

By: Duncan
(Truitt)

S.B. No. 1671

Substitute the following for S.B. No. 1671:

By: Truitt

C.S.S.B. No. 1671

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. Subsection (i), Section 411.081, Government Code, as amended by Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B. 1599), and 1027 (H.B. 4343), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

(1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

- 1 (10) the Texas Youth Commission;
- 2 (11) the Department of Assistive and Rehabilitative
3 Services;
- 4 (12) the Department of State Health Services, a local
5 mental health service, a local mental retardation authority, or a
6 community center providing services to persons with mental illness
7 or retardation;
- 8 (13) the Texas Private Security Board;
- 9 (14) a municipal or volunteer fire department;
- 10 (15) the Texas Board of Nursing;
- 11 (16) a safe house providing shelter to children in
12 harmful situations;
- 13 (17) a public or nonprofit hospital or hospital
14 district;
- 15 (18) the Texas Juvenile Probation Commission;
- 16 (19) the securities commissioner, the banking
17 commissioner, the savings and mortgage lending commissioner, or the
18 credit union commissioner;
- 19 (20) the Texas State Board of Public Accountancy;
- 20 (21) the Texas Department of Licensing and Regulation;
- 21 (22) the Health and Human Services Commission;
- 22 (23) the Department of Aging and Disability Services;
- 23 (24) the Texas Education Agency; [~~and~~]
- 24 (25) the Guardianship Certification Board; [~~and~~]
- 25 (26) a county clerk's office in relation to a
26 proceeding for the appointment of a guardian under Chapter XIII,
27 Texas Probate Code;

1 (27) [~~(25)~~] the Department of Information Resources
2 but only regarding an employee, applicant for employment,
3 contractor, subcontractor, intern, or volunteer who provides
4 network security services under Chapter 2059 to:

- 5 (A) the Department of Information Resources; or
6 (B) a contractor or subcontractor of the
7 Department of Information Resources;

8 (28) [~~(25)~~] the Court Reporters Certification Board;
9 [~~and~~]

10 (29) [~~(25)~~] the Texas Department of Insurance; and

11 (30) the Teacher Retirement System of Texas.

12 SECTION 2. Subchapter F, Chapter 411, Government Code, is
13 amended by adding Section 411.0971 to read as follows:

14 Sec. 411.0971. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: TEACHER RETIREMENT SYSTEM OF TEXAS. (a) The Teacher
16 Retirement System of Texas is entitled to obtain from the
17 department, the Federal Bureau of Investigation Criminal Justice
18 Information Services Division, or another law enforcement agency
19 criminal history record information maintained by the department,
20 division, or agency that relates to a person who:

21 (1) is an employee or an applicant for employment with
22 the retirement system;

23 (2) is a consultant, contract employee, independent
24 contractor, intern, or volunteer for the retirement system or an
25 applicant to serve in one of those positions;

26 (3) proposes to enter into a contract with or has a
27 contract with the retirement system to perform services for or

1 supply goods to the retirement system; or

2 (4) is an employee or subcontractor, or an applicant
3 to be an employee or subcontractor, of a contractor that provides
4 services to the retirement system.

5 (b) Criminal history record information obtained by the
6 Teacher Retirement System of Texas under Subsection (a) may not be
7 released or disclosed to any person except:

8 (1) on court order;

9 (2) with the consent of the person who is the subject
10 of the criminal history record information; or

11 (3) to a federal agency as required by federal law or
12 executive order.

13 (c) The Teacher Retirement System of Texas shall destroy
14 criminal history record information obtained under this section
15 after the information is used for the purposes authorized by this
16 section.

17 (d) The Teacher Retirement System of Texas may provide a
18 copy of the criminal history record information obtained from the
19 department, the Federal Bureau of Investigation Criminal Justice
20 Information Services Division, or other law enforcement agency to
21 the individual who is the subject of the information.

22 (e) The failure or refusal of an employee or applicant to
23 provide the following on request constitutes good cause for
24 dismissal or refusal to hire:

25 (1) a complete set of fingerprints;

26 (2) a true and complete name; or

27 (3) other information necessary for a law enforcement

1 entity to obtain criminal history record information.

2 SECTION 3. Subchapter F, Chapter 551, Government Code, is
3 amended by adding Section 551.130 to read as follows:

4 Sec. 551.130. BOARD OF TRUSTEES OF TEACHER RETIREMENT
5 SYSTEM OF TEXAS: QUORUM PRESENT AT ONE LOCATION. (a) In this
6 section, "board" means the board of trustees of the Teacher
7 Retirement System of Texas.

8 (b) This chapter does not prohibit the board or a board
9 committee from holding an open or closed meeting by telephone
10 conference call.

11 (c) The board or a board committee may hold a meeting by
12 telephone conference call only if a quorum of the applicable board
13 or board committee is physically present at one location of the
14 meeting.

15 (d) A telephone conference call meeting is subject to the
16 notice requirements applicable to other meetings. The notice must
17 also specify:

18 (1) the location of the meeting where a quorum of the
19 board or board committee, as applicable, will be physically
20 present; and

21 (2) the intent to have a quorum present at that
22 location.

23 (e) The location where a quorum is physically present must
24 be open to the public during the open portions of a telephone
25 conference call meeting. The open portions of the meeting must be
26 audible to the public at the location where the quorum is present
27 and be tape-recorded at that location. The tape recording shall be

1 made available to the public.

2 (f) The location of the meeting shall provide two-way
3 communication during the entire telephone conference call meeting,
4 and the identification of each party to the telephone conference
5 call must be clearly stated before the party speaks.

6 (g) The authority provided by this section is in addition to
7 the authority provided by Section 551.125.

8 (h) A member of the board who participates in a board or
9 board committee meeting by telephone conference call but is not
10 physically present at the location of the meeting is not considered
11 to be absent from the meeting for any purpose. The vote of a member
12 of the board who participates in a board or board committee meeting
13 by telephone conference call is counted for the purpose of
14 determining the number of votes cast on a motion or other
15 proposition before the board or board committee.

