

By: Seliger

S.B. No. 642

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to optional annuity increases for certain retirees and  
3 beneficiaries of the Texas Municipal Retirement System.

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

5 SECTION 1. Section 853.404, Government Code, is amended by  
6 amending Subsection (c) and adding Subsection (f) to read as  
7 follows:

8 (c) The governing body of a participating municipality that  
9 adopts an ordinance under Section 854.203 providing for increased  
10 annuities effective January 1 of a designated year may further  
11 provide in the ordinance that increases in annuities will be  
12 credited effective January 1 of each year following the designated  
13 year based on recomputations made as provided by Section 854.203(b)  
14 [~~854.203(b)(1)~~] for each year following the initial computation,  
15 and using the fraction specified in the ordinance as required under  
16 Section 854.203(b) [~~854.203(b)(2)~~] in the recomputations.

17 (f) If an ordinance described by Subsection (c) will cease  
18 to be in effect for a future year, or if an increase in annuities  
19 specified in an ordinance described by Subsection (c) will be  
20 changed or discontinued as provided by this section, the governing  
21 body of the participating municipality shall provide notice to  
22 members and annuitants by regular mail not later than the 60th day  
23 before the date on which the ordinance will cease to be in effect or  
24 the increase will be changed or discontinued. For an annuitant who

1 receives a periodic check or advice of deposit from the retirement  
2 system by regular mail, the notice required by this subsection must  
3 be included with the annuitant's check or advice of deposit.

4 SECTION 2. Section 854.203, Government Code, is amended by  
5 amending Subsections (b) and (f) and adding Subsection (b-1) to  
6 read as follows:

7 (b) The amount of annuity increase under this section is  
8 computed by one of the following methods:

9 (1) as the sum of the prior and current service  
10 annuities on the effective date of retirement of the person on whose  
11 service the annuities are based, multiplied by:

12 (A) [~~(1)~~] the percentage change in the Consumer  
13 Price Index for All Urban Consumers, published by the Bureau of  
14 Labor Statistics of the United States Department of Labor, from  
15 December of the year immediately preceding the effective date of  
16 the person's retirement to the December that is 13 months before the  
17 effective date of the ordinance providing the increase; and

18 (B) [~~(2)~~] 30 percent, 50 percent, or 70 percent,  
19 as specified by the governing body in the ordinance, except that if  
20 the governing body has specified a different percentage in an  
21 ordinance adopted under Section 853.404(c) and in effect on  
22 December 31, 1999, the percentage used in computing annuity  
23 increases for retirees of that municipality remains in effect until  
24 changed or discontinued under Section 853.404; or

25 (2) as the sum of the prior and current service  
26 annuities of the person on whose service the annuities are based on  
27 the effective date of the annuity increase multiplied by the

1 percentage increase specified in the ordinance adopted by the  
2 governing body, except that an adjustment to an annuity after the  
3 annuity starting date for annuity increases under this subdivision  
4 may not cause an annuitant's annuity to exceed the amount that the  
5 annuitant would be entitled to had the maximum amount of the annuity  
6 increase allowed under Subdivision (1) been applied to the  
7 annuitant's annuity.

8 (b-1) An increase under Subsection (b)(2) applies to all  
9 annuities for which the effective date of retirement of the person  
10 on whose service the annuity is based is at least 12 months before  
11 the effective date of the increase. Notwithstanding any other  
12 provision of this subtitle, each distribution of a benefit under  
13 this subtitle must be determined and made in accordance with  
14 Section 401(a)(9), Internal Revenue Code of 1986. The board of  
15 trustees may adopt rules it considers necessary to comply with the  
16 distribution requirements.

17 (f) An increase granted to an annuitant under Subsection  
18 (b)(2), or the [The] amount by which an increase under Subsection  
19 (b)(1) [~~this section~~] exceeds all previously granted increases to  
20 an annuitant is:

21 (1) payable as a prior service annuity;

22 (2) [~~is~~] an obligation of the municipality's account  
23 in the municipality accumulation fund; [~~and~~] and

24 (3) [~~is~~] subject to reduction under Section  
25 855.308(f).

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2011.