

By: Meyer

H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to the participation in the Texas Municipal Retirement System of certain employees of certain municipalities subject to the Texas Local Fire Fighters Retirement Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) is amended by adding Section 31A to read as follows:

Sec. 31A. AUTHORITY OF CERTAIN RETIREMENT SYSTEMS TO EXCLUDE CERTAIN PERSONS FROM COVERAGE. (a) In this section, "closure effective date" means the first day of the second month after the month in which the Texas Municipal Retirement System receives retirement system plan documents under Subsection (f)(2) of this section.

(b) This section applies only to a municipality:

(1) with a population of less than 200,000;  
(2) that is located in a county with a population of not less than 2 million and not more than 4 million;

(3) that has a regularly organized fire department for which a retirement system and fund have been established under Section 4 of this Act; and

(4) that before January 1, 2017, has one or more departments participating in the Texas Municipal Retirement System.

1        (c) Subject to the requirements of this section, the  
2 governing body of a municipality subject to this section may adopt  
3 one or more ordinances to exclude from participation in the  
4 retirement system employees of the fire department hired on or  
5 after the closure effective date.

6        (d) If the governing body of a municipality adopts an  
7 ordinance under Subsection (c) of this section, the governing body  
8 shall concurrently adopt an ordinance to allow the employees  
9 described by the ordinance to participate in the Texas Municipal  
10 Retirement System.

11       (e) Not later than the 60th day after the date an ordinance  
12 is adopted under Subsection (c) of this section, the municipality  
13 shall submit the ordinance to an election of the participating  
14 members of the retirement system established in the municipality.  
15 To be approved at the election, a majority of the participating  
16 members must vote in favor of the ordinance.

17       (f) If the voting members approve an ordinance under  
18 Subsection (e) of this section, as soon as practicable after the  
19 date of the election:

20           (1) the board of trustees of the retirement system  
21 shall amend the retirement system plan documents as necessary to be  
22 consistent with the approved ordinance; and

23           (2) the municipality shall give written notice of the  
24 results of the election to the Texas Municipal Retirement System  
25 and include copies of the relevant ordinances and any amended  
26 retirement system plan documents.

27       (g) If a municipality adopts ordinances under Subsections

1 (c) and (d) of this section, all subsequent actions authorized or  
2 required by this section must be completed not later than October 1,  
3 2018. If all subsequent actions are not completed by October 1,  
4 2018, the ordinances adopted under Subsections (c) and (d) of this  
5 section expire on that date.

6 SECTION 2. Section 851.001(7), Government Code, is amended  
7 to read as follows:

8 (7) "Department" means:

9 (A) a recognized division performing a  
10 governmental or proprietary function of a municipality; and

11 (B) if applicable, employees allowed to  
12 participate in the retirement system in accordance with Section  
13 31A, Texas Local Fire Fighters Retirement Act (Article 6243e,  
14 Vernon's Texas Civil Statutes).

15 SECTION 3. This Act takes effect September 1, 2017.