

By: Geren, Rose, Callegari, Gattis,  
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H.B. No. 3634

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to creditable service in the Employees Retirement System  
3 of Texas and the transfer of that credit between classes of  
4 membership for certain state employees.

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

6 SECTION 1. Section 813.201, Government Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) A person who is a member or retiree of the elected class  
9 who served in the house of representatives of this state and who  
10 holds a position as an employee of the house of representatives may  
11 accrue service credit for that position only if the person is a  
12 full-time employee. For purposes of this section, "full-time  
13 employee" means an employee designated by the house of  
14 representatives of this state as working 40 or more hours a week.

15 SECTION 2. Section 813.503, Government Code, is amended by  
16 amending Subsection (a) and adding Subsection (e) to read as  
17 follows:

18 (a) A member may establish in, or have transferred to, the  
19 employee class all service credited in the elected class, if the  
20 contributions made to establish the service in the elected class  
21 equal or exceed contributions required of a member of the employee  
22 class for the same amount of service during the same time and at the  
23 same rate of compensation. Subject to the requirements of  
24 Subsection (e), a [A] member or retiree who has, or had at the time

1 of retirement, at least eight years of service credit in the elected  
2 class of membership, exclusive of military service, may transfer  
3 service credit between classes before or after retirement.

4 (e) A person who is a member or retiree of the elected class  
5 who served in the house of representatives of this state may  
6 transfer service credit between the employee class and the elected  
7 class only if with respect to service credited in the employee class  
8 the person provides documentation that the person performed the  
9 service:

10 (1) as a full-time employee as that term is defined by  
11 Section 1551.003, Insurance Code; or

12 (2) as an employee designated by the house of  
13 representatives as an employee working 40 or more hours a week.

14 SECTION 3. Section 813.201(d), Government Code, as added by  
15 this Act, applies only to service credit accrued by a member of the  
16 Employees Retirement System of Texas for service performed on or  
17 after the effective date of this Act. Service credit accrued for  
18 service performed before the effective date of this Act is governed  
19 by the law in effect immediately before the effective date of this  
20 Act, and that law is continued in effect for that purpose.

21 SECTION 4. Section 813.503(e), Government Code, as added by  
22 this Act, applies only to a transfer of service credit under Section  
23 813.503, as amended by this Act, by a member of the Employees  
24 Retirement System of Texas on or after the effective date of this  
25 Act. A transfer that occurs before the effective date of this Act  
26 is governed by the law in effect immediately before the effective  
27 date of this Act, and that law is continued in effect for that

1 purpose.

2 SECTION 5. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.