4-60 Firemen and Policemen Pension Fund, \_\_\_\_\_, Texas. Said board  
 4-61 shall organize by choosing one member as Chairman and by appointing  
 4-62 a secretary. Such board shall have charge of and administer said  
 4-63 fund and shall order payments therefrom in pursuance of the  
 4-64 provisions of this law. It shall report annually to the governing  
 4-65 body of such city or town the condition of the said fund and the  
 4-66 receipts and disbursements on account of the same with a complete  
 4-67 list of beneficiaries of said fund and the amounts paid them.

4-68 SECTION 2.02. Section 2, Chapter 101, Acts of the 43rd  
 4-69 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's

5-1 Texas Civil Statutes), is reenacted to read as follows:

5-2       Sec. 2. PARTICIPATION IN FUND; WAGE DEDUCTIONS. Each  
5-3 member fireman and policeman in the employment of such city or town  
5-4 must participate in said fund, except in times of national  
5-5 emergency those persons as are employed during that time shall not  
5-6 be required to participate in the fund, and said city or town shall  
5-7 be authorized to deduct a sum of not less than one per cent (1%) nor  
5-8 in excess of six per cent (6%) of his wages from each month to form a  
5-9 part of the fund known as the Firemen and Policemen Pension Fund,  
5-10 except that the city or town shall deduct a sum less than one per  
5-11 cent (1%) or more than six per cent (6%) of the member's wages each  
5-12 month to form a part of the fund if the board of trustees of that  
5-13 fund increases or decreases the percentage of wages to be  
5-14 contributed to the fund under the provisions of Section 10A of this  
5-15 Act. The amount to be deducted from the wages of those named above  
5-16 who must participate in the fund is to be determined by the board of  
5-17 trustees as provided for in Section 1 of this Act within the minimum  
5-18 and maximum deductions herein provided or as otherwise provided  
5-19 under the provisions of Section 10A of this Act.

5-20       SECTION 2.03. Section 3, Chapter 101, Acts of the 43rd  
5-21 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
5-22 Texas Civil Statutes), is reenacted to read as follows:

5-23       Sec. 3. PAYMENTS TO FUND. There shall be deducted for such  
5-24 fund from the wages of each fireman and policeman a sum to be  
5-25 determined by the board of trustees under the provisions of Section  
5-26 2 or 10A of this Act. Any donations made to such fund and rewards  
5-27 received by any member of either of said funds, and all funds  
5-28 received from any source for such fund shall be deposited in like  
5-29 manner to the credit of such fund.

5-30       SECTION 2.04. Sections 10A(a) and (b), Chapter 101, Acts of  
5-31 the 43rd Legislature, 1st Called Session, 1933 (Article 6243b,  
5-32 Vernon's Texas Civil Statutes), are reenacted to read as follows:

5-33       (a) Notwithstanding anything to the contrary in other parts  
5-34 of this Act, the Board of Trustees may, by majority vote of the  
5-35 whole board, make from time to time one or more of the following  
5-36 changes, or modifications:

5-37               (1) modify or change prospectively or retroactively in  
5-38 any manner whatsoever any of the benefits provided by this Act,  
5-39 except that any retroactive change or modification shall only  
5-40 increase pensions or benefits;

5-41               (2) modify or change prospectively in any manner  
5-42 whatsoever any of the membership qualifications;

5-43               (3) modify or change prospectively or retroactively in  
5-44 any manner whatsoever any of the eligibility requirements for  
5-45 pensions or benefits;

5-46               (4) increase or decrease prospectively the percentage  
5-47 of wages less than the one per cent (1%) minimum or above the six per  
5-48 cent (6%) maximum provided in Section 2 of this Act to be  
5-49 contributed to the fund; or

5-50               (5) provide prospectively for refunds, in whole or in  
5-51 part, and with or without interest, of contributions made to the  
5-52 fund by employees who leave the city service before qualifying for a  
5-53 pension.

