

By: Truitt

H.B. No. 2789

A BILL TO BE ENTITLED

AN ACT

relating to the Teacher Retirement System of Texas.

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

SECTION 1. Section 825.3021, Government Code, is repealed.

SECTION 2. Section 825.507, Government Code, is amended to read as follows:

Sec. 825.507. RECORD CONFIDENTIALITY. (a) Records of a participant that are in the custody of the retirement system or of an administrator, carrier, attorney, consultant, or governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure in a form that would identify an individual and are exempt from the public access provisions of Chapter 552, except as otherwise provided by this section. Because the records described by this subsection are exempt from the public access provisions of Chapter 552, the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general, except as otherwise provided by this section.

(b) The retirement system may release records of a participant, including a participant to which Chapter 803 applies, to:

(1) the participant or the participant's attorney or guardian or another person who the executive director determines is

1 acting on behalf of the participant;

2 (2) the executor or administrator of the deceased
3 participant's estate, or, when there is no executor or
4 administrator of the deceased participant's estate, a person or
5 entity who the executive director determines is acting in the
6 interest of the participant's estate, or an heir, legatee, or
7 devisee of the participant, including information relating to the
8 deceased participant's beneficiary;

9 (3) when there is no executor or administrator of the
10 deceased participant's estate, a person or entity who the executive
11 director determines is acting in the interest of the participant,
12 the participant's estate, or the participant's heirs, legatees, or
13 devisees;

14 (4) a spouse or former spouse of the participant if the
15 executive director determines that the information is relevant to
16 the spouse's or former spouse's interest in member accounts,
17 benefits, or other amounts payable by the retirement system;

18 (5) an administrator, carrier, consultant, attorney,
19 or agent acting on behalf of the retirement system;

20 (6) a governmental entity, an employer, or the
21 designated agent of an employer, only to the extent the retirement
22 system needs to share the information to perform the purposes of the
23 retirement system, as determined by the executive director;

24 (7) a person authorized by the participant in writing
25 to receive the information;

26 (8) a federal, state, or local criminal law
27 enforcement agency that requests a record for a law enforcement

1 purpose;

2 (9) the attorney general to the extent necessary to
3 enforce child support; or

4 (10) a party in response to a subpoena issued under
5 applicable law if the executive director determines that the
6 participant will have a reasonable opportunity to contest the
7 subpoena.

8 (c) The records of a participant remain confidential after
9 release to a person as authorized by this section. This section
10 does not prevent the disclosure or confirmation, on an individual
11 basis, of the status or identity of a participant as a member,
12 former member, retiree, deceased member or retiree, beneficiary, or
13 alternate payee of the retirement system.

14 (d) The executive director may designate other employees of
15 the retirement system to make the necessary determinations under
16 this section. A determination and disclosure under this section
17 may be made without notice to the participant.

18 (e) The retirement system may make not more than two
19 mailings a year on behalf of a nonprofit association of active or
20 retired school employees, for purposes of association membership
21 and research only, to persons identified in information contained
22 in records that are in the custody of the retirement system. The
23 nonprofit association requesting a mailing shall pay the expenses
24 of the mailing.

25 (f) This section does not authorize the retirement system to
26 compile or disclose a list of participants' names, addresses, or
27 social security numbers unless the executive director determines

1 that a compilation or disclosure is necessary to administer the
2 retirement system.

3 (g) In this section, "participant" means a member, former
4 member, retiree, annuitant, beneficiary, or alternate payee of the
5 retirement system.

6 SECTION 3. Section 1575.003, Insurance Code, is amended to
7 read as follows:

8 Sec. 1575.003. DEFINITION OF DEPENDENT AND RELATED TERMS.

9 In this chapter:

10 (1) "Dependent" means:

11 (A) the spouse of a retiree;

12 (B) an unmarried child of a retiree or deceased
13 active member if the child is younger than 25 years of age,
14 including:

15 (i) an adopted child;

16 (ii) a foster child, stepchild, or other
17 child who is in a regular parent-child relationship; or

18 (iii) a recognized natural child;

19 (C) a retiree's recognized natural child,
20 adopted child, foster child, stepchild, or other child who is in a
21 regular parent-child relationship and who lives with or has his or
22 her care provided by the retiree or surviving spouse on a regular
23 basis regardless of the child's age, if the child has a mental
24 disability [~~is mentally retarded~~] or is physically incapacitated to
25 an extent that the child is dependent on the retiree or surviving
26 spouse for care or support, as determined by the trustee; or

27 (D) a deceased active member's recognized

1 natural child, adopted child, foster child, stepchild, or other
2 child who is in a regular parent-child relationship, without regard
3 to the age of the child, if, while the active member was alive, the
4 child:

5 (i) lived with or had the child's care
6 provided by the active member on a regular basis; and

7 (ii) had a mental disability [~~was mentally~~
8 ~~retarded~~] or was physically incapacitated to an extent that the
9 child was dependent on the active member or surviving spouse for
10 care or support, as determined by the trustee.

11 SECTION 4. Section 1575.206, Insurance Code, is amended to
12 read as follows:

13 Sec. 1575.206. CONTRIBUTIONS HELD IN TRUST FOR FUND. An
14 employing public school [~~district~~] and its governing body
15 [~~trustees~~]:

16 (1) hold contributions required by this subchapter in
17 trust for the fund and its participants; and

18 (2) may not divert the contributions for any other
19 purpose.

20 SECTION 5. Section 1575.207, Insurance Code, is amended to
21 read as follows:

22 Sec. 1575.207. INTEREST ASSESSED ON LATE PAYMENT OF
23 DEPOSITS BY EMPLOYING SCHOOL DISTRICTS. (a) An employing public
24 school [~~district~~] that does not remit to the trustee all
25 contributions required by this subchapter before the seventh day
26 after the last day of the month shall pay to the fund:

27 (1) the contributions; and

1 (2) interest on the unpaid amounts at the annual rate
2 of six percent compounded monthly.

3 (b) On request, the trustee may grant a waiver of the
4 deadline imposed by this section based on an employing public
5 school's [~~district's~~] financial or technological resources.

6 SECTION 6. Section 1579.004, Insurance Code, is amended to
7 read as follows:

8 Sec. 1579.004. DEFINITION OF DEPENDENT. In this chapter,
9 "dependent" means:

10 (1) a spouse of a full-time employee or part-time
11 employee;

12 (2) an unmarried child of a full-time or part-time
13 employee if the child is younger than 25 years of age, including:

14 (A) an adopted child;

15 (B) a foster child, stepchild, or other child who
16 is in a regular parent-child relationship; and

17 (C) a recognized natural child;

18 (3) a full-time or part-time employee's recognized
19 natural child, adopted child, foster child, stepchild, or other
20 child who is in a regular parent-child relationship and who lives
21 with or has his or her care provided by the employee or the
22 surviving spouse on a regular basis, regardless of the child's age,
23 if the child has a mental disability [~~is mentally retarded~~] or is
24 physically incapacitated to an extent that the child is dependent
25 on the employee or surviving spouse for care or support, as
26 determined by the board of trustees; and

27 (4) notwithstanding any other provision of this code,

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1 any other dependent of a full-time or part-time employee specified
2 by rules adopted by the board of trustees.

3 SECTION 7. This Act takes effect September 1, 2011.