

By: Capriglione

H.B. No. 651

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 purposes of this

1 subtitle that increases the number of hours a person in an
2 appointive office or position is normally required to serve under
3 Section 851.001(8)(A) from not less than 1,000 hours a year to not
4 less than 1,500 hours a year.

5 (b) An ordinance under this section:

6 (1) must designate the effective date of the
7 ordinance; and

8 (2) applies only to an employee of a participating
9 municipality who is hired on or after the effective date of the
10 ordinance.

11 (c) The participating municipality must provide notice and
12 a copy of the ordinance to the retirement system at least 30 days
13 before the effective date of the ordinance. Failure to do so pushes
14 back the effective date of the ordinance until the 30 day notice
15 requirement is fulfilled.

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