

By: Guillen, et al.

H.B. No. 3392

A BILL TO BE ENTITLED

AN ACT

relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

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

SECTION 1. Sections 852.108(a) and (b), Government Code, are amended to read as follows:

(a) In this section and Sections 852.1085 and [Section] 852.109, a person's reemploying municipality is the municipality for which the person was performing creditable service at the time of the person's retirement under this subtitle.

(b) Except as provided by Section 852.1085, a [A] person who has retired with a service retirement benefit under this subtitle and later becomes an employee of the person's reemploying municipality also becomes a member of the system on the date of employment, but credits and benefits allowable to the person under this subtitle are limited as provided by this section.

SECTION 2. Subchapter B, Chapter 852, Government Code, is amended by adding Section 852.1085 to read as follows:

Sec. 852.1085. RESUMPTION OF SERVICE WITH SAME EMPLOYER BY CERTAIN RETIREES. Notwithstanding Section 852.108, a person who retired because the department in the municipality in which the person worked was privatized and who later resumes employment in the same department or a successor department in the person's reemploying municipality again becomes a member of the retirement

1 system and the person's retirement annuity is not suspended in the
2 same manner provided by Section 852.109 for a person who resumes
3 employment with a different municipality.

4 SECTION 3. (a) A person who resumed employment after
5 retirement and whose annuity was suspended under Section 852.108,
6 Government Code, as that section existed before amendment by this
7 Act, is entitled to the resumption of monthly annuity payments if
8 the person meets the requirements of Section 852.1085, Government
9 Code, as added by this Act.

10 (b) The Texas Municipal Retirement System shall resume
11 making monthly annuity payments to a person described by Subsection
12 (a) of this section on the first payment date occurring on or after
13 the effective date of this Act.

14 (c) A person who is entitled to the resumption of monthly
15 annuity payments under this section is not entitled to recover
16 payment for annuity payments not made during the period the
17 person's annuity was suspended under Section 852.108, Government
18 Code, as that section existed before amendment by this Act.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2007.