16 (i) A member of the board may participate remotely by
17 telephone conference call instead of by being physically present at
18 the location of a board meeting for not more than one board meeting
19 per calendar year. A board member who participates remotely in any
20 portion of a board meeting by telephone conference call is
21 considered to have participated in the entire board meeting by
22 telephone conference call. For purposes of the limit provided by
23 this subsection, remote participation by telephone conference call
24 in a meeting of a board committee does not count as remote
25 participation by telephone conference call in a meeting of the
26 board, even if:

27 (1) a quorum of the full board attends the board

1 committee meeting; or

2 (2) notice of the board committee meeting is also
3 posted as notice of a board meeting.

4 (j) A person who is not a member of the board may not speak
5 at the meeting from a remote location by telephone conference call,
6 except as provided by Section 551.129.

7 SECTION 4. Subchapter C, Chapter 552, Government Code, is
8 amended by adding Section 552.153 to read as follows:

9 Sec. 552.153. EXCEPTION: NAME OF APPLICANT FOR EXECUTIVE
10 DIRECTOR, CHIEF INVESTMENT OFFICER, OR CHIEF AUDIT EXECUTIVE OF
11 TEACHER RETIREMENT SYSTEM OF TEXAS. The name of an applicant for
12 the position of executive director, chief investment officer, or
13 chief audit executive of the Teacher Retirement System of Texas is
14 excepted from the requirements of Section 552.021, except that the
15 board of trustees of the Teacher Retirement System of Texas must
16 give public notice of the names of three finalists being considered
17 for one of those positions at least 21 days before the date of the
18 meeting at which the final action or vote is to be taken on choosing
19 a finalist for employment.

20 SECTION 5. Section 804.003, Government Code, is amended by
21 amending Subsections (f) and (g) and adding Subsection (p) to read
22 as follows:

23 (f) A domestic relations order is a qualified domestic
24 relations order only if such order:

25 (1) clearly specifies the:

26 (A) name [~~social security number~~] and last
27 known mailing address [~~if any~~] of:

1 (i) the member or retiree; and
2 (ii) [~~the name, social security number, and~~
3 ~~mailing address of~~] each alternate payee covered by the order; and

4 (B) social security number, or an express
5 authorization for the parties to use an alternate method acceptable
6 to the public retirement system to verify the social security
7 number, of the member or retiree and each alternate payee covered by
8 the order;

9 (2) clearly specifies the amount or percentage of the
10 member's or retiree's benefits to be paid by a public retirement
11 system to each such alternate payee or the manner in which such
12 amount or percentage is to be determined;

13 (3) clearly specifies the number of payments or the
14 period to which such order applies;

15 (4) clearly specifies that such order applies to a
16 designated public retirement system;

17 (5) does not require the public retirement system to
18 provide any type or form of benefit or any option not otherwise
19 provided under the plan;

20 (6) does not require the public retirement system to
21 provide increased benefits determined on the basis of actuarial
22 value;

23 (7) does not require the payment of benefits to an
24 alternate payee which are required to be paid to another alternate
25 payee under another order previously determined to be a qualified
26 domestic relations order; and

27 (8) does not require the payment of benefits to an

1 alternate payee before the retirement of a member, the distribution
2 of a withdrawal of contributions to a member, or other distribution
3 to a member required by law.

4 (g) A public retirement system may reject a domestic
5 relations order as a qualified domestic relations order unless the
6 order:

7 (1) provides for a proportional reduction of the
8 amount awarded to an alternate payee in the event of the retirement
9 of the member before normal retirement age;

10 (2) does not purport to require the designation of a
11 particular person as the recipient of benefits in the event of a
12 member's or annuitant's death;

13 (3) does not purport to require the selection of a
14 particular benefit payment plan or option;

15 (4) provides clearly for each possible benefit
16 distribution under plan provisions;

17 (5) does not require any action on the part of the
18 retirement system contrary to its governing statutes or plan
19 provision other than the direct payment of the benefit awarded to an
20 alternate payee;

21 (6) does not make the award of an interest contingent
22 on any condition other than those conditions resulting in the
23 liability of a retirement system for payments under its plan
24 provisions;

25 (7) does not purport to award any future benefit
26 increases that are provided or required by the legislature; ~~and~~

27 (8) provides for a proportional reduction of the

1 amount awarded to an alternate payee in the event that benefits
2 available to the retiree or member are reduced by law; and

3 (9) if required by the retirement system, conforms to
4 a model order adopted by the retirement system.

5 (p) A public retirement system may assess administrative
6 fees on a party who is subject to a domestic relations order for the
7 review of the order under this subchapter and, as applicable, for
8 the administration of payments under an order that is determined to
9 be qualified. In addition to other methods of collecting fees that
10 a retirement system may establish, the retirement system may deduct
11 fees from payments made under the order.

12 SECTION 6. Subdivision (15), Section 821.001, Government
13 Code, is amended to read as follows:

14 (15) "School year" means[+
15 [~~(A)~~] a 12-month period beginning [~~approximately~~]
16 September 1 and ending [~~approximately~~] August 31 of the next
17 calendar year[~~, or~~

18 [~~(B) for a member whose contract or oral or~~
19 ~~written work agreement begins after June 30 and continues after~~
20 ~~August 31 of the same calendar year, a period not to include more~~
21 ~~than 12 months beginning on the date the contract or agreement~~
22 ~~begins].~~

23 SECTION 7. Section 821.008, Government Code, is amended to
24 read as follows:

25 Sec. 821.008. PURPOSE OF RETIREMENT SYSTEM. (a) The
26 purpose of the retirement system is to invest and protect funds of
27 the retirement system and to deliver the benefits provided by

1 statute, not to advocate or influence legislative action or
2 inaction or to advocate higher benefits.

