

By: Jackson

S.B. No. 2009

A BILL TO BE ENTITLED

AN ACT

relating to service and disability retirement benefits and death benefits for rescue specialists.

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

SECTION 1. Section 811.001, Government Code, is amended by adding Subdivision (13-a) to read as follows:

(13-a) "Rescue specialist" means a member of the retirement system who is employed by the adjutant general to perform fire fighting duties and emergency operations on aircraft and structures at a Texas National Guard installation.

SECTION 2. Section 814.104(b), Government Code, is amended to read as follows:

(b) A member who is at least 55 years old and who has at least 10 years of service credit as a commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Department, or the office of inspector general at the Texas Youth Commission, ~~or~~ as a custodial officer, or as a rescue specialist is eligible to retire and receive a service retirement annuity.

SECTION 3. The heading to Section 814.107, Government Code, is amended to read as follows:

Sec. 814.107. SERVICE RETIREMENT BENEFITS FOR CERTAIN PEACE OFFICERS AND RESCUE SPECIALISTS.

SECTION 4. Sections 814.107(a), (b), (c), (e), (f), and (g), Government Code, are amended to read as follows:

(a) A member who has at least 20 years of service credit as a law enforcement officer, ~~[or]~~ custodial officer, or rescue specialist is eligible to retire regardless of age and receive a standard service retirement annuity in an amount and to be funded as provided by this section.

(b) The standard service retirement annuity payable for at least 20 years of service credit as a law enforcement officer, ~~[or]~~ custodial officer, or rescue specialist is an amount computed on the basis of the member's average monthly compensation for the 36 highest months of compensation in the employee class, times the sum of the percentage factor used in the computation of a standard service retirement annuity under Section 814.105 plus .5 percent.

(c) The standard combined service retirement annuity that is payable under this section is based on retirement on or after the attainment of the normal retirement age, which for purposes of this section is the earlier of either the age of 50 or the age at which the sum of the member's age and amount of service credit in the employee class equals the number 80. A law enforcement officer, ~~[or]~~ custodial officer, or rescue specialist who retires before attaining the normal retirement age is entitled to an annuity that is actuarially reduced from the annuity available at the normal retirement age to the law enforcement officer, ~~[or]~~ custodial officer, or rescue specialist service credit annuity amount available at the sum of the member's age and amount of employee class service credit. The annuity is payable from the law

1 enforcement and custodial officer supplemental retirement fund.

2 (e) The amount payable from the law enforcement and
3 custodial officer supplemental retirement fund is reducible by the
4 amount paid from the trust fund established by Section 815.310 for
5 service as a law enforcement officer, ~~[or]~~ custodial officer, or
6 rescue specialist. The total combined amount of an annuity under
7 this section may not be less than the authorized benefit under
8 Subsection (b) subtracted by any amount necessary because of
9 selection of an optional annuity, because of retirement before the
10 normal retirement age, or as provided by Subsection (f).

11 (f) The standard combined service retirement annuity
12 payable for at least 20 years of service credit as a law enforcement
13 officer, ~~[or]~~ custodial officer, or rescue specialist may not
14 exceed 100 percent of the average compensation computed under
15 Subsection (b).

16 (g) For purposes of this section, service as a law
17 enforcement officer, ~~[or]~~ custodial officer, or rescue specialist
18 is creditable as provided by rule of the board of trustees or on a
19 month-to-month basis, whichever is greater.

20 SECTION 5. The heading to Section 814.207, Government Code
21 is amended to read as follows:

22 Sec. 814.207. DISABILITY RETIREMENT BENEFITS FOR CERTAIN
23 PEACE OFFICERS AND RESCUE SPECIALISTS.

24 SECTION 6. Sections 814.207(a), (b), (c), and (d),
25 Government Code, are amended to read as follows:

26 (a) An annuity payable for an occupational disability
27 resulting from a risk to which law enforcement officers, ~~[or]~~

1 custodial officers, or rescue specialists are exposed because of
2 the nature of law enforcement officer, [~~or~~] custodial officers, or
3 rescue specialists duties is payable under the same terms and
4 conditions that apply to other occupational disability retirement
5 annuities under this subtitle, except that the source and amount of
6 the annuity are as provided by this section.

