

By: Duncan  
(Truitt, Creighton)

S.B. No. 1664

Substitute the following for S.B. No. 1664:

By: Truitt

C.S.S.B. No. 1664

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of and contributions to and  
benefits from the systems and programs administered by the  
Employees Retirement System of Texas.

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

SECTION 1. Subchapter A, Chapter 609, Government Code, is  
amended by adding Section 609.015 to read as follows:

Sec. 609.015. BENEFICIARY CAUSING DEATH OF PARTICIPATING  
EMPLOYEE. (a) Any benefits, funds, or account balances payable on  
the death of a participating employee may not be paid to a person  
convicted of or adjudicated as having caused that death but instead  
are payable as if the convicted person had predeceased the  
decendent.

(b) The plan is not required to change the recipient of any  
benefits, funds, or account balances under this section unless it  
receives actual notice of the conviction or adjudication of a  
beneficiary. However, the plan may delay payment of any benefits,  
funds, or account balances payable on the death of a participating  
employee pending the results of a criminal investigation or civil  
proceeding and other legal proceedings relating to the cause of  
death.

(c) For the purposes of this section, a person has been  
convicted of or adjudicated as having caused the death of a  
participating employee if the person:

1           (1) pleads guilty or nolo contendere to, or is found  
2 guilty by a court or jury in a criminal proceeding of, causing the  
3 death of the participating employee, regardless of whether sentence  
4 is imposed or probated, and no appeal of the conviction is pending  
5 and the time provided for appeal has expired; or

6           (2) is found liable by a court or jury in a civil  
7 proceeding for causing the death of the participating employee and  
8 no appeal of the judgement is pending and the time provided for  
9 appeal has expired.

10           SECTION 2. Subsection (c), Section 659.140, Government  
11 Code, is amended to read as follows:

12           (c) The ~~[Each member of the]~~ state policy committee must:

13           (1) be composed of employees and retired state  
14 employees receiving benefits under Chapter 814; and

15           (2) [a state employee. The membership must] represent  
16 employees at different levels of employee classification.

17           SECTION 3. Subsection (b), Section 659.143, Government  
18 Code, is amended to read as follows:

19           (b) The presiding officer of a local employee committee  
20 shall recruit at least five but not more than 10 additional members.  
21 The members must represent different levels of employee  
22 classification. One or more members may be retired state employees  
23 receiving retirement benefits under Chapter 814.

24           SECTION 4. Section 811.010, Government Code, as added by  
25 Chapter 232 (S.B. 1589), Acts of the 81st Legislature, Regular  
26 Session, 2009, is redesignated as Section 811.012, Government Code,  
27 and amended to read as follows:

1       Sec. 811.012 [~~811.010~~]. PROVISION OF CERTAIN INFORMATION  
2 TO COMPTROLLER. (a) Not later than June 1, 2016, and once every  
3 five years after that date [~~of each year~~], the retirement system  
4 shall provide to the comptroller, for the purpose of assisting the  
5 comptroller in the identification of persons entitled to unclaimed  
6 property reported to the comptroller, the name, address, social  
7 security number, and date of birth of each member, retiree, and  
8 beneficiary from the retirement system's records.

9       (b) Information provided to the comptroller under this  
10 section is confidential and may not be disclosed to the public.

11       (c) The retirement system shall provide the information in  
12 the format prescribed by rule of the comptroller.

13       SECTION 5. Section 813.404, Government Code, is amended to  
14 read as follows:

15       Sec. 813.404. CONTRIBUTIONS FOR SERVICE NOT PREVIOUSLY  
16 ESTABLISHED. For each month of membership, military, or equivalent  
17 membership service not previously credited in the retirement  
18 system, a member claiming credit in the elected class shall pay a  
19 contribution in an amount equal to the greater of:

20           (1) eight percent of the monthly salary paid to  
21 members of the legislature at the time the credit is established; or

22           (2) the appropriate member contribution provided by  
23 Section 815.402 for [~~six percent of the monthly state salary paid~~  
24 ~~to~~] a person who holds, at the time the credit is established, the  
25 office for which credit is sought.