5-54       (b) None of the changes made under Subsection (a) of this  
5-55 section may be made unless all of the following conditions are  
5-56 sequentially complied with:

5-57               (1) the change must be approved by a qualified actuary  
5-58 selected by a four-fifths vote of the Board; the actuary, if an  
5-59 individual, must be a Fellow of the Society of Actuaries or a Fellow  
5-60 of the Conference of Actuaries in Public Practice or a Member of the  
5-61 American Academy of Actuaries; the findings upon which the  
5-62 properly selected and qualified actuary's approval are based are  
5-63 not subject to judicial review;

5-64               (2) the change must be approved by a majority of all  
5-65 persons then making contributions to the fund as employees of a  
5-66 department to which the change would directly apply, voting by  
5-67 secret ballot at an election held after ten (10) days' notice given  
5-68 by posting at a prominent place in every station or substation of a  
5-69 department to which the change would directly apply and in the city

6-1 hall;

6-2 (3) the changes, except changes made under the  
6-3 provisions of Subdivision (1), Subsection (a), of this section,  
6-4 shall apply only to active member employees who are members of the  
6-5 affected departments at the time the change becomes effective and  
6-6 those who enter the departments thereafter; and

6-7 (4) the changes shall not deprive any person, without  
6-8 his written consent, of any right to receive a pension or benefits  
6-9 which have already become vested and matured.

6-10 SECTION 2.05. The following laws are repealed:

6-11 (1) Section 1(b), Chapter 101, Acts of the 43rd  
6-12 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
6-13 Texas Civil Statutes), as amended by Article 1 of this Act;

6-14 (2) Section 10A(c), Chapter 101, Acts of the 43rd  
6-15 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
6-16 Texas Civil Statutes), as added by Article 1 of this Act; and

6-17 (3) Section 14A, Chapter 101, Acts of the 43rd  
6-18 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
6-19 Texas Civil Statutes), as added by Article 1 of this Act.

6-20 SECTION 2.06. (a) In this section:

6-21 (1) "Board of trustees" means a board of trustees  
6-22 constituted under Section 1(a), Chapter 101, Acts of the 43rd  
6-23 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
6-24 Texas Civil Statutes).

6-25 (2) "City or town" means a city or town that operates a  
6-26 Firemen and Policemen Pension Fund under Chapter 101, Acts of the  
6-27 43rd Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
6-28 Texas Civil Statutes).

6-29 (b) On the effective date of this article, the term of the  
6-30 citizen member of the board of trustees appointed by the mayor of  
6-31 the city or town under Section 1.06(c) of this Act terminates and  
6-32 the mayor or a representative designated by the mayor shall serve as  
6-33 a member of the board of trustees. The two other citizen members of  
6-34 the board of trustees who are designated by the mayor of the city or  
6-35 town and who are serving on the board of trustees on the effective  
6-36 date of this article shall continue to serve for the remainder of  
6-37 the members' four-year terms.

6-38 (c) On the effective date of this article, the terms of the  
6-39 two citizen members of the board of trustees appointed by the city  
6-40 manager under Section 1.06(d) of this Act terminate and the chief  
6-41 of police or the chief's authorized representative and the chief of  
6-42 the fire department or the chief's authorized representative shall  
6-43 serve as members of the board of trustees.

6-44 (d) A member of the board of trustees elected by the members  
6-45 of a firemen's pension fund or the members of a policemen's pension  
6-46 fund and serving on the effective date of this article shall  
6-47 continue to serve on the board for the remainder of the member's  
6-48 term.

6-49 SECTION 2.07. (a) This article takes effect only if Article  
6-50 1 of this Act takes effect in accordance with Section 1.07 of this  
6-51 Act. If Article 1 of this Act does not take effect, this article has  
6-52 no effect.

6-53 (b) Subject to Subsection (a) of this section, this article  
6-54 takes effect September 1, 2009, and supersedes Article 1 of this Act  
6-55 unless, not later than July 31, 2009, at least \$110 million is  
6-56 deposited to a Firemen and Policemen Pension Fund by a city or town  
6-57 that operates such a fund under Chapter 101, Acts of the 43rd  
6-58 Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's  
6-59 Texas Civil Statutes).

6-60 (c) If a city or town described by Subsection (b) of this  
6-61 section makes the deposit described by that subsection on or before  
6-62 July 31, 2009, this article has no effect.

6-63 (d) A city or town described by Subsection (b) of this  
6-64 section that makes the deposit described by that subsection shall  
6-65 publish notice of the deposit in the Texas Register as soon as  
6-66 practicable after the date of the deposit.

6-67

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