3 (b) This section does not prohibit comments by an employee
4 of the retirement system on federal laws, regulations, or other
5 official actions or proposed actions affecting or potentially
6 affecting the retirement system that are made in accordance with
7 policies adopted by the board.

8 SECTION 8. Section 821.010(a), Government Code, is amended
9 to read as follows:

10 (a) Not later than June 1, 2016, and every fifth year
11 thereafter [~~of each year~~], the retirement system shall provide to
12 the comptroller, for the purpose of assisting the comptroller in
13 the identification of persons entitled to unclaimed property
14 reported to the comptroller, the name, address, social security
15 number, and date of birth of each member, retiree, and beneficiary
16 from the retirement system's records.

17 SECTION 9. Section 823.002, Government Code, is amended by
18 adding Subsection (b) to read as follows:

19 (b) A member shall notify the retirement system in writing
20 of membership service that has not been properly credited by the
21 retirement system on an annual statement. The member must provide
22 verification and make deposits as required by the retirement system
23 before the service may be credited. A member must notify the
24 retirement system of the service in writing on or before the last
25 day of the fifth school year after the end of the school year in
26 which the service was rendered for the service to be credited.

27 SECTION 10. The heading to Section 823.304, Government

1 Code, is amended to read as follows:

2 Sec. 823.304. USERRA [~~REEMPLOYED VETERAN'S~~] CREDIT.

3 SECTION 11. Subsections (a), (c), and (d), Section 823.304,
4 Government Code, are amended to read as follows:

5 (a) A person eligible to establish USERRA [~~reemployed~~
6 ~~veteran's~~] credit is one who qualifies under the Uniformed Services
7 Employment and [Veteran's] Reemployment Rights Act of 1994 (38
8 U.S.C. Section 4301 [~~, 2021~~] et seq.), for the benefits of
9 reemployment in a position included within the membership of the
10 retirement system and who is entitled under that Act to additional
11 credit and benefits from the retirement system because of the
12 person's active duty in the armed forces of the United States.

13 (c) A person may establish credit under this section by
14 depositing with the retirement system for each year of service
15 claimed an amount equal to [~~+~~

16 [~~(1)~~] the member contributions to the retirement
17 system, as determined by the retirement system, that the person
18 would have made had the person continued to be employed in the
19 person's former position covered by the retirement system during
20 the entire period of active duty in the armed forces for which the
21 person is to receive retirement credit [~~, and~~

22 [~~(2) a fee of five percent, compounded annually, of~~
23 ~~the required contribution from the date of the person's first~~
24 ~~eligibility to establish the credit to the date of deposit].~~

25 (d) To the extent required by the Uniformed Services
26 Employment and [Veteran's] Reemployment Rights Act of 1994 (38
27 U.S.C. Section 4301 et seq.), and permitted by Sections 401(a) and

1 415 of the Internal Revenue Code of 1986 (26 U.S.C. Sections 401 and
2 415), the retirement system may:

3 (1) grant the person service credit for the period of
4 active duty in the armed forces as if the person had been employed
5 in a position eligible for membership and credit with the
6 retirement system if the person establishes credit by making the
7 required deposits, or, if the person has not made the required
8 deposits, consider the period of active duty for the purpose of
9 determining whether the person meets the length-of-service
10 eligibility requirements for retirement or other benefits
11 administered by the retirement system as if the person had
12 established the credit; and

13 (2) include in relevant benefit computations under
14 this subtitle the annual compensation, as determined by the
15 retirement system, that would have been otherwise received by the
16 person for service covered by the retirement system during any year
17 in which the person had active duty in the armed forces.

18 SECTION 12. Subsection (c), Section 823.401, Government
19 Code, is amended to read as follows:

20 (c) A member eligible to establish credit under this section
21 is one who has at least five years of service credit in the
22 retirement system for actual service in public schools, including
23 at least one year completed after the relevant out-of-state
24 service.

25 SECTION 13. Subsections (c), (d), and (e), Section 823.402,
26 Government Code, are amended to read as follows:

27 (c) A member eligible to establish credit under this section

1 is one who:

2 (1) has at least five years of service credited
3 ~~[credit]~~ in the retirement system before the developmental leave
4 occurs; ~~and~~

5 (2) has, ~~[is an employee of a public school]~~ at the
6 time the required deposits for the credit are paid, at least one
7 year of membership service credit in the retirement system
8 following the developmental leave; and

9 (3) has at least five years of service credited in the
10 retirement system at the time the required deposits for the credit
11 are paid ~~is sought~~.

12 (d) On or before the date a member takes developmental
13 leave, the member must ~~[shall]~~ file with the retirement system a
14 notice of intent to take developmental leave, and the member's
15 employer must ~~[shall]~~ file with the retirement system a
16 certification that the leave meets the requirements of Subsection
17 (b). The notice of intent and the certification must be in the form
18 required by the retirement system. Leave is not creditable in the
19 retirement system if the member does not submit notice of intent and
20 obtain the certification required by this subsection.

21 (e) A member may establish credit under this section by
22 depositing with the retirement system for each year of
23 developmental leave certified the actuarial present value, at the
24 time of deposit, of the additional standard retirement annuity
25 benefits that would be attributable to the purchase of the service
26 credit under this section, based on rates and tables recommended by
27 the retirement system's actuary and adopted by the board of

1 trustees [~~claimed an amount equal to the sum of:~~

2 ~~[(1) the rate of member contributions required during~~
3 ~~the year of leave, times the member's annual rate of compensation~~
4 ~~during the member's most recent year of creditable service that~~
5 ~~preceded the year of leave; plus~~

6 ~~[(2) the amount that the state would have contributed~~
7 ~~had the member performed membership service during the year of~~
8 ~~leave at the member's annual rate of compensation during the most~~
9 ~~recent year of service that preceded the leave].~~

10 SECTION 14. Subsection (c), Section 823.501, Government
11 Code, is amended to read as follows:

12 (c) A member may reinstate canceled credit under this
13 section by depositing with the retirement system:

14 (1) the amount withdrawn or refunded; plus

15 (2) a reinstatement fee of eight [~~six~~] percent,
16 compounded annually, of the amount withdrawn or refunded from the
17 date of withdrawal or refund to the date of redeposit.

