

## CHAPTER 536

## H.B. No. 1198

## AN ACT

relating to eligibility for retirement under the Texas County and District Retirement System.

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

SECTION 1. Section 844.003(b), Government Code, is amended to read as follows:

(b) If a member who is eligible under Section 844.105, 844.106, 844.203, 844.204, ~~or~~ 844.207(e), *or 844.210(e)* to select an optional retirement annuity dies before retirement, the member is considered to have retired on the last day of the month before the month in which death occurred or on the day before the first anniversary of the effective date of the person's membership, whichever is later.

SECTION 2. Section 844.107, Government Code, is amended to read as follows:

Sec. 844.107. **ADDITIONAL DEFERRED RETIREMENT BENEFIT SELECTION.**

(a) A member who is entitled under Section 844.105, 844.106, 844.203, 844.204, ~~or~~ 844.207(e), *or 844.210(e)* to select one of the optional service retirement annuities authorized by Section 844.104 may elect instead to name a beneficiary who, in event of the death of the member before retirement, will be allowed to choose any benefit that the member could have chosen to be paid to the beneficiary, with like effect as if the selection had been made by the member.

(b) Except as provided in Section 844.105(c)(2), any annuity payable under the provisions of Section 844.105, 844.106, 844.203, 844.204, ~~or~~ 844.207(e), *or 844.210(e)* shall be calculated on the assumption that the member had actually retired under the annuity selected and with the same beneficiary, effective on the last day of the calendar month before the month in which death of the member occurred.

SECTION 3. Section 844.207, Government Code, is amended by redesignating Subsection (g) as Subsection (h) and adding a new Subsection (g) to read as follows:

(g) *For the purposes of Subsections (c), (d), (e), and (f), each month of credited service under Section 844.210 is considered a month of Section 844.207 credited service.*

(h) After 1991, the governing body of a subdivision may not adopt the plan provisions of this section except on the terms provided by Subchapter H of this chapter.

SECTION 4. Subchapter C, Chapter 844, Government Code, is amended by adding Section 844.210 to read as follows:

Sec. 844.210. **OPTIONAL BENEFIT ELIGIBILITY PLAN TWO.** (a) *Subject to Subsection (h), the governing body of a participating subdivision may adopt the plan provisions of this section.*

(b) *In this section "Section 844.210 credited service" means credited service performed for one or more participating subdivisions that have adopted the plan provisions of this section.*

(c) *A member is eligible, beginning on the first anniversary of the person's membership, to retire and receive a service retirement annuity if the member:*

(1) *is at least 60 years old and has at least eight years of Section 844.210 credited service in the retirement system;*

(2) *has sufficient years of Section 844.210 credited service in the retirement system that, when added to the years of the member's attained age, produces a sum equal to or in excess of the number 80; or*

(3) is eligible for service retirement under any other provision of this subtitle.

(d) If a member has eight years or more of Section 844.210 credited service in the retirement system, subsequent absence from service does not terminate membership, and unless membership is otherwise terminated, the member is eligible to retire and receive a service retirement annuity at any time after the member attains the age of 60 years.

(e) An employee of a participating subdivision that has adopted the plan provisions of this section may select an optional service retirement annuity in the manner and under the conditions provided by Section 844.105 if the member:

(1) has at least eight years of Section 844.210 credited service in the retirement system and has attained the age of 60 years; or

(2) has at least 20 years of Section 844.210 credited service or is otherwise eligible to make a selection of an optional service retirement annuity under Section 844.105, 844.106, 844.203, 844.204, or 844.207.

(f) If a member who is authorized under Subsection (e) to select an optional service retirement annuity dies before retirement without having made a selection, the member's surviving spouse or the executor or administrator of the member's estate may make the selection provided by Section 844.105 under the terms of that section.

(g) A member who has at least eight years of Section 844.210 credited service in the retirement system is eligible to retire and receive a disability retirement annuity if the member is the subject of a certification issued as provided by Section 844.303(b)(2), except that a member is not eligible to retire for disability before the first anniversary of the effective date of the person's membership. A member eligible to receive a disability retirement annuity under this subsection may, if the member is eligible for service retirement, elect to receive a service retirement annuity but may not receive both annuities.

(h) The governing body of a subdivision may not adopt the plan provisions of this section except on the terms provided by Subchapter H of this chapter.

SECTION 5. Subchapter C, Chapter 844, Government Code, is amended by adding Section 844.211 to read as follows:

Sec. 844.211. **OPTIONAL BENEFIT ELIGIBILITY PLAN THREE.** (a) Subject to Subsection (d), the governing body of a participating subdivision may adopt the plan provisions of this section.

(b) In this section "Section 844.211 credited service" means credited service performed for one or more participating subdivisions that have adopted the plan provisions of this section.

(c) A member is eligible, beginning on the first anniversary of the person's membership, to retire and receive a service retirement annuity if the member:

(1) has sufficient years of Section 844.211 credited service in the retirement system that, when added to the years of the member's attained age, produces a sum equal to or in excess of the number 75; or

(2) is eligible for service retirement under any other provision of this subtitle.

(d) The governing body of a subdivision may not adopt the plan provisions of this section except on the terms provided by Subchapter H of this chapter.

SECTION 6. Sections 844.704(c) and (d), Government Code, are amended to read as follows:

(c) By adopting the plan provisions of this subchapter, the governing body also adopts the optional benefit eligibility plan described by Section 844.207 unless by its order it adopts the optional benefit eligibility plan described by Section 844.210 [~~if it has not already done so~~].

(d) The governing body of a subdivision that has adopted or is adopting the plan provisions of this subchapter may adopt:

(1) the optional benefit for a surviving beneficiary of a vested member under Section 844.209;

(2) the optional increase in retirement annuities under Section 844.208;

(3) the optional authorization of the reestablishment of credited service previously forfeited under Section 843.003;

(4) the optional authorization of the establishment of credited service for military service under Section 843.202 or 843.601, notwithstanding the limitation related to Section 844.201 in Section 843.202(d) and 843.601(a); [or]

(5) the optional election to have credits recomputed on the basis of total compensation under Section 843.702;

(6) *the optional benefit eligibility plan described by Section 844.210; or*

(7) *the optional benefit eligibility plan described by Section 844.211.*

SECTION 7. This Act takes effect January 1, 1994.

SECTION 8. 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 11, 1993, by a non-record vote; passed by the Senate on May 24, 1993: Yeas 31, Nays 0.

Approved June 8, 1993.

Effective Jan. 1, 1994.