

BILL ANALYSIS

C.S.H.B. 3148
By: Anchia
Pensions
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Created in 1937, the Office of Fire Fighters' Pension Commissioner performs two basic activities: monitoring and assisting 122 individual local pension plans organized under the Texas Local Fire Fighters' Retirement Act (TLFFRA), and administering a separate statewide system for more than 200 volunteer departments, known as the Texas Emergency Services Retirement System (TESRS). A separate Governor-appointed Board of Trustees sets policy for the system and manages the fund's assets.

The Office is subject to the Sunset Act and will be abolished September 1, 2013, unless continued by the Legislature. As a result of its review of the Office, the Sunset Commission recommended abolishing the Office, setting up TESRS as a separate entity with its Board having the authority to appoint an executive director, and making other statutory modifications that are contained in this legislation.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority previously granted to the Office of Fire Fighters' Pension Commissioner is transferred to the Texas Emergency Services Retirement System Board of Trustees in SECTION 5.01 of this bill.

ANALYSIS

Abolishes the Office and requires the Pension Review Board to provide assistance to TLFFRA pension plans.

C.S.H.B. 3148 abolishes the Office and its functions related to local pension plans under TLFFRA, including the authority to collect reports, the Commissioner's role in appeals, and the authority to conduct seminars or workshops. The bill repeals sections of the Texas Local Fire Fighters' Retirement Act related to the Commissioner's responsibilities under that Act and makes various other technical and conforming changes in TLFFRA and to other laws to remove references to the Commissioner. The bill also deletes references to the Commissioner in TLFFRA relating to filing notice with the Secretary of State about an Internal Revenue Service determination on certain pick up contributions for employees.

C.S.H.B. 3148 also requires the State Pension Review Board (PRB) to provide technical assistance, training and information to members of the boards of trustees of TLFFRA plans. The training must be designed to meet the specific needs of those board members, including members of small-to-medium-sized plans. The bill requires the Board, to the extent possible, to designate one person to specialize in providing the required assistance, training, and information to these TLFFRA plans. The bill also deletes a requirement for TLFFRA boards to submit their investment policies to the Commissioner and instead amends statute to require TLFFRA plans to submit these policies to PRB.

C.S.H.B. 3148 also specifies that a tuition exemption for students enrolled in a fire science curriculum applies to a student who is an active member of a volunteer fire department under either TESRS or TLFFRA and holds other specified certifications, instead of the current

requirement to be an active member of a volunteer department as defined by the Commissioner who also holds the other specified certifications. The bill also contains a nonsubstantive redesignation of two versions of sections in the Education Code made necessary to make conforming changes in law to eliminate references to the Commissioner.

C.S.H.B. 3148 provides for the abolishment of the Office on September 1, 2013 and provides for the transfer of powers, duties, and obligations; property and records; rules; appropriations; and hearing appeals with regard to TESRS and TLFFRA. The bill also provides for the Governor to appoint a person to complete these transfers if they are not completed by September 2013, and provides for the Attorney General to continue any proceeding involving the Office that is pending on the bill's effective date.

Provides for TESRS to appoint an executive director, allows a retiree to serve on the TESRS board, and makes TESRS subject to Sunset review.

C.S.H.B. 3148 eliminates the Commissioner's role in administering TESRS and deciding appeals of benefit decisions, and requires the TESRS board to appoint an executive director to administer that system by September 1, 2013. The bill replaces references to the "commissioner" in TESRS statute with "executive director," and in some instances with "state board," according to the responsibility referenced. The bill specifies that at least five instead of the current requirement for six trustees to be active members of TESRS, and that one trustee may be a retiree of the system. The bill makes the TESRS Board subject to Sunset review but not abolishment in 2025 and every 12 years thereafter.

Removes the Commissioner's authority to hear TLFFRA and TESRS appeals on benefit decisions.

C.S.H.B. 3148 amends statute to remove the Commissioner's authority to hear appeals of local board decisions under TLFFRA and provides for the State Office of Administrative Hearings (SOAH) to decide the cases instead. The bill amends statute to require TLFFRA participants to file a notice of appeal, and TLFFRA boards to refer appeals, directly with SOAH.

C.S.H.B. 3148 amends statute to remove the Commissioner from the appeals process for benefit decisions under TESRS, and instead makes the TESRS Board the decision maker in these appeals. The bill provides for final appeals decisions to be subject to judicial review under the substantial evidence standard.

