

GOVERNMENT CODE
CHAPTER 862. MEMBERSHIP

Sec. 862.001. PARTICIPATION BY DEPARTMENT. (a) The governing body of a department that performs emergency services may, in the manner provided for taking official action by the body, elect to participate in the pension system. A governing body shall notify the commissioner as soon as practicable of an election made under this subsection. Except as provided by Subsection (b), an election to participate under this subsection is irrevocable.

(b) The governing body of a department that makes an election under Subsection (a) may terminate participation in the pension system not later than the fifth anniversary of the date of the election to participate, except that a department that begins participation after September 1, 2005, may not terminate that participation.

Added by Acts 2005, 79th Leg., ch. 803, Sec. 1, eff. Sept. 1, 2005.

Sec. 862.002. MEMBERSHIP BY INDIVIDUAL. (a) Except as otherwise provided by this section, each person who performs service as a volunteer or auxiliary employee of a participating department is a member of the pension system.

(b) A person is not a member of the pension system if the person:

- (1) is less than 18 years of age;
- (2) is in a probationary period of service before becoming a regular member of a participating department for which the department is not making contributions for the service;
- (3) does not receive a certification of physical fitness or assignment to support duties under Section 862.003; or
- (4) is retired under this subtitle, regardless of whether the person continues to participate in emergency service-related functions for a department from which the person retired.

Added by Acts 2005, 79th Leg., ch. 803, Sec. 1, eff. Sept. 1, 2005.

Sec. 862.003. CERTIFICATION OF PHYSICAL FITNESS. (a) A prospective member shall present to the local board a certification of physical fitness by a qualified physician. The person becomes a member of the pension system if the local board accepts the certification or if the local board assigns the person to support duties.

(b) A local board shall assign a person to support duties if the person does not present an acceptable certification and the person is at least 18 years of age, is not retired from the pension system, and is not serving a probationary period before becoming a regular member of a participating department.

Added by Acts 2005, 79th Leg., ch. 803, Sec. 1, eff. Sept. 1, 2005.

Sec. 862.004. DEPARTMENTAL ELECTIONS AND MERGERS. The state board may adopt rules for governing body elections under Section 862.001 or for the merger of existing pension plans into the pension system.

Added by Acts 2005, 79th Leg., ch. 803, Sec. 1, eff. Sept. 1, 2005.