18 SECTION 15. Subchapter A, Chapter 824, Government Code, is
19 amended by adding Section 824.008 to read as follows:

20 Sec. 824.008. DEDUCTIONS FROM AMOUNTS PAYABLE BY THE
21 RETIREMENT SYSTEM. (a) Notwithstanding Section 821.005, the
22 retirement system may deduct the amount of a person's indebtedness
23 to the retirement system from an amount payable by the retirement
24 system to the person or the person's estate and the distributees of
25 the estate.

26 (b) If the retirement system makes a payment to a
27 participant who is deceased and the payment is not payable, the

1 retirement system may deduct the amount of the payment from any
2 amount payable by the retirement system to a person who received the
3 payment or to that person's estate and distributees of the estate.

4 SECTION 16. Section 824.1013, Government Code, is amended
5 by adding Subsection (c-1) to read as follows:

6 (c-1) Notwithstanding Subsection (c), a beneficiary
7 designated under this section is entitled on the retiree's death to
8 receive monthly payments of the survivor's portion of the retiree's
9 optional retirement annuity for the remainder of the beneficiary's
10 life if the beneficiary designated at the time of the retiree's
11 retirement is a trust and the beneficiary designated under this
12 section is the sole beneficiary of that trust.

13 SECTION 17. Subsection (a), Section 824.103, Government
14 Code, is amended to read as follows:

15 (a) Benefits payable on the death of a member or annuitant,
16 except an optional retirement annuity under Section 824.204(c)(1),
17 (c)(2), or (c)(5), are payable, and rights to elect survivor
18 benefits, if applicable, are available, to one of the classes of
19 persons described in Subsection (b), if:

20 (1) the member or annuitant fails to designate a
21 beneficiary before death;

22 (2) a designated beneficiary does not survive the
23 member or annuitant; ~~or~~

24 (3) a designated beneficiary, under Section 824.004,
25 waives claims to benefits payable on the death of the member or
26 annuitant;

27 (4) a beneficiary designation is revoked under Section

1 824.101(g); or

2 (5) a person is not eligible to receive a benefit under
3 Section 824.105.

4 SECTION 18. Section 824.105, Government Code, is amended by
5 amending Subsections (a), (c), and (d) and adding Subsection (f) to
6 read as follows:

7 (a) A benefit payable on the death of a member or annuitant
8 may not be paid to a person who has been convicted of causing that
9 death or who is otherwise ineligible under Subsection (f) but
10 instead is payable to a person who would be entitled to the benefit
11 had the convicted or otherwise ineligible person predeceased the
12 decedent.

13 (c) The retirement system shall reduce any annuity computed
14 in part on the age of the convicted or otherwise ineligible person
15 to a lump sum equal to the present value of the remainder of the
16 annuity. The reduced amount is payable to a person entitled as
17 provided by this section to receive the benefit.

18 (d) The retirement system is not required to pay benefits
19 under this section unless it receives actual notice of the
20 conviction or other ground of ineligibility of a beneficiary.
21 However, the retirement system may delay payment of a benefit
22 payable on the death of a member or annuitant pending the results of
23 a criminal investigation and of legal proceedings relating to the
24 cause of death.

25 (f) A person is ineligible to receive a benefit payable on
26 the death of a member or annuitant if the person is:

27 (1) found not guilty by reason of insanity under

1 Chapter 46C, Code of Criminal Procedure, of causing the death of the
2 member or annuitant; or
3 (2) the subject of an indictment, information,
4 complaint, or other charging instrument alleging that the person
5 caused the death of the member or annuitant and the person is
6 determined to be incompetent to stand trial under Chapter 46B, Code
7 of Criminal Procedure.

8 SECTION 19. Subsections (a-1) and (b-1), Section 824.202,
9 Government Code, are amended to read as follows:

10 (a-1) This subsection applies only to a person who becomes a
11 member of the retirement system on or after September 1, 2007
12 [~~2006~~]. A member subject to this subsection is eligible to retire
13 and receive a standard service retirement annuity if:

14 (1) the member is at least 65 years old and has at
15 least five years of service credit in the retirement system; or

16 (2) the member is at least 60 years old and has at
17 least five years of service credit in the retirement system and the
18 sum of the member's age and amount of service credit in the
19 retirement system equals the number 80.

20 (b-1) This subsection applies only to a person who becomes a
21 member of the retirement system on or after September 1, 2007
22 [~~2006~~]. If a member subject to this subsection is at least 55 years
23 old and has at least five years of service credit in the retirement
24 system, but does not meet the requirements under Subsection (d-1),
25 the member is eligible to retire and receive a service retirement
26 annuity reduced from the standard service retirement annuity
27 available under Subsection (a-1)(1), to a percentage derived from

1 the following table:

2 Age at date of	55	56	57	58	59	60	61	62	63	64	65
3 retirement											
4 Percentage of	47%	51%	55%	59%	63%	67%	73%	80%	87%	93%	100%
5 standard annuity											
6 receivable											

7 SECTION 20. Section 824.405, Government Code, is amended to
8 read as follows:

9 Sec. 824.405. TABLES FOR DETERMINATION OF DEATH BENEFIT
10 ANNUITY. For the purpose of computing a death benefit annuity under
11 Section 824.402(a)(4) or Section 824.403, the board of trustees
12 shall extend the tables[+

