

By: Harper-Brown, Capriglione

H.B. No. 626

A BILL TO BE ENTITLED

AN ACT

relating to the number of hours certain employees must work to be eligible to participate in the Texas Municipal Retirement System.

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

SECTION 1. Section 851.001(8), Government Code, is amended to read as follows:

(8) "Employee" means a person, including a person serving a period of probationary employment, who receives compensation from and is certified by a municipality as being regularly engaged in the performance of duties of:

(A) an appointive office or position that normally requires services from the person for not less than 1,000 hours a year or the number of hours required by an ordinance adopted under Section 851.0011; or

(B) an elective office that normally requires services from the person for not less than 1,000 hours a year, in a municipality that began participating in the retirement system after December 31, 1981, or that has adopted a membership requirement under Section 852.107.

SECTION 2. Subchapter A, Chapter 851, Government Code, is amended by adding Section 851.0011 to read as follows:

Sec. 851.0011. OPTIONAL ALTERNATIVE DEFINITION OF EMPLOYEE. (a) The governing body of a participating municipality by ordinance may adopt an alternative definition of "employee" for

1 purposes of this subtitle only to the extent that the alternative  
2 definition increases the number of hours a person in an appointive  
3 office or position, other than a person employed by the  
4 municipality in any position in the municipal police or fire  
5 department, is normally required to serve under Section  
6 851.001(8)(A) from not less than 1,000 hours a year to not less than  
7 1,500 hours a year.

8 (b) An ordinance under this section:

9 (1) subject to Subsection (c), must designate an  
10 effective date of the ordinance; and

11 (2) may apply only to an employee of the participating  
12 municipality who is hired on or after the effective date of the  
13 ordinance.

14 (c) The earliest permissible effective date of an ordinance  
15 under this section is the first day of the next month following the  
16 first full calendar month following the date the participating  
17 municipality provides notice and a copy of the ordinance to the  
18 retirement system.

19 (d) The board of trustees may adopt rules limiting the  
20 frequency with which participating municipalities may adopt  
21 alternative definitions of "employee" through:

22 (1) adoption of an ordinance under Subsection (a); or

23 (2) modification or repeal of an ordinance adopted  
24 under Subsection (a).

25 SECTION 3. Nothing in this Act is intended to change the law  
26 with respect to the ability of a retiree to receive a retirement  
27 annuity after resuming employment with the same or a different

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1 municipality that participates in the Texas Municipal Retirement  
2 System.

3 SECTION 4. This Act takes effect September 1, 2013.