

By: Bonnen

H.B. No. 925

A BILL TO BE ENTITLED

AN ACT

relating to credit in the Texas Municipal Retirement System for certain service as a reserve police officer.

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

SECTION 1. The heading to Subchapter F, Chapter 853, Government Code, is amended to read as follows:

SUBCHAPTER F. MILITARY AND RESERVE SERVICE

SECTION 2. The heading to Section 853.502, Government Code, is amended to read as follows:

Sec. 853.502. OTHER MILITARY SERVICE CREDIT AND RESERVE CREDIT.

SECTION 3. Section 853.502, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The governing body of a participating municipality by ordinance may authorize eligible members in its employment to establish credit in the retirement system for:

(1) active military service performed as a member of the armed forces or armed forces reserves of the United States or their auxiliaries, for which service the members do not receive credit under Section 853.501; or

(2) prior service performed as a volunteer reserve police officer for any participating municipality.

(c) A member is eligible to establish credit for prior

1 service performed as a volunteer reserve police officer under
2 Subsection (a)(2) only if that member is employed as a full-time
3 police officer for a participating municipality.

4 SECTION 4. Section 853.503, Government Code, is amended to
5 read as follows:

6 Sec. 853.503. CONDITIONS FOR RECEIVING MILITARY SERVICE
7 CREDIT. No person can receive credit for military service under
8 this subchapter unless:

9 (1) the person's military service was terminated by
10 release from active duty or discharge on terms not dishonorable;

11 (2) the person does not receive and is not eligible to
12 receive federal retirement payments based on 20 years or more of
13 active military service or its equivalent; and

14 (3) the person does not have and does not receive
15 credit for the service in any other public retirement system or
16 program established under laws of this state.

17 SECTION 5. The heading to Section 853.504, Government Code,
18 is amended to read as follows:

19 Sec. 853.504. ESTABLISHMENT OF MILITARY OR RESERVE SERVICE
20 CREDIT.

21 SECTION 6. Sections 853.504(b) and (c), Government Code,
22 are amended to read as follows:

23 (b) An eligible member seeking military or reserve service
24 credit under Section 853.502 must file with the retirement system a
25 written application for the credit, together with satisfactory
26 evidence of the member's military or reserve service. For purposes
27 of this section, a transcript issued by the Commission on Law

1 Enforcement Officer Standards and Education that reflects a
2 member's service as a reserve police officer for a participating
3 municipality is considered satisfactory evidence of the member's
4 reserve service.

5 (c) No person may obtain credit under this subchapter for
6 more than 60 months of combined military and reserve service.

7 SECTION 7. The heading to Section 853.505, Government Code,
8 is amended to read as follows:

9 Sec. 853.505. USE OF MILITARY OR RESERVE SERVICE CREDIT.

10 SECTION 8. Sections 853.505(a) and (b), Government Code,
11 are amended to read as follows:

12 (a) The retirement system shall use military or reserve
13 service credit established under this subchapter in determining
14 length-of-service requirements for benefits.

15 (b) Except as provided by Section 853.506, military service
16 credit allowed under Section 853.501 and reserve service credit
17 allowed under Section 853.502(a)(2) shall have no monetary value in
18 calculating the annuity payments allowable to the member and shall
19 not be used in other computations, including computation of updated
20 service credits or prior service credits.

21 SECTION 9. Section 341.012(h), Local Government Code, is
22 amended to read as follows:

23 (h) Reserve police officers may act only in a supplementary
24 capacity to the regular police force and may not assume the
25 full-time duties of regular police officers without complying with
26 the requirements for regular police officers. On approval of the
27 appointment of a member who is a peace officer as described by

1 Article 2.12, Code of Criminal Procedure, the chief of police may
2 authorize the person appointed to carry a weapon or act as a peace
3 officer at all times, regardless of whether the person is engaged in
4 the actual discharge of official duties, or may limit the authority
5 of the person to carry a weapon or act as a peace officer to only
6 those times during which the person is engaged in the actual
7 discharge of official duties. A reserve police officer, regardless
8 of whether the reserve police officer is a peace officer as
9 described by Article 2.12, Code of Criminal Procedure, is not:

10 (1) except as provided by Subchapter F, Chapter 853,
11 Government Code, eligible for participation in any program provided
12 by the governing body that is normally considered a financial
13 benefit of full-time employment or for any pension fund created by
14 statute for the benefit of full-time paid peace officers; or

15 (2) exempt from Chapter 1702, Occupations Code.

16 SECTION 10. This Act takes effect September 1, 2011.