

**House Bill 3392**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

Same as House version.

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

Same as House version.

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SECTION 3. Subchapter E, Chapter 855, Government Code, is amended by adding Section 855.4011 to read as follows:

Sec. 855.4011. ~~ADDITIONAL MEMBER CONTRIBUTIONS.~~ To the extent a contribution under this section does not affect the status of the retirement system's benefit plan as a qualified plan under Section 855.607, the retirement system shall provide a 60-day period each year during which a member may make an additional member contribution into the member's individual account in an amount determined by the member. The participating municipality may, at the municipality's option, match the amount of a member's contribution under this section.

No equivalent provision.

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

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

SECTION 3. Same as House version.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

SENATE VERSION

SECTION 4. Same as House version.

CONFERENCE