26       SECTION 6. Subsection (a), Section 813.505, Government  
27 Code, is amended to read as follows:

1 (a) A member claiming credit in the employee class for  
2 membership service not previously established shall, for each month  
3 of the service, pay a contribution in an amount equal to the greater  
4 of:

5 (1) the appropriate member contribution provided by  
6 Section 815.402 [~~six percent of the member's monthly state~~  
7 ~~compensation~~] for the service during the time for which credit is  
8 sought; or

9 (2) \$18.

10 SECTION 7. Subsections (a), (c), (d), and (e), Section  
11 814.007, Government Code, are amended to read as follows:

12 (a) Any benefits, funds, or account balances [~~A benefit~~]  
13 payable on the death of a member or annuitant may not be paid to a  
14 person convicted of or adjudicated as having caused [~~causing~~] that  
15 death but instead are [~~is~~] payable as if the convicted person had  
16 predeceased the decedent.

17 (c) The retirement system shall reduce any annuity computed  
18 in part on the age of the convicted or adjudicated person to a lump  
19 sum equal to the present value of the remainder of the annuity. The  
20 reduced amount is payable to a person entitled as provided by this  
21 section to receive the benefit.

22 (d) The retirement system is not required to change the  
23 recipient of any benefits, funds, or account balances under this  
24 section unless it receives actual notice of the conviction or  
25 adjudication of a beneficiary. However, the retirement system may  
26 delay payment of any benefits, funds, or account balances [~~a~~  
27 ~~benefit~~] payable on the death of a member or annuitant pending the

1 results of a criminal investigation or civil proceeding and other  
2 ~~[of]~~ legal proceedings relating to the cause of death.

3 (e) For the purposes of this section, a person has been  
4 convicted of or adjudicated as having caused ~~[causing]~~ the death of  
5 a member or annuitant if the person:

6 (1) pleads guilty or nolo contendere to, or is found  
7 guilty by a court or jury in a criminal proceeding of, causing the  
8 death of the member or annuitant, regardless of whether sentence is  
9 imposed or probated, + and

10 ~~[(2) —has]~~ no appeal of the conviction is pending and  
11 the time provided for appeal has expired; or

12 (2) is found liable by a court or jury in a civil  
13 proceeding for causing the death of the member or annuitant and no  
14 appeal of the judgment is pending and the time provided for appeal  
15 has expired.

16 SECTION 8. The heading to Section 814.009, Government Code,  
17 is amended to read as follows:

18 Sec. 814.009. DEDUCTION FROM ANNUITY FOR STATE EMPLOYEE  
19 ORGANIZATION.

20 SECTION 9. Subchapter A, Chapter 814, Government Code, is  
21 amended by adding Sections 814.0095 and 814.0096 to read as  
22 follows:

23 Sec. 814.0095. CHARITABLE DEDUCTION FROM ANNUITY.

24 (a) Except as provided by Section 814.0096(c), a person who  
25 receives an annuity under this subchapter may, on a printed or  
26 electronic form filed with the retirement system, authorize the  
27 retirement system to deduct from the person's monthly annuity

1 payment the amount of a contribution to the state employee  
2 charitable campaign in the manner and for the same purposes for  
3 which a state employee may authorize deductions to that campaign  
4 under Subchapter I, Chapter 659.

5 (b) An authorization under this section must direct the  
6 board of trustees to deposit the deducted funds with the  
7 comptroller for distribution as required by Section 659.132(g) in  
8 the same manner in which a state employee's deduction is  
9 distributed.

10 (c) An authorization under this section remains in effect  
11 for the period described by Section 659.137 unless the person  
12 revokes the authorization by giving notice to the board of  
13 trustees.

14 (d) The board of trustees may adopt rules to administer this  
15 section. Any rules adopted must be consistent with the  
16 comptroller's rules related to the state employee charitable  
17 campaign.

18 Sec. 814.0096. COORDINATION WITH STATE EMPLOYEE CHARITABLE  
19 CAMPAIGN POLICY COMMITTEE. (a) The board of trustees and the  
20 state employee charitable campaign policy committee established  
21 under Section 659.140 shall coordinate responsibility for the  
22 administration of charitable deductions from annuity payments to  
23 the state employee charitable campaign under Section 814.0095.