Requires the TESRS Board to adopt a contracting policy.

C.S.H.B. 3148 requires the TESRS Board to adopt a written policy on contract management and oversight and provides minimum requirements for the policy.

Requires the TESRS Board to report additional information if significant changes to the fund's actuarial valuation occur.

C.S.H.B. 3148 requires the TESRS Board to report to the State leadership, Legislative Budget Board, and Pension Review Board if the TESRS fund experiences significant changes to its actuarial valuation or contributions or benefits, or if its actuarial valuation is incorrect. The report must cover the effect of alternative contribution and benefit structures on the actuarial valuation, including changes in the State's contribution. The bill specifies that the State Board must determine the meaning of "significant change," and includes circumstances to be considered in this determination.

Requires the TESRS Board to report more clearly in the fund's actuarial valuation on the effect of state contributions to the fund.

C.S.H.B. 3148 provides that the TESRS actuarial valuation must include a clearly shown analysis on the impact of assuming both a maximum state contribution and no state contribution to the fund, including the impact on the period needed to amortize the unfunded liability.

Requires the TESRS Board to conduct certain actuarial audits on a regular basis.

C.S.H.B. 3148 requires the TESRS Board to conduct actuarial audits and experience studies at least every 5 years, but does not require them to be conducted concurrently.

Applies several Sunset across-the-board recommendations.

C.S.H.B. 3148 adds standard Sunset language prohibiting a person from serving as a TESRS Board member or high-level agency employee if the person, or the person's spouse, is an officer, employee, or paid consultant of a Texas trade association in the field of emergency services, firefighting, or public retirement systems. The bill also prohibits a person from serving as a trustee or general counsel to the State Board if the person is registered as a lobbyist. The bill provides that these changes do not apply to members of the Board serving on the Board immediately before September 1, 2013, and allows them to serve out the remainder of their terms.

C.S.H.B. 3148 also adds standard Sunset language requiring members of the TESRS Board to complete specified training before assuming their duties; requiring the TESRS Board to separate its policymaking duties from the system's management functions; requiring the TESRS Board to give the public a reasonable opportunity to present issues under the Board's jurisdiction; and requiring the TESRS Board to maintain information on all complaints, make information available on complaint procedures, and notify the parties about the status of complaints.

C.S.H.B. 3148 repeals the following statutory provisions:

- Sections 802.103(c) and 861.001(3), Government Code
- Sections 54.208 and 54.2081, Education Code
- Section 18(g), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes)
- Section 18A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes)
- Section 21, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes)
- Section 21A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes)
- Section 31(c), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes)

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3148 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
ARTICLE 1. AMENDMENTS TO SUBTITLE H, TITLE 8, GOVERNMENT CODE	Same as introduced version.
SECTION 1.01. Section 861.001, Government Code, is amended.	SECTION 1.01. Same as introduced version.

SECTION 1.02. Section 861.008, Government Code, is amended.

SECTION 1.02. Same as introduced version.

SECTION 1.03. Section 862.001(a), Government Code, is amended.

SECTION 1.03. Same as introduced version.

SECTION 1.04. Section 862.0025(a), Government Code, is amended.

SECTION 1.04. Same as introduced version.

SECTION 1.05. Sections 864.005(a), (d), and (f), Government Code, are amended.

SECTION 1.05. Same as introduced version.

SECTION 1.06. Section 864.010(a), Government Code, is amended.

SECTION 1.06. Same as introduced version.

SECTION 1.07. Sections 864.016(a), (b), (c), (e), (f), and (g), Government Code, are amended.

SECTION 1.07. Same as introduced version.

No equivalent provision.

SECTION 1.08. Section 865.001, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) At least five [~~Six~~] trustees must be active members of the pension system, one of whom must represent emergency medical services personnel.

(c) One trustee may be a retiree of the pension system.

SECTION 1.08. Chapter 865, Government Code, is amended.

SECTION 1.09. Same as introduced version.

SECTION 1.09. Section 865.002, Government Code, is amended.

SECTION 1.10. Same as introduced version.

SECTION 1.10. Chapter 865, Government Code, is amended.

SECTION 1.11. Same as introduced version.

SECTION 1.11. Section 865.005(c), Government Code, is amended.

SECTION 1.12. Same as introduced version.

SECTION 1.12. Section 865.006,

SECTION 1.13. Same as introduced

Government Code, is amended.

version.

SECTION 1.13. Chapter 865, Government Code, is amended.

