

By: Geren

H.B. No. 3634

A BILL TO BE ENTITLED

AN ACT

1
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 exclusively in the house of representatives of this
10 state and who holds a position as an employee of the house of
11 representatives or a member of the house of representatives may
12 accrue service credit for that position only if the person is a
13 full-time employee. For purposes of this section, "full-time
14 employee" means an employee designated by the house of
15 representatives of this state as working 40 or more hours a week.

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

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

1 Subsection (e), a [A] member or retiree who has, or had at the time
2 of retirement, at least eight years of service credit in the elected
3 class of membership, exclusive of military service, may transfer
4 service credit between classes before or after retirement.

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

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

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

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

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

1 effective date of this Act, and that law is continued in effect for
2 that purpose.

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