13 [~~(1)~~] in Section 824.202 [~~824.202(b) or (b-1), as~~
14 ~~applicable,~~] to ages earlier than indicated in the tables [~~55~~
15 ~~years~~] by actuarially reducing the benefit available under the
16 applicable table [~~at the age of 55 years~~] to the actuarial
17 equivalent at the attained age of the member [~~beneficiary, and~~

18 [~~(2) in Section 824.202(b) or (d-1), as applicable, to~~
19 ~~ages earlier than the earliest retirement age by actuarially~~
20 ~~reducing the benefit available at the earliest retirement age to~~
21 ~~the actuarial equivalent at the attained age of the beneficiary].~~

22 SECTION 21. Section 824.601, Government Code, is amended by
23 amending Subsection (b) and adding Subsection (b-1) to read as
24 follows:

25 (b) Except as provided by Subsection (b-1) or Section
26 824.602, a retiree is not entitled to service or disability
27 retirement benefit payments, as applicable, for any month in which

1 the retiree is employed in any position by a Texas public
2 educational institution.

3 (b-1) Subsection (b) does not apply to a retiree under
4 Section 824.202 whose effective date of retirement is on or before
5 January 1, 2011.

6 SECTION 22. Subsection (a), Section 824.602, Government
7 Code, as amended by Chapters 674 (S.B. 132) and 1359 (S.B. 1691),
8 Acts of the 79th Legislature, Regular Session, 2005, is reenacted
9 and amended to read as follows:

10 (a) Subject to Section 825.506, the retirement system may
11 not, under Section 824.601, withhold a monthly benefit payment if
12 the retiree is employed in a Texas public educational institution:

13 (1) as a substitute only with pay not more than the
14 daily rate of substitute pay established by the employer and, if the
15 retiree is a disability retiree, the employment has not exceeded a
16 total of 90 days in the school year;

17 (2) in a position, other than as a substitute, on no
18 more than a one-half time basis for the month;

19 (3) in one or more positions on as much as a full-time
20 basis, if the retiree has been separated from service with all Texas
21 public educational institutions for at least 12 full consecutive
22 months [~~work occurs in not more than six months of a school year~~
23 ~~that begins~~] after the retiree's effective date of retirement; or

24 (4) in a position, other than as a substitute, on no
25 more than a one-half time basis for no more than 90 days in the
26 school year, if the retiree is a disability retiree[+

27 [~~(5) in a position as a classroom teacher on as much as~~

1 ~~a full-time basis, if the retiree has retired under Section~~
2 ~~824.202(a) or (a-1), is certified under Subchapter B, Chapter 21,~~
3 ~~Education Code, to teach the subjects assigned, is teaching in an~~
4 ~~acute shortage area as determined by the board of trustees of a~~
5 ~~school district as provided by Subsection (m), and has been~~
6 ~~separated from service with all public schools for at least 12~~
7 ~~months,~~

8 ~~[(6) in a position as a principal, including as an~~
9 ~~assistant principal, on as much as a full-time basis, if the retiree~~
10 ~~has retired under Section 824.202(a) or (a-1) without reduction for~~
11 ~~retirement at an early age, is certified under Subchapter B,~~
12 ~~Chapter 21, Education Code, to serve as a principal, and has been~~
13 ~~separated from service with all public schools for at least 12~~
14 ~~months,~~

15 ~~[(7) as a bus driver for a school district on as much~~
16 ~~as a full-time basis, if the retiree has retired under Section~~
17 ~~824.202(a) or (a-1), and the retiree's primary employment is as a~~
18 ~~bus driver, or~~

19 ~~[(8) as a faculty member, during the period beginning~~
20 ~~with the 2005 fall semester and ending on the last day of the 2015~~
21 ~~spring semester, in an undergraduate professional nursing program~~
22 ~~or graduate professional nursing program, as defined by Section~~
23 ~~54.221, Education Code, and if the retiree has been separated from~~
24 ~~service with all public schools for at least 12 months].~~

25 SECTION 23. Subsection (g), Section 824.602, Government
26 Code, is amended to read as follows:

27 (g) The exceptions provided by Subsections (a)(2) and

1 (a)(3) do not apply to disability retirees. The retirement system
2 nevertheless may not withhold a monthly benefit payment under
3 Section 824.601 if:

4 (1) a disability retiree is employed in a Texas public
5 educational institution in a position, other than as a substitute,
6 for a period not to exceed three consecutive months [~~of the school~~
7 ~~year~~];

8 (2) the work occurs in a period, designated by the
9 disability retiree, of no more than three consecutive months [~~of a~~
10 ~~school year~~];

11 (3) the disability retiree executes on a form and at a
12 time prescribed by the retirement system a written election to have
13 this exception apply on a one-time trial basis in determining
14 whether benefits are to be suspended for the months of employment
15 after retirement and in determining whether a disability retiree is
16 no longer mentally or physically incapacitated for the performance
17 of duty; and

18 (4) the disability retiree has not previously elected
19 to avoid loss of monthly benefits [~~in a school year~~] under this
20 subsection.

21 SECTION 24. Section 824.603, Government Code, is amended to
22 read as follows:

23 Sec. 824.603. EXCLUSION FROM CREDIT. Employment of a
24 retiree described by Section 824.601(b-1) or 824.602(a) does not
25 entitle the [~~a~~] retiree to additional service credit, and the
26 retiree so employed is not required to make contributions to the
27 system from compensation for that employment.

1 SECTION 25. Section 825.002, Government Code, is amended by
2 amending Subsections (f) and (g) and adding Subsection (h) to read
3 as follows:

4 (f) Persons considered for nomination under Subsection (c),
5 (d), or (e) must have been nominated [~~by written ballot~~] at an
6 election conducted under rules adopted by the board of trustees.