SECTION 1.14. Same as introduced version.

SECTION 1.14. Section 865.007(c), Government Code, is amended.

SECTION 1.15. Same as introduced version.

SECTION 1.15. Chapter 865, Government Code, is amended.

SECTION 1.16. Same as introduced version.

SECTION 1.16. Sections 865.010, 865.011, and 865.013, Government Code, are amended.

SECTION 1.17. Same as introduced version.

SECTION 1.17. Section 865.014(c), Government Code, is amended.

SECTION 1.18. Same as introduced version.

SECTION 1.18. Section 865.017(a), Government Code, is amended.

SECTION 1.19. Same as introduced version.

SECTION 1.19. Section 865.018, Government Code, is amended.

SECTION 1.20. Same as introduced version.

SECTION 1.20. Sections 865.019(a) and (c), Government Code, are amended.

SECTION 1.21. Same as introduced version.

SECTION 1.21. Sections 865.020(c) and (d), Government Code, are amended.

SECTION 1.22. Same as introduced version.

SECTION 1.22. Chapter 865, Government Code, is amended.

SECTION 1.23. Same as introduced version.

ARTICLE 2. AMENDMENTS TO CIVIL STATUTES

Same as introduced version.

No equivalent provision.

SECTION 2.01. The Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) is amended by adding Section 18B to read as follows:
Sec. 18B. TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION FOR BOARDS OF TRUSTEES. (a) The State Pension Review Board shall provide

technical assistance, training, and information to members of the boards of trustees established under this Act. The training required by this section must be designed to meet the specific needs of members of boards of trustees administering benefit plans for local fire fighters, including small-to-medium-sized benefit plans.

(b) To the extent resources are available, the board shall designate one person who specializes in providing the technical assistance, training, and information required under Subsection (a).

SECTION 2.01. Sections 22 and 22A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), are amended.

SECTION 2.02. Same as introduced version.

SECTION 2.02. Section 27(d), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended.

SECTION 2.03. Same as introduced version.

No equivalent provision.

SECTION 2.04. Section 28(h), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

(h) A retirement system established under this Act is exempt from Subchapter C, Chapter 802, Government Code, except Sections 802.202, 802.205, and 802.207.

SECTION 2.03. Sections 30(b) and (c), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), are amended.

SECTION 2.05. Same as introduced version.

ARTICLE 3. CONFORMING CHANGES TO OTHER LAW

Same as introduced version.

SECTION 3.01. (a) Sections 54.353 and 54.3531, Education Code, which were added by Section 17, Chapter 359 (S.B. 32), Acts of the 82nd Legislature, Regular Session, 2011, as a nonsubstantive redesignation of the two versions of Section 54.208, Education Code, as amended by Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347), Acts of the 81st Legislature, Regular

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Session, 2009, are reenacted to conform to the reenactment of Section 54.208, Education Code, and the addition of Section 54.2081, Education Code, by Chapter 959 (H.B. 1163), Acts of the 82nd Legislature, Regular Session, 2011, and Section 54.353, Education Code, is amended to read as follows:

Sec. 54.353. FIREFIGHTERS ENROLLED IN FIRE SCIENCE COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees any student enrolled in one or more courses offered as part of a fire science curriculum who:

- (1) is employed as a firefighter by a political subdivision of this state; or
- (2) is currently, and has been for at least one year, an active member of an organized volunteer fire department participating in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act ~~or [in this state, as defined by the fire fighters' pension commissioner,]~~ who holds:

(A) an Accredited Advanced level of certification, or an equivalent successor certification, under the State Firemen's and Fire Marshals' Association of Texas volunteer certification program; or

(B) Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071, Government Code.

(b) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(c) Notwithstanding Subsection (a), a student who for a semester or term at an institution of higher education receives an exemption under this section may continue to receive the exemption for a subsequent semester or term at any institution only if the student makes satisfactory academic progress toward a degree or certificate at that institution as determined by the institution for purposes of financial aid.

(d) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional tuition

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- (1) is employed as a firefighter by a political subdivision of this state; or
- (2) is currently, and has been for at least one year, an active member of an organized volunteer fire department participating in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) ~~and [in this state, as defined by the fire fighters' pension commissioner,]~~ who holds:

(A) an Accredited Advanced level of certification, or an equivalent successor certification, under the State Firemen's and Fire Marshals' Association of Texas volunteer certification program; or

(B) Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071, Government Code.

