

By: Phillips

H.B. No. 1420

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the release of certain information by the Teacher
3 Retirement System of Texas to associations of retired school
4 employees; providing a civil penalty.

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

6 SECTION 1. Section 825.507(f), Government Code, is amended
7 to read as follows:

8 (f) Except as provided by Section 825.5071, this ~~[This]~~
9 section does not authorize the retirement system to compile or
10 disclose a list of participants' names, addresses, or social
11 security numbers unless the executive director determines that a
12 compilation or disclosure is necessary to administer the retirement
13 system.

14 SECTION 2. Subchapter F, Chapter 825, Government Code, is
15 amended by adding Section 825.5071 to read as follows:

16 Sec. 825.5071. RELEASE OF INFORMATION TO CERTAIN NONPROFIT
17 ASSOCIATIONS. (a) In this section, "participant" has the meaning
18 assigned by Section 825.507(g).

19 (b) The retirement system may release a list of names and
20 addresses of participants to a nonprofit association of retired
21 school employees only if the association provides to the retirement
22 system:

23 (1) the name of the association;

24 (2) the name of any other entity with which the

1 association is affiliated;

2 (3) the address and telephone number of the
3 association; and

4 (4) the names of the officers of the association.

5 (c) A nonprofit association that receives a list under
6 Subsection (b) may use the list only to notify participants of:

7 (1) the association's purpose; and

8 (2) the opportunity to join the association.

9 (d) A nonprofit association that receives a list under
10 Subsection (b) may only send one mailing as described by Subsection
11 (c) to a participant on the list, unless the participant:

12 (1) is a member of the nonprofit association; or

13 (2) requests additional information from the
14 nonprofit association.

15 (e) A nonprofit association that violates Subsection (c) or
16 (d) is liable to the state for a civil penalty of \$10,000 for each
17 violation. Each mailing to all participants or a substantial
18 proportion of participants on a list received under Subsection (b)
19 constitutes a separate violation for purposes of this subsection.
20 The attorney general may sue to collect the penalty.

21 SECTION 3. This Act applies only to a request by a nonprofit
22 association under Section 825.5071, Government Code, as added by
23 this Act, made on or after the effective date of this Act.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.