24 (b) The state employee charitable campaign policy committee  
25 is authorized to approve a budget that includes funding for as many  
26 of the expenses incurred by the retirement system associated with  
27 the implementation and administration of annuitants' participation

1 in the state employee charitable campaign as is practicable,  
2 including notification of annuitants.

3 (c) Except as provided by this subsection, the board of  
4 trustees shall charge an administrative fee to cover any costs not  
5 paid under Subsection (b) in the implementation of Section 814.0095  
6 to the charitable organizations participating in the state employee  
7 charitable campaign conducted under that section in the same  
8 proportion that the contributions to that charitable organization  
9 bear to the total of contributions in that campaign. The board of  
10 trustees shall determine the most efficient and effective method of  
11 collecting the administrative fee and shall adopt rules for the  
12 implementation of this subsection.

13 (d) If necessary, the board of trustees and the state  
14 employee charitable campaign policy committee may make the annuity  
15 deduction authorization under Section 814.0095(a) available in  
16 stages to subgroups of the retirement system's annuity recipients  
17 as money becomes available to cover the expenses under Subsection  
18 (b).

19 SECTION 10. Subsection (d), Section 814.104, Government  
20 Code, is amended to read as follows:

21 (d) Except as provided by Section 814.102 or by rule adopted  
22 under Section 813.304(d) or 803.202(a)(2), a member who was not a  
23 member on the date hired, was hired on or after September 1, 2009,  
24 and has service credit in the retirement system is eligible to  
25 retire and receive a service retirement annuity if the member:

26 (1) is at least 65 years old and has at least 10 years  
27 of service credit in the employee class; or

1           (2) has at least 10 [5] years of service credit in the  
2 employee class and the sum of the member's age and amount of service  
3 credit in the employee class, including months of age and credit,  
4 equals or exceeds the number 80.

5           SECTION 11. Subsection (d), Section 814.1075, Government  
6 Code, is amended to read as follows:

7           (d) The standard combined service retirement annuity that  
8 is payable under this section is based on retirement at either the  
9 age of 55 or the age at which the sum of the member's age and amount  
10 of service credit in the employee class equals or exceeds the number  
11 80. The annuity of a law enforcement or custodial officer who  
12 retires before reaching the age of 55 under any eligibility  
13 criteria is actuarially reduced by five percent for each year the  
14 member retires before the member reaches age 55, with a maximum  
15 possible reduction of 25 percent. The actuarial reduction  
16 described by this section is in addition to any other actuarial  
17 reduction required by law.

18           SECTION 12. Section 815.303, Government Code, is amended to  
19 read as follows:

20           Sec. 815.303. SECURITIES LENDING. (a) The retirement  
21 system may, in the exercise of its constitutional discretion to  
22 manage the assets of the retirement system, select one or more  
23 commercial banks, depository trust companies, or other entities to  
24 serve as custodian or custodians of the system's securities and to  
25 lend the securities under rules or policies adopted by the board of  
26 trustees and as required by this section.

27           (b) To be eligible to lend securities under this section, a



1 bank or brokerage firm must:

2 (1) be experienced in the operation of a fully secured  
3 securities loan program;

4 (2) maintain adequate capital in the prudent judgment  
5 of the retirement system to assure the safety of the securities;

6 (3) execute an indemnification agreement satisfactory  
7 in form and content to the retirement system fully indemnifying the  
8 retirement system against loss resulting from borrower default in  
9 its operation of a securities loan program for the system's  
10 securities; and

11 (4) require any securities broker or dealer to whom it  
12 lends securities belonging to the retirement system to deliver to  
13 and maintain with the custodian or securities lending agent  
14 collateral in the form of cash or ~~[United States government]~~  
15 securities that are obligations of the United States or agencies or  
16 instrumentalities of the United States in an amount equal to but not  
17 less than 100 percent of the market value, from time to time, as  
18 determined by the retirement system, of the loaned securities.

19 SECTION 13. Section 815.402, Government Code, is amended by  
20 adding Subsections (a-1) and (h-1) to read as follows:

21 (a-1) Notwithstanding Subsection (a)(1), if the state  
22 contribution to the retirement system is computed using a  
23 percentage less than 6.5 percent for the state fiscal year  
24 beginning September 1, 2011, the member's contribution is not  
25 required to be computed using a percentage equal to the percentage  
26 used to compute the state contribution for that biennium. This  
27 subsection expires September 1, 2012.

