

CHAPTER 64

H.B. No. 351

AN ACT

relating to participation and credit by certain employees in retirement systems in certain cities.

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

SECTION 1. Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes), is amended by adding Section 16A to read as follows:

Sec. 16A. ELECTION ON ADMINISTRATIVE TRANSFER TO POLICE DEPARTMENT. (a) If a Group A or Group B member is transferred by action of the city to a position in a police department included in a Pension System governed by Chapter 76, Acts of the 50th Legislature, Regular Session, 1947 (Article 6243g-1, Vernon's Texas Civil Statutes), and Article 6243g-3, Revised Statutes, the person shall elect whether to remain a member of this Pension System during the person's service for the police department, notwithstanding the membership requirements in those Acts, or to become a member of the Pension System in which the police department is included.

(b) An election under this section must be made in writing and filed with the police department not later than the 30th day after the effective date of transfer. Failure of an eligible person to make an election as provided by this section results in the person's being included in the membership of the Pension System in which the police department is included. The police department shall give to the affected pension boards notice of each election filed as provided by this section.

(c) If a person elects under this section to remain a member of this Pension System, the person's service for the police department is considered creditable service in this system in the group in which the person was included immediately before the election. The police department shall transmit to the Board of this Pension System monthly salary and service records of persons who elect to remain members of this Pension System under this section.

(d) A person who becomes a member, as provided by this section, in the Pension System governed by Chapter 76, Acts of the 50th Legislature, Regular Session, 1947 (Article 6243g-1, Vernon's Texas Civil Statutes), and Article 6243g-3, Revised Statutes, is considered to have terminated employment with the city for purposes of this Act.

SECTION 2. (a) A person who, before the effective date of this Act, was transferred by action of a municipal employer from a position included in the membership of the pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes), to a position in a police department included in a pension system governed by Chapter 76, Acts of the 50th Legislature, Regular Session, 1947 (Article 6243g-1, Vernon's Texas Civil Statutes), and Article 6243g-3, Revised Statutes, may elect to resume membership in the pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes).

(b) An election under this section must be made in writing and filed with the police department not later than the 30th day after the effective date of this Act. The police department shall give to the affected pension boards notice of each election filed as provided by this section.

(c) If a person elects under this section to resume membership in the pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes), all of the person's service for the police department since the transfer is considered creditable service in the pension system governed by that chapter in the group in which the person was included immediately before the transfer. The police department shall transmit to the board of trustees of the pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes), monthly salary and service records of persons who make an election under this section.

(d) The board of trustees of the pension system governed by Chapter 76, Acts of the 50th Legislature, Regular Session, 1947 (Article 6243g-1, Vernon's Texas Civil Statutes), and Article 6243g-3, Revised Statutes, shall transfer to the board of the pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes):

(1) all city contributions made for, and salary and service records of, a person who makes an election under this section; and

(2) member contributions made by a person who makes an election under this section and who immediately before the person's transfer to the pension system in which the police department is included was a Group A member of the pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes), in an amount equal to four percent of the person's compensation for which contributions were made to the pension system in which the police department is included.

(e) The board of trustees of the pension system governed by Chapter 76, Acts of the 50th Legislature, Regular Session, 1947 (Article 6243g-1, Vernon's Texas Civil Statutes), and Article 6243g-3, Revised Statutes, shall refund to a member who makes an election under this section all member contributions made by the person to the system and not required to be transferred as provided by Subsection (d)(2) of this section.

(f) A person who elects under this section to resume membership in the pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes), shall deposit with that system any amount refunded the person by that system at the time of transfer to the pension system in which the police department is included. The pension system governed by Chapter 358, Acts of the 48th Legislature, Regular Session, 1943 (Article 6243g, Vernon's Texas Civil Statutes), may require a lump-sum repayment or provide for a schedule of partial payments but may not impose an interest charge on repayments or require payments to be completed in less than 90 days after the date of an election.

SECTION 3. 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

Ch. 64, § 3

70th LEGISLATURE—REGULAR SESSION

suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 2, 1987, by the following vote: Yeas 128, Nays 0, 1 present, not voting. Passed by the Senate on April 24, 1987, by the following vote: Yeas 31, Nays 0.

Approved May 6, 1987.

Effective May 6, 1987.