7 (g) To provide for the nomination of persons for appointment
8 under Subsection (d), the board shall send to each retiree of the
9 retirement system:

10 (1) notice of the deadline for filing as a candidate
11 for nomination;

12 (2) information on procedures to follow in filing as a
13 candidate; and

14 (3) instructions on how to request a paper ballot or
15 vote in another manner established by the board, including by
16 telephone or other electronic means [~~a written ballot~~].

17 (h) If only two persons are nominated under Subsection (c),
18 (d), or (e), the governor shall appoint a member of the board to the
19 applicable trustee position from the slate of two nominated
20 persons. If only one person is nominated under Subsection (c), (d),
21 or (e), the governor shall appoint that person to the applicable
22 trustee position. If no member or retiree is nominated for a
23 position under Subsection (c), (d), or (e), the governor shall
24 appoint to the applicable trustee position a person who otherwise
25 meets the qualifications required for the position.

26 SECTION 26. Subsection (c), Section 825.206, Government
27 Code, is amended to read as follows:

1 (c) The board of trustees annually shall evaluate the
2 performance of the actuary during the previous year. At least once
3 every four [~~three~~] years, the board shall redesignate its actuary
4 after advertising for and reviewing proposals from providers of
5 actuarial services.

6 SECTION 27. Section 825.215, Government Code, is amended to
7 read as follows:

8 Sec. 825.215. ADVOCACY PROHIBITED. (a) An employee of the
9 retirement system may not advocate increased benefits or engage in
10 activities to advocate or influence legislative action or inaction.
11 Advocacy or activity of this nature is grounds for dismissal of an
12 employee.

13 (b) This section does not prohibit comments by an employee
14 of the retirement system on federal laws, regulations, or other
15 official actions or proposed actions affecting or potentially
16 affecting the retirement system that are made in accordance with
17 policies adopted by the board.

18 SECTION 28. Section 825.315, Government Code, is amended to
19 read as follows:

20 Sec. 825.315. PROHIBITED USE OF ASSETS. (a) Assets of the
21 retirement system may not be used to advocate or influence the
22 outcome of an election or the passage or defeat of any legislative
23 measure. This prohibition may not be construed to prevent any
24 trustee or employee from furnishing information in the hands of the
25 trustee or employee that is not considered confidential under law
26 to a member or committee of the legislature, to any other state
27 officer or employee, or to any private citizen, at the request of

1 the person or entity to whom the information is furnished. This
2 prohibition does not apply to the incidental use of retirement
3 system facilities by groups of members or retirees or by officers or
4 employees of state agencies.

5 (b) This section does not prohibit the use of system assets
6 by an employee of the retirement system to comment on federal laws,
7 regulations, or other official actions or proposed actions
8 affecting or potentially affecting the retirement system that are
9 made in accordance with policies adopted by the board.

10 SECTION 29. Subsections (h) and (j), Section 825.403,
11 Government Code, are amended to read as follows:

12 (h) If deductions were previously required but not paid, the
13 retirement system may not provide benefits based on the service or
14 compensation unless the deposits required by this section have been
15 fully paid. The person's employer at the time the unreported
16 service was rendered or compensation was paid must verify the
17 service or compensation as required by Subsection (j) and the
18 person must submit the verification to the retirement system not
19 later than five years after ~~[member shall pay the amount of those~~
20 ~~deductions plus a fee computed at a rate of five percent a year on~~
21 ~~the unpaid amount from]~~ the end of the school year in which the
22 service was rendered or compensation was paid. To establish the
23 service or compensation credit, the person must deposit with the
24 retirement system the actuarial present value, at the time of
25 deposit, of the additional standard retirement annuity benefits
26 that would be attributable to the purchase of service or
27 compensation credit under this section, based on rates and tables

1 recommended by the retirement system's actuary and adopted by the
2 board of trustees [~~deductions first became due or the end of the~~
3 ~~1974-75 school year, whichever is later, to the date of payment~~].

4 The board of trustees shall:

5 (1) prescribe terms for payments under this
6 subsection; and

7 (2) credit the person [~~member~~] for prior service to
8 which the person [~~member~~] is entitled under this subtitle[~~, and~~

9 [~~(3) deposit the fee required by this subsection in~~
10 ~~the state contribution account~~].

11 (j) If deductions were previously required [~~of a member~~] but
12 not paid, proof of service satisfactory to the retirement system
13 must be made before service credit is granted or payment for the
14 credit is required. Proof of service is sufficient if the person's
15 [~~member's~~] employer documents that the employer has records made at
16 or near the time of service that establish the amount of time worked
17 and salary earned. [~~A member may submit in lieu of employer~~
18 ~~documentation internal revenue, social security, bank, or other~~
19 ~~written records that were made at or near the time of service and~~
20 ~~that establish the amount of time worked and salary earned.~~] An
21 affidavit based on memory without written records made at or near
22 the time of service is not sufficient documentation for the
23 establishment of service credit. The retirement system may audit
24 records used for documentation under this subsection. A person who
25 does not obtain proof of service as required by this section may not
26 establish the service or compensation credit.

27 SECTION 30. Section 825.408, Government Code, is amended to

1 read as follows:

2 Sec. 825.408. INTEREST ON CONTRIBUTIONS AND FEES; DEPOSITS
3 IN TRUST. (a) An employer [~~employing district~~] that fails to
4 remit, before the seventh day after the last day of a month, all
5 member and employer deposits and documentation of the deposits
6 required by this subchapter to be remitted by the employer
7 [~~district~~] for the month shall pay to the retirement system, in
8 addition to the deposits, interest on the unpaid or undocumented
9 amounts at an annual rate compounded monthly. The rate of interest
10 is the rate established under Section 825.313(b)(1), plus two
11 percent. Interest required under this section is creditable to the
12 interest account. On request, the retirement system may grant a
13 waiver of the deadline imposed by this subsection based on an
14 employer's [~~a district's~~] financial or technological resources.