(b) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(c) Notwithstanding Subsection (a), a student who for a semester or term at an institution of higher education receives an exemption under this section may continue to receive the exemption for a subsequent semester or term at any institution only if the student makes satisfactory academic progress toward a degree or certificate at that institution as determined by the institution for purposes of financial aid.

(d) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional

the institution elects to charge a resident undergraduate student under Section 54.014(a) or (f).

(e) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of tuition the institution charges a graduate student in excess of the amount of tuition charged to similarly situated graduate students because the student has a number of semester credit hours of doctoral work in excess of the applicable number provided by Section 61.059(1)(1) or (2).

(f) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

Sec. 54.3531. PEACE OFFICERS ENROLLED IN CERTAIN COURSES. (a)

The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees charged by the institution for a criminal justice or law enforcement course or courses an undergraduate student who:

(1) is employed as a peace officer by this state or by a political subdivision of this state;

(2) is enrolled in a criminal justice or law enforcement-related degree program at the institution;

(3) is making satisfactory academic progress toward the student's degree as determined by the institution; and

(4) applies for the exemption at least one week before the last date of the institution's regular registration period for the applicable semester or other term.

(b) Notwithstanding Subsection (a), a student may not receive an exemption under this section for any course if the student has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes in excess of the maximum number of those hours specified by Section 61.0595(a) as eligible for funding under the formulas established under Section 61.059.

(c) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions

tuition the institution elects to charge a resident undergraduate student under Section 54.014(a) or (f).

(e) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of tuition the institution charges a graduate student in excess of the amount of tuition charged to similarly situated graduate students because the student has a number of semester credit hours of doctoral work in excess of the applicable number provided by Section 61.059(1)(1) or (2).

(f) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

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(1) is employed as a peace officer by this state or by a political subdivision of this state;

(2) is enrolled in a criminal justice or law enforcement-related degree program at the institution;

(3) is making satisfactory academic progress toward the student's degree as determined by the institution; and

(4) applies for the exemption at least one week before the last date of the institution's regular registration period for the applicable semester or other term.

(b) Notwithstanding Subsection (a), a student may not receive an exemption under this section for any course if the student has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes in excess of the maximum number of those hours specified by Section 61.0595(a) as eligible for funding under the formulas established under Section 61.059.

(c) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions

under this section to students enrolled in a specific class in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that class.

(d) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(e) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

(f) If the legislature does not specifically appropriate funds to an institution of higher education in an amount sufficient to pay the institution's costs in complying with this section for a semester, the governing board of the institution of higher education shall report to the Senate Finance Committee and the House Appropriations Committee the cost to the institution of complying with this section for that semester.

(b) Sections 54.208 and 54.2081, Education Code, are repealed.

SECTION 3.02. Section 572.003(b), Government Code, is amended.

SECTION 3.03. Section 614.152(3), Government Code, is amended.

SECTION 3.04. Section 2155.148, Government Code, is amended.

ARTICLE 4. REPEALER

SECTION 4.01. The following statutes are repealed:

(1) Section 802.103(c), Government Code;

(2) Section 861.001(3), Government Code;

(3) Section 18(g), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);

(4) Section 18A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);

under this section to students enrolled in a specific class in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that class.

(d) An exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(e) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

(f) If the legislature does not specifically appropriate funds to an institution of higher education in an amount sufficient to pay the institution's costs in complying with this section for a semester, the governing board of the institution of higher education shall report to the Senate Finance Committee and the House Appropriations Committee the cost to the institution of complying with this section for that semester.

(b) Sections 54.208 and 54.2081, Education Code, are repealed.

SECTION 3.02. Same as introduced version.

SECTION 3.03. Same as introduced version.

SECTION 3.04. Same as introduced version.

Same as introduced version.

SECTION 4.01. Same as introduced version.

- (5) Section 21, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes);
- (6) Section 21A, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes); and
- (7) Section 31(c), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes).

ARTICLE 5. TRANSITION

Same as introduced version.

SECTION 5.01. (a) Not later than September 1, 2013, the state board of trustees of the Texas Emergency Services Retirement System shall appoint an executive director under Section 865.0095, Government Code, as added by this Act.

SECTION 5.01. Same as introduced version.

