

By: Turner of Tarrant

H.B. No. 413

A BILL TO BE ENTITLED

AN ACT

relating to the retirement benefits for elected state officials.

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

SECTION 1. Section 814.104, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (d) and (e) of this section, Section 814.102, or by rule adopted under Section 813.304(d) or 803.202(a)(2), a member who has service credit in the retirement system is eligible to retire and receive a service retirement annuity if the member:

(1) is at least 60 years old and has at least 5 years of service credit in the employee class; or

(2) has at least 5 years of service credit in the employee class and the sum of the member's age and amount of service credit in the employee class, including months of age and credit, equals or exceeds the number 80.

(d) Except as provided by Subsection (e) of this section, Section 814.102, or by rule adopted under Section 813.304(d) or 803.202(a)(2), a member who was not a member on the date hired, was hired on or after September 1, 2009, and has service credit in the retirement system is eligible to retire and receive a service retirement annuity if the member:

(1) is at least 65 years old and has at least 10 years

1 of service credit in the employee class; or

2 (2) has at least 10 years of service credit in the  
3 employee class and the sum of the member's age and amount of service  
4 credit in the employee class, including months of age and credit,  
5 equals or exceeds the number 80.

6 (e) A member who takes the oath of office for a position  
7 included in the elected class of membership is not eligible to  
8 retire and receive a service retirement annuity under this section  
9 that is based on service credit transferred to the employee class  
10 from the elected class under Section 813.503 until the member no  
11 longer holds that position. This provision does not prohibit a  
12 member from retiring and receiving a service retirement annuity  
13 under this section that is based on service credit earned in a  
14 position included in the employee class of membership under Section  
15 812.003.

16 SECTION 2. Section 813.503, Government Code, is amended by  
17 amending Subsection (a) and adding Subsection (a-1) to read as  
18 follows:

19 (a) Subject to Subsection (a-1), a [A] member may establish  
20 in, or have transferred to, the employee class all service credited  
21 in the elected class, if the contributions made to establish the  
22 service in the elected class equal or exceed contributions required  
23 of a member of the employee class for the same amount of service  
24 during the same time and at the same rate of compensation. Subject  
25 to Subsection (a-1), a [A] member or retiree who has, or had at the  
26 time of retirement, at least eight years of service credit in the  
27 elected class of membership, exclusive of military service, may

1 transfer service credit between classes before or after retirement.

2 (a-1) A member or retiree who takes the oath of office for a  
3 position included in the elected class of membership may not  
4 transfer service to the employee class under Subsection (a) until  
5 the person no longer holds that position.

6 SECTION 3. The change in law made by this Act applies only  
7 to a person who takes the oath of office for a position included in  
8 the elected class of membership under Section 812.002, Government  
9 Code, on or after the effective date of this Act.

10 SECTION 4. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2013.