1        (h-1) Notwithstanding Subsection (h), if the state  
2 contribution to the law enforcement and custodial officer  
3 supplemental retirement fund is computed using a percentage less  
4 than 0.5 percent for the state fiscal year beginning September 1,  
5 2011, the member's contribution is not required to be computed  
6 using a percentage equal to the percentage used to compute the state  
7 contribution for that biennium. This subsection expires September  
8 1, 2012.

9        SECTION 14. Subchapter D, Chapter 834, Government Code, is  
10 amended by adding Section 834.305 to read as follows:

11        Sec. 834.305. BENEFICIARY CAUSING DEATH OF MEMBER OR  
12 ANNUITANT. (a) Any benefits, funds, or account balances payable  
13 on the death of a member or annuitant may not be paid to a person  
14 convicted of or adjudicated as having caused that death but instead  
15 are payable as if the convicted person had predeceased the  
16 decedent.

17        (b) A person who becomes eligible under this section to  
18 select death or survivor benefits may select benefits as if the  
19 person were the designated beneficiary.

20        (c) The retirement system shall reduce any annuity computed  
21 in part on the age of the convicted or adjudicated person to a lump  
22 sum equal to the present value of the remainder of the annuity. The  
23 reduced amount is payable to a person entitled as provided by this  
24 section to receive the benefit.

25        (d) The retirement system is not required to change the  
26 recipient of any benefits, funds, or account balances under this  
27 section unless it receives actual notice of the conviction or

1 adjudication of a beneficiary. However, the retirement system may  
2 delay payment of any benefits, funds, or account balances payable  
3 on the death of a member or annuitant pending the results of a  
4 criminal investigation or civil proceeding and other legal  
5 proceedings relating to the cause of death.

6 (e) For the purposes of this section, a person has been  
7 convicted of or adjudicated as having caused the death of a member  
8 or annuitant if the person:

9 (1) pleads guilty or nolo contendere to, or is found  
10 guilty by a court or jury in a criminal proceeding of, causing the  
11 death of the member or annuitant, regardless of whether sentence is  
12 imposed or probated, and no appeal of the conviction is pending and  
13 the time provided for appeal has expired; or

14 (2) is found liable by a court or jury in a civil  
15 proceeding for causing the death of the member or annuitant and no  
16 appeal of the judgment is pending and the time provided for appeal  
17 has expired.

18 SECTION 15. Subchapter D, Chapter 839, Government Code, is  
19 amended by adding Section 839.306 to read as follows:

20 Sec. 839.306. BENEFICIARY CAUSING DEATH OF MEMBER OR  
21 ANNUITANT. (a) Any benefits, funds, or account balances payable  
22 on the death of a member or annuitant may not be paid to a person  
23 convicted of or adjudicated as having caused that death but instead  
24 are payable as if the convicted person had predeceased the  
25 decedent.

26 (b) A person who becomes eligible under this section to  
27 select death or survivor benefits may select benefits as if the

1 person were the designated beneficiary.

2 (c) The retirement system shall reduce any annuity computed  
3 in part on the age of the convicted or adjudicated person to a lump  
4 sum equal to the present value of the remainder of the annuity. The  
5 reduced amount is payable to a person entitled as provided by this  
6 section to receive the benefit.

7 (d) The retirement system is not required to change the  
8 recipient of any benefits, funds, or account balances under this  
9 section unless it receives actual notice of the conviction or  
10 adjudication of a beneficiary. However, the retirement system may  
11 delay payment of any benefits, funds, or account balances payable  
12 on the death of a member or annuitant pending the results of a  
13 criminal investigation or civil proceeding and other legal  
14 proceedings relating to the cause of death.

15 (e) For the purposes of this section, a person has been  
16 convicted of or adjudicated as having caused the death of a member  
17 or annuitant if the person:

18 (1) pleads guilty or nolo contendere to, or is found  
19 guilty by a court or jury in a criminal proceeding of, causing the  
20 death of the member or annuitant, regardless of whether sentence is  
21 imposed or probated, and no appeal of the conviction is pending and  
22 the time provided for appeal has expired; or

23 (2) is found liable by a court or jury in a civil  
24 proceeding for causing the death of the member or annuitant and no  
25 appeal of the judgment is pending and the time provided for appeal  
26 has expired.