(b) Effective September 1, 2013:

- (1) the office of the fire fighters' pension commissioner is abolished and the term of the person holding that position expires; and
- (2) all powers, duties, obligations, and rights of action of the fire fighters' pension commissioner under:

(A) Subtitle H, Title 8, Government Code, as provided by Article 1 of this Act, are transferred to the:

- (i) executive director of the Texas Emergency Services Retirement System appointed under Section 865.0095, Government Code, as added by this Act; or
- (ii) state board of trustees of the Texas Emergency Services Retirement System established under Section 865.001, Government Code; and

(B) Section 2155.148, Government Code, are transferred to the Texas Emergency Services Retirement System.

(c) In connection with the transfers required by Subsection (b) of this section, the furniture, computers, other property and equipment, files, and related materials used by the fire fighters' pension commissioner are transferred to the executive director of the Texas Emergency Services Retirement System.

(d) A rule adopted by or on behalf of the fire fighters' pension commissioner in connection with or relating to Subtitle H, Title 8, Government Code, in effect on September 1, 2013, continues in effect until it is amended or repealed by the state board of trustees of the Texas Emergency Services

Retirement System.

(e) The unobligated and unexpended balance of any appropriation made to the fire fighters' pension commissioner in connection with or relating to Subtitle H, Title 8, Government Code, for the state fiscal biennium ending August 31, 2013, is transferred and reappropriated to the state board of trustees of the Texas Emergency Services Retirement System for the purpose of implementing the powers, duties, obligations, and rights of action transferred to that system under Subsection (b) of this section.

(f) Notwithstanding the amendment by this Act of Section 572.003(b), Government Code, Section 572.003(d), Government Code, does not apply to the abolition of the office of the fire fighters' pension commissioner by this Act.

(g) Section 864.016(f), Government Code, as amended by this Act, applies to a final decision of the state board of trustees of the Texas Emergency Services Retirement System that is rendered on or after the effective date of this Act. A decision of the state board rendered before the effective date of this Act is governed by the law in effect on the date the decision was rendered, and the former law is continued in effect for that purpose.

SECTION 5.02. The change in law made by this Act to Section 865.002, Government Code, regarding prohibitions on members of the state board of trustees of the Texas Emergency Services Retirement System does not affect the entitlement of a member serving on the board immediately before September 1, 2013, to continue to serve and function as a member of the board for the remainder of the member's term. The change in law made to that section applies only to a member appointed on or after September 1, 2013.

SECTION 5.02. Same as introduced version.

SECTION 5.03. (a) Effective September 1, 2013, all powers, duties, obligations, and rights of action of the fire fighters' pension commissioner under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) are, except as provided by Subsection (e) of this section, terminated as provided by Article 2 of this

SECTION 5.03. Same as introduced version.

Act.

(b) In connection with the requirements of Subsection (a) of this section, property and records other than those described by Section 5.01(c) of this article are transferred to the comptroller in accordance with Section 325.017(e), Government Code.

(c) A rule adopted by the fire fighters' pension commissioner in connection with or relating to the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) expires on September 1, 2013.

(d) Effective September 1, 2013, the unobligated and unexpended balance of any appropriations made to the fire fighters' pension commissioner in connection with or relating to the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), for the state fiscal biennium ending August 31, 2013, is transferred to the general revenue fund in accordance with Section 325.017(c), Government Code.

(e) Any administrative hearing on appeal to the fire fighters' pension commissioner under Section 22, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is transferred without change in status to the State Office of Administrative Hearings.

SECTION 5.04. The attorney general shall continue any proceeding involving the office of the fire fighters' pension commissioner that is pending on the effective date of this Act in accordance with the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 5.04. Same as introduced version.

SECTION 5.05. The changes in law made by this Act apply only to a proceeding involving an appeal under Section 864.016, Government Code, as amended by this Act, or Section 22, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), as amended by this Act, that is commenced on or after the effective date of this Act. A proceeding involving an appeal commenced before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is

SECTION 5.05. Same as introduced version.

continued in effect for that purpose.

SECTION 5.06. Sections 325.017 and 325.020, Government Code, apply in relation to the abolition of the office of the fire fighters' pension commissioner. In the event of a conflict between those sections and a provision of this Act, this Act prevails.

SECTION 5.06. Same as introduced version.

SECTION 5.07. If the transfers required under Sections 5.01 and 5.03 of this article are not completed by September 1, 2013, the governor shall appoint a person to complete the transfers.

SECTION 5.07. Same as introduced version.

SECTION 5.08. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5.08. Same as introduced version.

ARTICLE 6. EFFECTIVE DATE

Same as introduced version.

SECTION 6.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 6.01. Same as introduced version.