15 (b) An employer [~~employing district~~] and its trustees or
16 other governing body hold amounts due to the retirement system
17 under this subtitle in trust for the retirement system and its
18 members and may not divert the amounts to any other purpose.

19 SECTION 31. Subsection (b), Section 825.507, Government
20 Code, is amended to read as follows:

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

24 (1) the participant or the participant's attorney or
25 guardian or another person who the executive director determines is
26 acting on behalf of the participant;

27 (2) the executor or administrator of the deceased

1 participant's estate, including information relating to the
2 deceased participant's beneficiary, or if an executor or
3 administrator of the deceased participant's estate has not been
4 named, a person or entity who the executive director determines is
5 acting in the interest of the deceased participant's estate, or an
6 heir, legatee, or devisee of the deceased participant;

7 (3) a spouse or former spouse of the participant if the
8 executive director determines that the information is relevant to
9 the spouse's or former spouse's interest in member accounts,
10 benefits, or other amounts payable by the retirement system;

11 (4) an administrator, carrier, consultant, attorney,
12 or agent acting on behalf of the retirement system;

13 (5) a governmental entity, an employer, or the
14 designated agent of an employer, only to the extent the retirement
15 system needs to share the information to perform the purposes of the
16 retirement system, as determined by the executive director;

17 (6) a person authorized by the participant in writing
18 to receive the information;

19 (7) a federal, state, or local criminal law
20 enforcement agency that requests a record for a law enforcement
21 purpose;

22 (8) the attorney general to the extent necessary to
23 enforce child support; or

24 (9) a party in response to a subpoena issued under
25 applicable law if the executive director determines that the
26 participant will have a reasonable opportunity to contest the
27 subpoena.

1 SECTION 32. Subsection (a), Section 825.515, Government
2 Code, is amended to read as follows:

3 (a) At least annually, the retirement system shall acquire
4 and maintain records identifying members and the types of positions
5 they hold as members. The type of position shall be identified as
6 Administrative/Professional, Teacher/Full-Time Librarian,
7 Support, ~~[or]~~ Bus Driver, or Peace Officer. For each member
8 identified as a Peace Officer, the records must specify whether the
9 member is an employee of an institution of higher education or of a
10 public school that is not an institution of higher education. An
11 employer shall provide the information required by this section in
12 the form and manner specified by the retirement system.

13 SECTION 33. Subdivision (1), Section 1575.003, Insurance
14 Code, is amended to read as follows:

15 (1) "Dependent" means:
16 (A) the spouse of a retiree;
17 (B) an unmarried child of a retiree or deceased
18 active member if the child is younger than 25 years of age,
19 including:
20 (i) an adopted child;
21 (ii) a foster child, stepchild, or other
22 child who is in a regular parent-child relationship; or
23 (iii) a recognized natural child;
24 (C) a retiree's recognized natural child,
25 adopted child, foster child, stepchild, or other child who is in a
26 regular parent-child relationship and who lives with or has his or
27 her care provided by the retiree or surviving spouse on a regular

1 basis regardless of the child's age, if the child has a mental
2 disability [~~is mentally retarded~~] or is physically incapacitated to
3 an extent that the child is dependent on the retiree or surviving
4 spouse for care or support, as determined by the trustee; or

5 (D) a deceased active member's recognized
6 natural child, adopted child, foster child, stepchild, or other
7 child who is in a regular parent-child relationship, without regard
8 to the age of the child, if, while the active member was alive, the
9 child:

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

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

16 SECTION 34. Section 1575.206, Insurance Code, is amended to
17 read as follows:

18 Sec. 1575.206. CONTRIBUTIONS HELD IN TRUST FOR FUND. An
19 employing public school [~~district~~] and its governing body
20 [~~trustees~~]:

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

23 (2) may not divert the contributions for any other
24 purpose.

25 SECTION 35. Section 1575.207, Insurance Code, is amended to
26 read as follows:

27 Sec. 1575.207. INTEREST ASSESSED ON LATE PAYMENT OF

1 DEPOSITS BY EMPLOYING PUBLIC SCHOOLS [~~SCHOOL DISTRICTS~~]. (a) An
2 employing public school [~~district~~] that does not remit to the
3 trustee all contributions required by this subchapter before the
4 seventh day after the last day of the month shall pay to the fund:

- 5 (1) the contributions; and
- 6 (2) interest on the unpaid amounts at the annual rate
7 of six percent compounded monthly.

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

11 SECTION 36. Section 1579.004, Insurance Code, is amended to
12 read as follows:

13 Sec. 1579.004. DEFINITION OF DEPENDENT. In this chapter,
14 "dependent" means:

15 (1) a spouse of a full-time employee or part-time
16 employee;

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

19 (A) an adopted child;

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

22 (C) a recognized natural child;

23 (3) a full-time or part-time employee's recognized
24 natural child, adopted child, foster child, stepchild, or other
25 child who is in a regular parent-child relationship and who lives
26 with or has his or her care provided by the employee or the
27 surviving spouse on a regular basis, regardless of the child's age,

1 if the child has a mental disability [~~is mentally retarded~~] or is
2 physically incapacitated to an extent that the child is dependent
3 on the employee or surviving spouse for care or support, as
4 determined by the board of trustees; and

5 (4) notwithstanding any other provision of this code,
6 any other dependent of a full-time or part-time employee specified
7 by rules adopted by the board of trustees.

