

By: Hernandez

H.B. No. 2913

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:

11 (A) has been commissioned as a law enforcement
12 officer by the Department of Public Safety, the Texas Alcoholic
13 Beverage Commission, the Parks and Wildlife Department, ~~[or]~~ the
14 office of inspector general at the Texas Youth Commission, or a
15 public institution of higher education; and

16 (B) is recognized as a commissioned law
17 enforcement officer by the Commission on Law Enforcement Officer
18 Standards and Education.

19 (19) "Public institution of higher education" means a
20 general academic teaching institution, a medical and dental unit,
21 or a university system, as those terms are defined by Section
22 61.003, Education Code.

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

1 (a) Except as provided by Subsections (b) and (d),
2 membership in the employee class of the retirement system includes:

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

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

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

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

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

15 (b) A member who is at least 55 years old and who has at
16 least 10 years of service credit as a commissioned peace officer
17 engaged in criminal law enforcement activities of the Department of
18 Public Safety, the Texas Alcoholic Beverage Commission, the Parks
19 and Wildlife Department, [~~or~~] the office of inspector general at
20 the Texas Youth Commission, or a public institution of higher
21 education, or as a custodial officer, is eligible to retire and
22 receive a service retirement annuity.

23 SECTION 4. Section 815.505, Government Code, is amended to
24 read as follows:

25 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
26 CUSTODIAL OFFICERS. Not later than the 12th day of the month
27 following the month in which a person begins or ceases employment as

1 a law enforcement officer or custodial officer, the Public Safety
2 Commission, the Texas Alcoholic Beverage Commission, the Parks and
3 Wildlife Commission, the office of inspector general at the Texas
4 Youth Commission, a public institution of higher education, the
5 Board of Pardons and Paroles, or the Texas Board of Criminal
6 Justice, as applicable, shall certify to the retirement system, in
7 the manner prescribed by the system, the name of the employee and
8 such other information as the system determines is necessary for
9 the crediting of service and financing of benefits under this
10 subtitle.

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

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

20 SECTION 6. Section 822.002, Government Code, is amended to
21 read as follows:

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

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

27 (2) is solely employed by a public institution of

1 higher education that as a condition of employment requires the
2 employee to be enrolled as a student in the institution; or

3 (3) has retired under the retirement system and has
4 not been reinstated to membership pursuant to Section 824.005 or
5 824.307.

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

10 SECTION 7. (a) All persons who were commissioned and
11 employed on August 31, 2009, as law enforcement officers by a public
12 institution of higher education, as defined by Section 811.001,
13 Government Code, as amended by this Act, who were contributing
14 members of the Teacher Retirement System of Texas on that date, and
15 who remain in employment described by this subsection on September
16 1, 2009, become members of the Employees Retirement System of Texas
17 on September 1, 2009.

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

24 (c) A commissioned law enforcement officer who becomes a
25 member of the Employees Retirement System of Texas under Subsection
26 (a) of this section and who has, before September 1, 2009, initiated
27 payments for previous service credit in the Teacher Retirement

1 System of Texas under Section 823.202, Government Code, as it
2 existed before the repeal of that section, Section 823.3021, as it
3 existed before expiration of that section, or under Section
4 823.302, 823.304, 823.401, 823.402, or 823.501, Government Code,
5 may complete the agreed payment plan to establish service credit in
6 the Teacher Retirement System of Texas. Credit established under
7 this section is considered as if it were service credit in the
8 Employees Retirement System of Texas for the purpose of determining
9 eligibility of benefits from the Employees Retirement System of
10 Texas.

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

19 SECTION 8. Before October 1, 2009, each public institution
20 of higher education, as defined by Section 811.001, Government
21 Code, as amended by this Act, shall certify to the Employees
22 Retirement System of Texas, in the manner prescribed by the
23 retirement system, the name of each person employed by the
24 institution on September 1, 2009, as a law enforcement officer, as
25 defined by Section 811.001, Government Code, as amended by this
26 Act, and any other information the system determines is necessary
27 for the crediting of service and financing of benefits under

H.B. No. 2913

1 Subtitle B, Title 8, Government Code.

2 SECTION 9. This Act takes effect September 1, 2009.