

1-1 By: Guillen, et al. (Senate Sponsor - Zaffirini) H.B. No. 3392
1-2 (In the Senate - Received from the House April 23, 2007;
1-3 April 26, 2007, read first time and referred to Committee on State
1-4 Affairs; May 4, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 4, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3392 By: Carona

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

1-10 relating to the resumption of employment by certain retirees within
1-11 the Texas Municipal Retirement System.

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

1-13 SECTION 1. Sections 852.108(a) and (b), Government Code,
1-14 are amended to read as follows:

1-15 (a) In this section and Sections 852.1085 and [Section]
1-16 852.109, a person's reemploying municipality is the municipality
1-17 for which the person was performing creditable service at the time
1-18 of the person's retirement under this subtitle.

1-19 (b) Except as provided by Section 852.1085, a [A] person who
1-20 has retired with a service retirement benefit under this subtitle
1-21 and later becomes an employee of the person's reemploying
1-22 municipality also becomes a member of the system on the date of
1-23 employment, but credits and benefits allowable to the person under
1-24 this subtitle are limited as provided by this section.

1-25 SECTION 2. Subchapter B, Chapter 852, Government Code, is
1-26 amended by adding Section 852.1085 to read as follows:

1-27 Sec. 852.1085. RESUMPTION OF SERVICE WITH SAME EMPLOYER BY
1-28 CERTAIN RETIREES. Notwithstanding Section 852.108, a person who
1-29 retired because the department in the municipality in which the
1-30 person worked was privatized and who later resumes employment in
1-31 the same department or a successor department in the person's
1-32 reemploying municipality again becomes a member of the retirement
1-33 system and the person's retirement annuity is not suspended in the
1-34 same manner provided by Section 852.109 for a person who resumes
1-35 employment with a different municipality.

1-36 SECTION 3. (a) A person who resumed employment after
1-37 retirement and whose annuity was suspended under Section 852.108,
1-38 Government Code, as that section existed before amendment by this
1-39 Act, is entitled to the resumption of monthly annuity payments if
1-40 the person meets the requirements of Section 852.1085, Government
1-41 Code, as added by this Act.

1-42 (b) The Texas Municipal Retirement System shall resume
1-43 making monthly annuity payments to a person described by Subsection
1-44 (a) of this section on the first payment date occurring on or after
1-45 the effective date of this Act.

1-46 (c) A person who is entitled to the resumption of monthly
1-47 annuity payments under this section is not entitled to recover
1-48 payment for annuity payments not made during the period the
1-49 person's annuity was suspended under Section 852.108, Government
1-50 Code, as that section existed before amendment by this Act.

1-51 SECTION 4. This Act takes effect immediately if it receives
1-52 a vote of two-thirds of all the members elected to each house, as
1-53 provided by Section 39, Article III, Texas Constitution. If this
1-54 Act does not receive the vote necessary for immediate effect, this
1-55 Act takes effect September 1, 2007.

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