

By: Noble

H.B. No. 2178

A BILL TO BE ENTITLED

1 AN ACT
2 relating to terminating participation in the Texas Emergency
3 Services Retirement System.

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

5 SECTION 1. Section 862.001, Government Code, is amended to
6 read as follows:

7 Sec. 862.001. PARTICIPATION BY DEPARTMENT. (a) The
8 governing body of a department that performs emergency services
9 may, in the manner provided for taking official action by the body,
10 elect to participate in the pension system. A governing body shall
11 notify the executive director as soon as practicable of an election
12 made under this subsection. [~~Except as provided by Subsection (b),~~
13 ~~an election to participate under this subsection is irrevocable.~~]

14 (b) Except as provided by Subsection (c), the [~~The~~]
15 governing body of a department that makes an election under
16 Subsection (a) may not terminate participation in the pension
17 system [~~not later than the fifth anniversary of the date of the~~
18 ~~election to participate, except that a department that begins~~
19 ~~participation after September 1, 2005, may not terminate that~~
20 ~~participation~~].

21 (c) The governing body of a department that makes an
22 election under Subsection (a) may terminate participation in the
23 pension system if:

24 (1) the department consists of both volunteer

1 firefighters and at least six full-time firefighters;

2 (2) the full-time firefighters described by
3 Subdivision (1) are employees of a home-rule municipality:

4 (A) governed by the same governing body; and

5 (B) of which the department is a part; and

6 (3) the governing body elects to provide retirement
7 benefits to the volunteer firefighters described by Subdivision (1)
8 through participation in an alternative retirement system.

9 (d) If a governing body of a department elects to terminate
10 participation in the pension system under Subsection (c), the
11 department forfeits all contributions to the system necessary to
12 pay the benefits of vested members.

13 (e) The state board may adopt rules necessary to implement
14 this section.

15 SECTION 2. This Act takes effect September 1, 2019.