7 (b) Except as provided by Subsection (c), an occupational
8 disability retirement annuity under this section is an amount, but
9 not more than 100 percent, computed on the basis of the officer's or
10 rescue specialist's average monthly compensation, times a
11 percentage derived by application of Section 814.107(b).

12 (c) A disability retirement annuity under this section is
13 not reducible because of age and may not be less than 50 percent of
14 the officer's or rescue specialist's average monthly compensation
15 regardless of the amount of service credited to the officer or
16 rescue specialist in the employee class.

17 (d) The portions of the annuity under this section payable
18 from the law enforcement and custodial officer supplemental
19 retirement fund are the amount remaining after deduction of any
20 amount payable under Section 814.206, except the portion of an
21 amount that exceeds the minimum payments provided by Section
22 814.206 (b) and that is made for service other than as a law
23 enforcement officer, [~~or~~] custodial officer, or rescue specialist
24 and any amount by which an annuity is increased under Subsection
25 (e).

26 SECTION 7. Section 814.305, Government Code, is amended to
27 read as follows:

1 Sec. 814.305. ANNUITY FOR SURVIVOR OF LAW ENFORCEMENT OR
2 CUSTODIAL OFFICER OR RESCUE SPECIALIST. If a member who has at
3 least 20 years of service credit as a law enforcement officer, [~~or~~]
4 custodial officer, or rescue specialist dies, the amount of the
5 death benefit annuity payable for the member's service as a law
6 enforcement officer, [~~or~~] custodial officer, or rescue specialist
7 is an amount computed and funded as provided by Section 814.107,
8 including any applicable reduction factors.

9 SECTION 8. Section 815.102(a), Government Code, is amended
10 to read as follows:

11 (a) Subject to the limitations of this subtitle, the board
12 of trustees may adopt rules for:

- 13 (1) eligibility of membership;
14 (2) the administration of the funds of the retirement
15 system;
16 (3) the program of supplemental benefits for law
17 enforcement officers, [~~and~~] custodial officers, and rescue
18 specialists;
19 (4) hearings on contested cases or disputed claims;
20 and
21 (5) the transaction of any other business of the
22 board.

23 SECTION 9. Section 815.317(b), Government Code, is amended
24 to read as follows:

25 (b) The retirement system may use money from the fund only
26 to pay supplemental retirement and death benefits to law
27 enforcement officers, [~~and~~] custodial officers, and rescue

1 specialists as provided by this subtitle and to pay for the
2 administration of the fund.

3 SECTION 10. Section 815.403(a), Government Code, is amended
4 to read as follows:

5 (a) During each fiscal year, the state shall contribute to
6 the retirement system:

7 (1) an amount equal to 7.4 percent of the total
8 compensation of all members of the retirement system for that year;

9 (2) money to pay lump-sum death benefits for retirees
10 under Section 814.501;

11 (3) an amount for the law enforcement and custodial
12 officer supplemental retirement fund equal to 2.13 percent of the
13 aggregate state compensation of all custodial officers, ~~and~~ law
14 enforcement officers, and rescue specialists for that year;

15 (4) money necessary for the administration of the law
16 enforcement and custodial officer supplemental retirement fund;
17 and

18 (5) money for service credit not previously
19 established, as provided by Section 813.202(c) or 813.302(d).

20 SECTION 11. Section 815.505, Government Code, is amended to
21 read as follows:

22 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT
23 OFFICERS, ~~AND~~ CUSTODIAL OFFICERS, AND RESCUE SPECIALISTS. Not
24 later than the 12th day of the month following the month in which a
25 person begins or ceases employment as a law enforcement officer,
26 ~~or~~ custodial officer, or rescue specialist, the Public Safety
27 Commission, the Texas Alcoholic Beverage Commission, the Parks and

1 Wildlife Commission, the office of inspector general at the Texas
2 Youth Commission, the Board of Pardons and Paroles, the adjutant
3 general's department, or the Texas Board of Criminal Justice, as
4 applicable, shall certify to the retirement system, in the manner
5 prescribed by the system, the name of the employee and such other
6 information as the system determines is necessary for the crediting
7 of service and financing of benefits under this subtitle.

8 SECTION 12. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2009.