

Amendment to the Texas Local Fire Fighters Retirement Act (Art. 6243e)

Sec. 33. CLOSURE OF FIREMEN'S PENSIONS IN CITIES OF LESS THAN 200,000 LOCATED WITHIN DALLAS COUNTY. Notwithstanding any provision of this Act to the contrary, the governing body of each municipality located within Dallas County, having a municipal population of less than two hundred thousand (200,000) according to the last preceding Federal Census, having one or more of its existing departments participating in the Texas Municipal Retirement System prior to **[January 1, 2017]**, having a regularly organized fire department, and having established a retirement system as provided for in this Act, by adoption of an ordinance of such municipality, may amend such municipality's retirement system to exclude from membership otherwise provided under Section 9 of Art. 6243e, all employees and other persons who are newly hired or otherwise engaged to provide services for the fire department of such municipality on or after September 1, 2017, in accordance with the provisions of this Section 33; provided:

(a) The governing body of such municipality concurrently adopts ordinances permitting the fire department of such municipality to become a participating department in the Texas Municipal Retirement System on and after September 1, 2017; provided that, for purposes of the Texas Municipal Retirement System, the participating fire department shall be deemed to mean the division of the fire department (the "Post-August 31, 2017 Division") consisting solely of employees and other persons who are (i) newly hired or otherwise engaged to provide services for the fire department of such municipality on or after September 1, 2017, and (ii) prior to September 1, 2017, were never employed by or otherwise engaged to provide services to the fire department of such municipality.

(b) The remaining division of the fire department (the "Pre-September 1, 2017 Division") consisting of employees and other persons who (i) were initially hired or otherwise engaged to provide services for the fire department of such municipality prior to September 1, 2017, and (ii) are otherwise ineligible under the eligibility criteria of the Texas Municipal Retirement System, shall remain employees of or engaged by the Pre-September 1, 2017 Division, and shall not be treated as part of the participating fire department for purposes of the Texas Municipal Retirement System.

(c) The employees and other persons engaged to provide services for the Post-August 31 Division, to the extent such persons meet the eligibility criteria under the Texas Municipal Retirement System, shall be required to enroll and participate in the Texas Municipal Retirement System.

(d) The specific terms and conditions shall be set forth in the ordinance adopted by the governing body of such municipality, and shall be consistent with the foregoing provisions of this Section 33. The ordinance, if adopted by the governing body of such municipality, shall be subject to the vote and affirmative approval by a majority of the participating members of the retirement system voting on such ordinance, which vote shall have at least 50 percent of all participating members voting, and shall be conducted no later than [**sixty (60) days**] following the municipality's adoption of such ordinance. If approved by the participating members of such retirement system, the board of trustees of such retirement system shall adopt any necessary amendments to the documents governing the retirement system, consistent with the terms and conditions of the ordinance adopted by the municipality. If a municipality elects to adopt an ordinance as described in the foregoing, and such ordinance is approved by the participating members of such retirement system, such election shall be irrevocable.