27 SECTION 16. Subsection (a), Section 1551.004, Insurance

Code, is amended to read as follows:

(a) In this chapter, "dependent" with respect to an individual eligible to participate in the group benefits program ~~[under Section 1551.101 or 1551.102]~~ means the individual's:

(1) spouse;

(2) unmarried child younger than 26 ~~[25]~~ years of age;

(3) child of any age who the board of trustees determines lives with or has the child's care provided by the individual on a regular basis if:

(A) the child is mentally ~~[retarded]~~ or physically incapacitated to the extent that the child is dependent on the individual for care or support, as determined by the board of trustees;

(B) the child's coverage under this chapter has not lapsed; and

(C) the child is at least 26 ~~[25]~~ years old and was enrolled as a participant in the health benefits coverage under the group benefits program on the date of the child's 26th ~~[25th]~~ birthday;

(4) child of any age who is unmarried, for purposes of health benefit coverage under this chapter, on expiration of the child's continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272) and its subsequent amendments; and

(5) ward, as that term is defined by Section 601, Texas Probate Code, who is 26 years of age or younger.

SECTION 17. Subchapter B, Chapter 1551, Insurance Code, is

1 amended by adding Section 1551.068 to read as follows:

2       Sec. 1551.068. QUALIFICATION OF GROUP BENEFITS PROGRAM.  
3 Notwithstanding any provision of this chapter or any other law, it  
4 is intended that the provisions of this chapter be construed and  
5 administered in a manner that coverages under the group benefits  
6 program will be considered in compliance with applicable federal  
7 law. The board of trustees may adopt rules that modify the coverage  
8 provided under the program by adding, deleting, or changing a  
9 provision of the program, including rules that modify eligibility  
10 and enrollment requirements and the benefits available under the  
11 program.

12       SECTION 18. Section 1551.220, Insurance Code, is amended to  
13 read as follows:

14       Sec. 1551.220. BENEFICIARY CAUSING DEATH OF PARTICIPANT OR  
15 BENEFICIARY OF PARTICIPANT. (a) Any benefits, funds, or account  
16 balances [~~A benefit~~] payable on the death of a participant or the  
17 beneficiary of a participant in the group benefits program may not  
18 be paid to a person convicted of or adjudicated as having caused  
19 [~~causing~~] that death but instead are [~~is~~] payable as if the  
20 convicted person had predeceased the decedent.

21       (b) The Employees Retirement System of Texas is not required  
22 to change the recipient of any benefits, funds, or account balances  
23 under this section unless it receives actual notice of the  
24 conviction or adjudication of a beneficiary. However, the  
25 retirement system may delay payment of any benefits, funds, or  
26 account balances [~~a benefit~~] payable on the death of a participant  
27 or beneficiary of a participant pending the results of a criminal

1 investigation or civil proceeding and other ~~[of]~~ legal proceedings  
2 relating to the cause of death.

3 (c) For the purposes of this section, a person has been  
4 convicted of or adjudicated as having caused ~~[causing]~~ the death of  
5 a participant or beneficiary of a participant if the person:

6 (1) pleads guilty or nolo contendere to, or is found  
7 guilty by a court or jury in a criminal proceeding of, causing the  
8 death of the participant or beneficiary of a participant,  
9 regardless of whether sentence is imposed or probated, [+] and

10 ~~[(2) — has]~~ no appeal of the conviction is pending and  
11 the time provided for appeal has expired; or

12 (2) is found liable by a court or jury in a civil  
13 proceeding for causing the death of the member or annuitant and no  
14 appeal of the judgment is pending and the time provided for appeal  
15 has expired.

16 SECTION 19. Subchapter E, Chapter 1551, Insurance Code, is  
17 amended by adding Section 1551.226 to read as follows:

18 Sec. 1551.226. TOBACCO CESSATION COVERAGE. (a) The board  
19 of trustees shall develop a plan for providing under any health  
20 benefit plan provided under the group benefits program tobacco  
21 cessation coverage for participants.

22 (b) The plan developed under Subsection (a) must include  
23 coverage for prescription drugs that aid participants in ceasing  
24 the use of tobacco products.

