

By: Dutton

H.B. No. 3680

A BILL TO BE ENTITLED

AN ACT

relating to the marital property interest in certain employee benefits.

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

SECTION 1. Section 3.007(b), Family Code, is amended to read as follows:

(b) The community property interest in a defined benefit plan shall be in any benefit that accrues under ~~[determined as if the spouse began to participate in]~~ the plan beginning on the date the ~~[of]~~ marriage began and ending on the ~~[ended that participation on the]~~ date of dissolution or termination of the marriage, regardless of whether the benefit ~~[had]~~ vested during the marriage.

SECTION 2. Section 3.007(a), Family Code, is repealed.

SECTION 3. The change in law made by this Act applies to:

(1) a suit for dissolution of a marriage pending before a trial court on or filed on or after the effective date of this Act; and

(2) the estate of a person who dies on or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.