

- (1) eligibility for disability retirement benefits, death benefits, or any type of benefit other than service retirement benefits; nor
 - (2) the amount of any type of benefit.
- (c) A person receiving service retirement or lifetime disability retirement benefits from one or more retirement systems to which this chapter applies may use the program provided by this chapter to qualify for subsequent service retirement under another retirement system to which this chapter applies in which the person has service credit, if the person was not eligible to retire under the latter system at the time of previous service retirement, or qualification for lifetime disability retirement benefits from a retirement system to which this chapter applies, or if the person's previous retirement was not based on combined service credit.
- (d) Service credit earned with or allowed by more than one retirement system to which this chapter applies for the same service may be counted only once in determining the amount of a person's combined service credit.

Sec. 803.202. Service in Certain Retirement Systems.

- (a) The board of trustees of the Employees Retirement System of Texas by rule may:
- (1) consider the classes of service in the Employees Retirement System of Texas as if they were, for purposes of this chapter, classes in separate statewide retirement systems; or
 - (2) permit a person who is retiring exclusively from retirement systems administered by the board to use the shortest length-of-service requirement provided for retirement in any class in which the person has service credit.
- (b) A member of a retirement system administered by the board of trustees of the Employees Retirement System of Texas may reestablish service credit previously canceled in another retirement system administered by the board if the member holds a position included in the system of which the person is a member and has held the position for at least 12 months. The method of reestablishment and the amount to be deposited are as provided by the applicable law providing for reestablishment of service credit generally in the particular retirement system.

Sec. 803.203. Reestablishment of Service Credit by Former Member.

- (a) Except as provided by Subsection (g), a person who is a member of a retirement system participating in the program provided by this chapter may reestablish service credit, including prior service credit if applicable, previously canceled in another retirement system that is participating in the program provided by this chapter if the person:
- (1) is not a current member of the system under which the service was performed; or
 - (2) in the case of the Texas County and District Retirement System, does not have an open account with the subdivision for which the person performed the service for which the credit is sought.
- (b) A person may apply to reestablish service credit under this section by filing an application with the retirement system in which the service was originally

- credited and a certification that the applicant is currently a member of the certifying system.
- (c) Except as provided by Subsection (f), the retirement system in which the service credit was originally credited shall grant the service credit after receiving an application and a certification required by Subsection (b) and:
 - (1) to reestablish service credit other than in the Texas County and District Retirement System or the Texas Municipal Retirement System, a contribution in the amount generally required to reestablish service credit in the system, including any applicable interest and membership fees;
 - (2) to reestablish service credit in the Texas County and District Retirement System or the Texas Municipal Retirement System, a statement that the applicant does not wish to make a contribution for the service credit; or
 - (3) at the applicant's option, to reestablish current service credit in the Texas County and District Retirement System, the actuarial present value of the additional standard service benefits that would be attributable to the credit based on rates and tables recommended by the actuary and adopted by the board of trustees of the system.
 - (d) A subdivision participating in the Texas County and District Retirement System under Subchapter H, Chapter 844, or a municipality participating in the Texas Municipal Retirement System may make a one-time election to authorize the reestablishment of service credit under this section by payment by an applicant of a contribution in the amount provided by Section 843.003 or 853.003, as applicable, for reestablishment of service credit generally in the particular system. If a subdivision or municipality makes an election under this subsection, the applicant has the choice of reestablishing service credit under Subsection (c)(2), (c)(3), if applicable, or this subsection.
 - (e) Service credit reestablished in the Texas County and District Retirement System or the Texas Municipal Retirement System under Subsection (c)(2) may be used only to meet eligibility requirements for benefits. Service credit reestablished in either system under Subsection (c)(3) or (d) has the same value as service credit performed for the particular subdivision or municipality at the time of deposit. The credit is creditable to the member's and employer's accounts in each subdivision or municipality for which the service was performed.
 - (f) To reestablish service credit in a public retirement system for municipal employees that has elected under Section 803.101(f) to participate in the program provided by this chapter, a person must pay the actuarial present value, as determined by the appropriate system, of the additional standard service retirement benefits that would be attributable to the credit. A person who is a member only of a system that has made an election under Section 803.101(f) must pay the actuarial present value, as determined by the appropriate system, of the additional standard service retirement benefits that would be attributable to the service credit to be reestablished in any other public retirement system participating in the program provided by this chapter.
 - (g) Service credit may not be reestablished under this section:
 - (1) if it is subject to Section 805.002 (e); or

- (2) in a subdivision participating in the Texas County and District Retirement System or a municipality participating in the Texas Municipal Retirement System if the person who seeks to reestablish the credit is a member only of a retirement system that the subdivision or municipality excludes from participation in the proportionate retirement program under Section 803.103.

SUBCHAPTER D. BENEFITS

Sec. 803.301. Computation of Benefits Generally.

The amount of a benefit payable by a retirement system to which this chapter applies is determined according to and in the manner prescribed by laws governing that system and is based solely on a person's service credit in that system.

Sec. 803.302. Computation of Certain Benefits.

- (a) If payable to or on behalf of a person who has used combined service credit to qualify for benefits from at least one retirement system to which this chapter applies, each of the following types of benefits must be computed as provided by Subsection (b):
 - (1) a base retirement annuity that does not vary in amount directly with the amount of a person's service credit;
 - (2) a fixed lump-sum death benefit payable on the death of a retiree;
 - (3) any death benefit payable on the death of a retiree who received service retirement benefits; and
 - (4) a survivor benefit payable to a beneficiary of a deceased retiree of the Teacher Retirement System of Texas.
- (b) The amount of a benefit payable under Subsection (a) by a retirement system to which this chapter applies is a percentage, but not more than 100 percent, of the benefit that would be or would have been payable if the person retired or had retired on the basis of only the service that is credited in that system. The percentage applied is equal to the amount of service credit in that system, divided by the amount of service credit that would be or would have been required for the benefit if the person retired or had retired on the basis of only the service that is credited in that system.

SUBCHAPTER E. ADMINISTRATION

Sec. 803.401. Administration of Program.

- (a) The board of trustees of each retirement system to which this chapter applies may adopt rules it finds necessary to implement the proportionate retirement program provided by this chapter.
- (b) Each retirement system to which this chapter applies, under this chapter and other laws governing the particular system, is responsible for determining: