

1-1 By: Geren, et al. (Senate Sponsor - Van de Putte) H.B. No. 3634  
1-2 (In the Senate - Received from the House May 12, 2009;  
1-3 May 13, 2009, read first time and referred to Committee on State  
1-4 Affairs; May 21, 2009, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 21, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to creditable service in the Employees Retirement System  
1-9 of Texas and the transfer of that credit between classes of  
1-10 membership for certain state employees.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 813.201, Government Code, is amended by  
1-13 adding Subsection (d) to read as follows:

1-14 (d) A person who is a member or retiree of the elected class  
1-15 who served in the house of representatives of this state and who  
1-16 holds a position as an employee of the house of representatives may  
1-17 accrue service credit for that position only if the person is a  
1-18 full-time employee. For purposes of this section, "full-time  
1-19 employee" means an employee designated by the house of  
1-20 representatives of this state as working 40 or more hours a week.

1-21 SECTION 2. Section 813.503, Government Code, is amended by  
1-22 amending Subsection (a) and adding Subsection (e) to read as  
1-23 follows:

1-24 (a) A member may establish in, or have transferred to, the  
1-25 employee class all service credited in the elected class, if the  
1-26 contributions made to establish the service in the elected class  
1-27 equal or exceed contributions required of a member of the employee  
1-28 class for the same amount of service during the same time and at the  
1-29 same rate of compensation. Subject to the requirements of  
1-30 Subsection (e), a [A] member or retiree who has, or had at the time  
1-31 of retirement, at least eight years of service credit in the elected  
1-32 class of membership, exclusive of military service, may transfer  
1-33 service credit between classes before or after retirement.

1-34 (e) A person who is a member or retiree of the elected class  
1-35 who served in the house of representatives of this state may  
1-36 transfer service credit between the employee class and the elected  
1-37 class only if with respect to service credited in the employee class  
1-38 the person provides documentation that the person performed the  
1-39 service:

1-40 (1) as a full-time employee as that term is defined by  
1-41 Section 1551.003, Insurance Code; or

1-42 (2) as an employee designated by the house of  
1-43 representatives as an employee working 40 or more hours a week.

1-44 SECTION 3. Section 813.201(d), Government Code, as added by  
1-45 this Act, applies only to service credit accrued by a member of the  
1-46 Employees Retirement System of Texas for service performed on or  
1-47 after the effective date of this Act. Service credit accrued for  
1-48 service performed before the effective date of this Act is governed  
1-49 by the law in effect immediately before the effective date of this  
1-50 Act, and that law is continued in effect for that purpose.

1-51 SECTION 4. Section 813.503(e), Government Code, as added by  
1-52 this Act, applies only to a transfer of service credit under Section  
1-53 813.503, as amended by this Act, by a member of the Employees  
1-54 Retirement System of Texas on or after the effective date of this  
1-55 Act. A transfer that occurs before the effective date of this Act  
1-56 is governed by the law in effect immediately before the effective  
1-57 date of this Act, and that law is continued in effect for that  
1-58 purpose.

1-59 SECTION 5. This Act takes effect immediately if it receives  
1-60 a vote of two-thirds of all the members elected to each house, as  
1-61 provided by Section 39, Article III, Texas Constitution. If this  
1-62 Act does not receive the vote necessary for immediate effect, this  
1-63 Act takes effect September 1, 2009.

1-64 \* \* \* \* \*