

By: Muñoz, Jr.

H.B. No. 2810

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of overtime pay in the computation of benefits for members of the Employees Retirement System of Texas.

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

SECTION 1. Section 811.001(7), Government Code, is amended to read as follows:

(7) "Compensation" means the base salary of a person; overtime pay; amounts that would otherwise qualify as compensation but are not received directly by a person pursuant to a good faith, voluntary, written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986 (26 U.S.C. Section 125); longevity and hazardous duty pay; nonmonetary compensation, the value of which is determined by the retirement system; amounts by which a person's salary is reduced under a salary reduction agreement authorized by Chapter 610; and the benefit replacement pay a person earns under Subchapter H, Chapter 659, as added by Chapter 417, Acts of the 74th Legislature, 1995, except for the benefit replacement pay a person earns as a result of a payment made under Subchapter B, C, or D, Chapter 661. The term excludes ~~[overtime pay and]~~ a cleaning or clothing allowance.

SECTION 2. The change in law made by this Act applies only

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1 to a member of the Employees Retirement System of Texas who retires
2 on or after the effective date of this Act. A member who retires
3 before the effective date of this Act is subject to the law in
4 effect on the date of the member's retirement, and that law is
5 continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2017.