

## CHAPTER 99

## S.B. No. 745

An Act relating to state contributions to the Teacher Retirement System of Texas and the optional retirement program for certain employees of institutions of higher education; adding Sections 35.4051 and 36.2021 to Title 110B, Revised Statutes.

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

**SECTION 1.** Subchapter E, Chapter 35, Title 110B, Revised Statutes, is amended by adding Section 35.4051 to read as follows:

**“Section 35.4051. COLLECTION OF CONTRIBUTIONS FROM NONEDUCATIONAL AND GENERAL FUNDS. (a) In this section:**

“(1) ‘General academic teaching institution’ has the meaning assigned by Subdivision (3), Section 61.003, Education Code.

“(2) ‘Medical and dental unit’ has the meaning assigned by Subdivision (5), Section 61.003, Education Code.

“(3) ‘Noneducational and general funds’ means all funds of an institution of higher education except those funds used as a method of financing for an institutional appropriation in the General Appropriations Act or dedicated by the Constitution of the State of Texas.

“(b) The governing board of each general academic teaching institution and the governing board of each medical and dental unit shall reimburse the state, from noneducational and general funds of the institution or unit, for state contributions that are made based on any portion of a member’s salary that is paid from the noneducational and general funds.

“(c) The designated disbursing officer of each general academic teaching institution and the designated disbursing officer of each medical and dental unit shall submit to the retirement system, at a time and in the manner prescribed by the retirement system, a monthly report containing:

“(1) the name of each member employed by the institution or unit who, for the most recent payroll period, was paid wholly or partly from noneducational and general funds;

“(2) the amount of the employee’s salary for the most recent payroll period that was paid from noneducational and general funds;

“(3) a certification of the total amount of employer contributions due under this section for the payroll period; and

“(4) any other information the retirement system determines is necessary to administer this section.

“(d) A monthly report required under Subsection (c) of this section shall be accompanied by payment of the amount certified under Subdivision (3) of that subsection.

“(e) After the end of each fiscal year, the retirement system shall report to the comptroller of public accounts and the State Auditor the name of any general academic teaching institution and any medical and dental unit delinquent in the reimbursement of contributions under this section for the preceding fiscal year and the amount by which each reported institution or unit is delinquent.

“(f) Any portion of the reimbursement required under this section to be made for a fiscal year by a general academic teaching institution or a medical and dental unit that remains unpaid on the first day of the next fiscal year accrues interest, beginning on that day or the due date for the

portion, whichever is later, at an annual rate, compounded monthly, equal to the rate established under Subsection (b) of Section 35.310 of this subtitle plus two percent.

“(g) The retirement system shall submit all money it receives under this section to the comptroller of public accounts for deposit in the General Revenue Fund.”

**SECTION 2.** Subchapter C, Chapter 36, Title 110B, Revised Statutes, is amended by adding Section 36.2021 to read as follows:

“Section 36.2021. **COLLECTION OF CONTRIBUTIONS FROM NONEDUCATIONAL AND GENERAL FUNDS.** (a) In this section:

“(1) ‘General academic teaching institution’ has the meaning assigned by Subdivision (3), Section 61.003, Education Code.

“(2) ‘Medical and dental unit’ has the meaning assigned by Subdivision (5), Section 61.003, Education Code.

“(3) ‘Noneducational and general funds’ means all funds of an institution of higher education except those funds used as a method of financing for an institutional appropriation in the General Appropriations Act or dedicated by the Constitution of the State of Texas.

“(b) The governing board of each general academic teaching institution and the governing board of each medical and dental unit shall reimburse the state, from noneducational and general funds of the institution or unit, for state contributions that are made based on any portion of an optional retirement program participant’s salary that is paid from the noneducational and general funds.

“(c) The designated disbursing officer of each general academic teaching institution and the designated disbursing officer of each medical and dental unit shall submit to the retirement system, at a time and in the manner prescribed by the retirement system, a monthly report containing:

“(1) the name of each optional retirement program participant employed by the institution or unit who, for the most recent payroll period, was paid wholly or partly from noneducational and general funds;

“(2) the amount of the employee’s salary for the most recent payroll period that was paid from noneducational and general funds;

“(3) a certification of the total amount of employer contributions due under this section for the payroll period; and

“(4) any other information the retirement system determines is necessary to administer this section.

“(d) A monthly report required under Subsection (c) of this section shall be accompanied by payment of the amount certified under Subdivision (3) of that subsection.

“(e) After the end of each fiscal year, the retirement system shall report to the comptroller of public accounts and the State Auditor the name of any general academic teaching institution and any medical and dental unit delinquent in the reimbursement of contributions under this section for the preceding fiscal year and the amount by which each reported institution or unit is delinquent.

“(f) Any portion of the reimbursement required under this section to be made for a fiscal year by a general academic teaching institution or a medical and dental unit that remains unpaid on the first day of the next fiscal year accrues interest, beginning on that day or the due date for the portion, whichever is later, at an annual rate, compounded monthly, equal to the rate established under Subsection (b) of Section 35.310 of this subtitle plus two percent.

“(g) The retirement system shall submit all money it receives under this section to the comptroller of public accounts for deposit in the General Revenue Fund.”

**SECTION 3.** This Act takes effect September 1, 1985, and applies only to state contributions for service performed on or after that date.

**SECTION 4.** 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 the Senate on March 28, 1985, by a viva-voce vote; Senate concurred in House amendment on April 24, 1985, by a viva-voce vote; passed the House, with amendment, on April 23, 1985, by a non-record vote.

Approved: May 10, 1985

Effective: September 1, 1985