

## CHAPTER 594

## H.B. No. 1191

An Act relating to credit in the Employees Retirement System of Texas for certain service performed by persons who became highway department employees.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subchapter F, Chapter 23, Title 110B, Revised Statutes, is amended by adding Section 23.507 to read as follows:

**Sec. 23.507. SERVICE OF PERSONS WHO BECAME HIGHWAY DEPARTMENT EMPLOYEES.** *(a) If the legislature makes an appropriation as provided by Subsection (d) of this section, the retirement system shall grant to each eligible member for continuous service performed for Nueces County before January 1, 1968, service credit in the employee class, at the rate of one month of credit for each two months of service performed for the county.*

*(b) A member eligible to receive service credit under this section is one who:*

*(1) on December 31, 1967, was an employee of Nueces County;*

*(2) on January 1, 1968, became an employee of the Texas Highway Department; and*

*(3) on September 1, 1985, was a member of the retirement system.*

*(c) The retirement system shall use credit granted under this section in determining eligibility for and the amount of all annuities payable by the system to or on behalf of the member entitled to the credit.*

*(d) The legislature may appropriate from the state highway fund an amount that is actuarially determined to be required to finance benefits based on credit to be granted under this section.*

**SECTION 2.** To finance partially benefits based on service creditable as provided by this Act, the Commissioners Court of Nueces County shall pay to the Employees Retirement System of Texas for deposit in the state accumulation fund of the retirement system any funds in accounts of Nueces County Road District Number 4, including the sum of \$60,000 already accumulated in those accounts, except funds necessary to pay refunding obligations on any outstanding bonds issued for the district. There is appropriated from the state highway fund to the Employees Retirement System of Texas the sum of \$260,000, which sum has been actuarially determined to be required to finance benefits based on credit to be granted under this Act. On the effective date of this Act, the state comptroller of public accounts shall transfer the appropriated sum from amounts transferred to the state highway fund under Article 4364a, Revised Statutes, for deposit in the state accumulation fund of the Employees Retirement System of Texas. After the appropriation is deposited in the state accumulation fund, when Nueces County makes one or more payments under this section, the executive director of the retirement system shall promptly certify to the comptroller the amounts of the payments, and the comptroller shall transfer the amounts of the payments from the state accumulation fund of the Employees Retirement System of Texas to the state highway fund.

**SECTION 3.** On the effective date of this Act, the Employees Retirement System of Texas shall recompute any annuity that is based wholly or partly on the service of a person who would have been eligible to receive service credit under this Act if the person had been a member of the retirement system on that date, to include credit described by this Act. The initial payment of an annuity recomputed under this section is for the month in which this Act takes effect.

**SECTION 4.** This Act takes effect September 1, 1985.

**SECTION 5.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 1, 1985, by a non-record vote; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas; passed by the Senate on May 25, 1985, by a viva-voce vote; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Certified by Comptroller of Public Accounts, June 6, 1985, that the amounts appropriated herein are within amounts estimated to be available in the affected fund.

Approved: June 13, 1985

Effective: September 1, 1985