

1-1 By: Zaffirini S.B. No. 812
1-2 (In the Senate - Filed February 21, 2011; March 1, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 26, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 26, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 812 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the service retirement benefits of certain retirees who
1-11 resume employment within the Texas Municipal Retirement System.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 852.108, Government Code, is amended by
1-14 amending Subsections (e) and (f) and adding Subsection (j) to read
1-15 as follows:

1-16 (e) After termination of employment with the reemploying
1-17 municipality and after filing of an application for resumption of
1-18 retirement with the board of trustees, a person described by
1-19 Subsection (b) is entitled to receive future payments of the
1-20 suspended annuity, as provided by Subsection (f), and to the
1-21 additional benefits as provided by Subsections (g), (h), ~~and~~ (i),
1-22 and (j).

1-23 (f) Monthly payments of a suspended annuity shall be resumed
1-24 in the month following the month in which employment is terminated
1-25 with the reemploying municipality, without change in the amount
1-26 except for any increase allowed under Section 854.203 or the
1-27 duration of or another condition pertaining to the suspended
1-28 benefit. Payment of the resumed benefit may not be made for any
1-29 month during which the payment was suspended under this section,
1-30 except as provided by Subsection (j).

1-31 (j) This subsection applies only to a person described by
1-32 Subsection (b) who became an employee of the reemploying
1-33 municipality after a bona fide termination of employment of at
1-34 least 12 months and has filed an application for resumption of
1-35 retirement with the board of trustees. A person who resumes
1-36 retirement under this subsection is entitled to receive a lump-sum
1-37 payment of an amount equal to the sum of the suspended annuity
1-38 payments that the person would have received from the retirement
1-39 system had payments not been suspended under this section. The
1-40 lump-sum payment is payable from the municipality accumulation fund
1-41 and the current service annuity reserve fund as appropriate.

1-42 SECTION 2. (a) The changes in law made by this Act to
1-43 Section 852.108, Government Code, apply only to the following:

1-44 (1) a person who resumes employment on or after the
1-45 effective date of this Act with the same municipality the person was
1-46 employed by before retiring from service; and

1-47 (2) to the extent provided by Subsection (b) of this
1-48 section, a person who resumed employment before the effective date
1-49 of this Act with the same municipality the person was employed by
1-50 before retiring from service and who is in that employment on the
1-51 effective date of this Act.

1-52 (b) A person described by Subsection (j), Section 852.108,
1-53 Government Code, as added by this Act, and Subdivision (2),
1-54 Subsection (a) of this section, is entitled to payment of an amount
1-55 equal to the sum of suspended annuity payments attributable to the
1-56 period of the person's reemployment occurring on or after the
1-57 effective date of this Act.

1-58 (c) The changes in law made by this Act to Section 852.108,
1-59 Government Code, do not apply to a person to whom Section 852.1085,
1-60 Government Code, applies.

1-61 SECTION 3. This Act takes effect January 1, 2012.

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