

À JOINT RESOLUTION

1 proposing a constitutional amendment providing that certain  
2 benefits in certain public retirement systems may not be reduced or  
3 impaired.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article XVI, Texas Constitution, is amended by  
6 adding Section 66 to read as follows:

7 Sec. 66. PROTECTED BENEFITS UNDER CERTAIN PUBLIC RETIREMENT  
8 SYSTEMS. (a) This section applies only to a public retirement  
9 system that is not a statewide system and that provides service and  
10 disability retirement benefits and death benefits to public  
11 officers and employees.

12 (b) This section does not apply to a public retirement  
13 system that provides service and disability retirement benefits and  
14 death benefits to firefighters and police officers employed by the  
15 City of San Antonio.

16 (c) This section does not apply to benefits that are:

17 (1) health benefits;

18 (2) life insurance benefits; or

19 (3) disability benefits that a retirement system  
20 determines are no longer payable under the terms of the retirement  
21 system as those terms existed on the date the retirement system  
22 began paying the disability benefits.

23 (d) On or after the effective date of this section, a change  
24 in service or disability retirement benefits or death benefits of a

1 retirement system may not reduce or otherwise impair benefits  
2 accrued by a person if the person:

3 (1) could have terminated employment or has terminated  
4 employment before the effective date of the change; and

5 (2) would have been eligible for those benefits,  
6 without accumulating additional service under the retirement  
7 system, on any date on or after the effective date of the change had  
8 the change not occurred.

9 (e) Benefits granted to a retiree or other annuitant before  
10 the effective date of this section and in effect on that date may  
11 not be reduced or otherwise impaired.

12 (f) The political subdivision or subdivisions and the  
13 retirement system that finance benefits under the retirement system  
14 are jointly responsible for ensuring that benefits under this  
15 section are not reduced or otherwise impaired.

16 (g) This section does not create a liability or an  
17 obligation to a retirement system for a member of the retirement  
18 system other than the payment by active members of a required  
19 contribution or a future required contribution to the retirement  
20 system.

21 (h) A retirement system described by Subsection (a) and the  
22 political subdivision or subdivisions that finance benefits under  
23 the retirement system are exempt from the application of this  
24 section if:

25 (1) the political subdivision or subdivisions hold an  
26 election on the date in May 2004 that political subdivisions may use  
27 for the election of their officers;

1           (2) the majority of the voters of a political  
2 subdivision voting at the election favor exempting the political  
3 subdivision and the retirement system from the application of this  
4 section; and

5           (3) the exemption is the only issue relating to the  
6 funding and benefits of the retirement system that is presented to  
7 the voters at the election.

8           SECTION 2. This constitutional amendment shall be submitted  
9 to the voters at an election to be held September 13, 2003. The  
10 ballot shall be printed to allow for voting for or against the  
11 proposition: "The constitutional amendment providing that certain  
12 benefits under certain local public retirement systems may not be  
13 reduced or impaired."

David Reukus

President of the Senate

Jim Caldwell

Speaker of the House

I certify that H.J.R. No. 54 was passed by the House on April 29, 2003, by the following vote: Yeas 137, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 54 on May 30, 2003, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.J.R. No. 54 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
~~1:25~~ O'CLOCK

JUN 03 2003



Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date



Secretary of State