25 SECTION 20. Subchapter G, Chapter 1551, Insurance Code, is  
26 amended by adding Section 1551.3075 to read as follows:

27 Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL.

1 (a) The board of trustees shall assess each participant in a  
2 health benefit plan provided under the group benefits program who  
3 uses one or more tobacco products a tobacco user premium  
4 differential, to be paid in monthly installments. Except as  
5 provided by Subsection (b), the board of trustees shall determine  
6 the amount of the monthly installments of the premium differential.

7 (b) If the General Appropriations Act for a state fiscal  
8 biennium sets the amount of the monthly installments of the tobacco  
9 user premium differential for that biennium, the board of trustees  
10 shall assess the premium differential during that biennium in the  
11 amount prescribed by the General Appropriations Act.

12 SECTION 21. Subchapter G, Chapter 1551, Insurance Code, is  
13 amended by adding Section 1551.3076 to read as follows:

14 Sec. 1551.3076. EMPLOYER ENROLLMENT FEE. (a) The board of  
15 trustees shall assess each employer whose employees participate in  
16 the group benefits program an employer enrollment fee in an amount  
17 not to exceed a percentage of the employer's total payroll, as  
18 determined by the General Appropriations Act.

19 (b) The board of trustees shall deposit the enrollment fees  
20 to the credit of the employees life, accident, and health insurance  
21 and benefits fund to be used for the purposes specified by Section  
22 1551.401.

23 SECTION 22. Section 1551.314, Insurance Code, is amended to  
24 read as follows:

25 Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A  
26 state contribution may not be:

27 (1) made for coverages under this chapter selected by



1 an individual who receives a state contribution[, ~~other than as a~~  
2 ~~spouse, dependent, or beneficiary,~~] for coverages under a group  
3 benefits program provided by another state health plan or by an  
4 institution of higher education, as defined by Section 61.003,  
5 Education Code; or

6 (2) made for or used to pay a tobacco user premium  
7 differential assessed under Section 1551.3075.

8 SECTION 23. The change in law made by Sections 609.015,  
9 834.305, and 839.306, Government Code, as added by this Act, and  
10 Sections 814.007, Government Code, and 1551.220, Insurance Code, as  
11 amended by this Act, applies only to an offense committed on or  
12 after the effective date of this Act. An offense committed before  
13 the effective date of this Act is governed by the law in effect on  
14 the date the offense was committed, and the former law is continued  
15 in effect for that purpose. For purposes of this section, an  
16 offense was committed before the effective date of this Act if any  
17 element of the offense occurred before that date.

18 SECTION 24. (a) The board of trustees of the Employees  
19 Retirement System of Texas, in cooperation with the comptroller of  
20 public accounts and the state employee charitable campaign policy  
21 committee established under Section 659.140, Government Code, as  
22 amended by this Act, may adopt rules to implement Sections 814.0095  
23 and 814.0096, Government Code, as added by this Act.

24 (b) The board of trustees of the Employees Retirement System  
25 of Texas by rule shall designate the start date on which annuity  
26 deductions begin under Sections 814.0095 and 814.0096, Government  
27 Code, as added by this Act.

1           SECTION 25. (a) Subsection (d), Section 814.104,  
2 Government Code, as amended by this Act, applies only to a member of  
3 the Employees Retirement System of Texas who retires on or after the  
4 effective date of this Act.

5           (b) A member of the Employees Retirement System of Texas who  
6 retires before the effective date of this Act is governed by the law  
7 as it existed immediately before the effective date of this Act, and  
8 that law is continued in effect for that purpose.

9           SECTION 26. The board of trustees of the Employees  
10 Retirement System of Texas shall develop and fully implement the  
11 plan for providing tobacco cessation coverage as required by  
12 Section 1551.226, Insurance Code, as added by this Act, and  
13 implement the tobacco user premium differential required under  
14 Section 1551.3075, Insurance Code, as added by this Act, not later  
15 than January 1, 2012.

16          SECTION 27. To the extent of any conflict, this Act prevails  
17 over another Act of the 82nd Legislature, Regular Session, 2011,  
18 relating to nonsubstantive additions to and corrections in enacted  
19 codes.

20          SECTION 28. This Act takes effect September 1, 2011.