8 SECTION 37. Section 1601.004(a), Insurance Code, is amended
9 to read as follows:

10 (a) In this chapter, "dependent," with respect to an
11 individual eligible to participate in the uniform program under
12 Section 1601.101 or 1601.102, means the individual's:

13 (1) spouse;

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

16 (3) child of any age who the system determines lives
17 with or has the child's care provided by the individual on a regular
18 basis if the child has a mental disability [~~is mentally retarded~~] or
19 is physically incapacitated to the extent that the child is
20 dependent on the individual for care or support, as determined by
21 the system, and:

22 (A) if the child is at least 26 years of age, the
23 child's coverage under this chapter has not lapsed, and the child
24 was enrolled as a participant in the health benefits coverage under
25 the uniform program on the date of the child's 26th birthday; or

26 (B) as to a child of an individual eligible to
27 participate as an employee under Section 1601.101, if, at the time

1 of the individual's initial enrollment in health benefits coverage
2 under the uniform program, the child is at least 26 years of age and
3 is enrolled in comparable coverage, as determined by the system,
4 under the individual's previous health benefits coverage.

5 SECTION 38. Subchapter C, Chapter 1601, Insurance Code, is
6 amended by adding Section 1601.111 to read as follows:

7 Sec. 1601.111. PROGRAMS PROMOTING DISEASE PREVENTION,
8 WELLNESS, AND HEALTH. A system may establish premium discounts,
9 surcharges, rebates, or a revision in otherwise applicable
10 copayments, coinsurance, or deductibles, or any combination of
11 those incentives, for an individual who participates in
12 system-approved programs promoting disease prevention, wellness,
13 and health.

14 SECTION 39. Section 1601.201, Insurance Code, is amended by
15 adding Subsection (e) to read as follows:

16 (e) Subsection (c) does not prohibit a system from
17 contributing, from money not appropriated from the general revenue
18 fund, amounts in excess of the amount specified by that subsection
19 for an individual:

- 20 (1) who is a tenured faculty member; and
21 (2) with whom the system has entered into a phased
22 retirement agreement under which the individual works less than 40
23 hours a week for a specified period at the end of which the
24 individual will retire.

25 SECTION 40. Subchapter E, Chapter 1601, Insurance Code, is
26 amended by adding Section 1601.2041 to read as follows:

27 Sec. 1601.2041. EMPLOYEE DEDUCTION FOR AUTOMATIC COVERAGE.

1 Each individual automatically enrolled in the uniform program under
2 Section 1601.104 is considered to have authorized a deduction from
3 the participant's monthly compensation in an amount equal to the
4 difference between:

5 (1) the total cost for basic coverage; and

6 (2) the amount contributed by the system.

7 SECTION 41. (a) The following provisions of the Government
8 Code are repealed:

9 (1) Subsection (i), Section 823.401;

10 (2) Subsections (g) and (h), Section 823.402;

11 (3) Subsection (e), Section 823.501;

12 (4) Subsections (c), (d), (m), (p), and (q), Section
13 824.602; and

14 (5) Section 825.3021.

15 (b) Section 57, Chapter 1359 (S.B. 1691), Acts of the 79th
16 Legislature, Regular Session, 2005, is repealed.

17 SECTION 42. The change in law made by this Act to Section
18 804.003, Government Code, applies only to a qualified domestic
19 relations order entered on or after the effective date of this Act.
20 A qualified domestic relations order entered before the effective
21 date of this Act is governed by the law in effect immediately before
22 that date, and the former law is continued in effect for that
23 purpose.

24 SECTION 43. Subdivision (15), Section 821.001, Government
25 Code, as amended by this Act, applies beginning with the 2012-2013
26 school year.

27 SECTION 44. A member of the Teacher Retirement System of

1 Texas who seeks credit under Subsection (b), Section 823.002,
2 Government Code, as added by this Act, for service rendered before
3 September 1, 2011, but not properly credited to a member's annual
4 statement, must notify the retirement system not later than the
5 date specified in Subsection (b), Section 823.002, Government Code,
6 as added by this Act, or August 31, 2016, whichever is later.

7 SECTION 45. Subsections (d) and (e), Section 823.401,
8 Government Code, as amended by Section 10, Chapter 1359 (S.B.
9 1691), Acts of the 79th Legislature, Regular Session, effective
10 September 1, 2005, apply to a person who was a member of the Teacher
11 Retirement System of Texas on December 31, 2005, and to
12 out-of-state service performed before January 1, 2006,
13 notwithstanding Section 57 of that Act.

14 SECTION 46. The changes in law made by this Act to Section
15 824.105, Government Code, apply only to the death of a member or
16 annuitant of the Teacher Retirement System of Texas that is caused
17 by conduct that occurs on or after the effective date of this Act.
18 The death of a member or annuitant that is caused by conduct that
19 occurs before the effective date of this Act is governed by the law
20 in effect immediately before that date, and the former law is
21 continued in effect for that purpose.

22 SECTION 47. (a) A person who resumed employment after
23 retirement and whose benefit payments were suspended under Section
24 824.601, Government Code, as that section existed before amendment
25 by this Act, is entitled to the resumption of monthly benefit
26 payments if the person meets the requirements of Subsection (b-1),
27 Section 824.601, Government Code, as added by this Act, or Section

1 824.602, Government Code, as amended by this Act.

2 (b) The Teacher Retirement System of Texas shall resume
3 making monthly benefit payments to a person described by Subsection
4 (a) of this section on the first payment date occurring on or after
5 the effective date of this Act.

6 (c) A person who is entitled to the resumption of monthly
7 benefit payments under this section is not entitled to recover
8 benefit payments not made during the period the person's benefit
9 was suspended under Section 824.601, Government Code, as that
10 section existed before amendment by this Act.

11 SECTION 48. The change in law made by this Act to Section
12 825.002, Government Code, applies only to a vacancy on the board of
13 trustees of the Teacher Retirement System of Texas for a term that
14 expires on or after the effective date of this Act. A vacancy for a
15 term that expires before the effective date of this Act is governed
16 by the law in effect immediately before that date, and the former
17 law is continued in effect for that purpose.

18 SECTION 49. For unreported service rendered or unreported
19 compensation paid before the effective date of this Act, the
20 verification required under Subsection (h), Section 825.403,
21 Government Code, as amended by this Act, must be received by the
22 Teacher Retirement System of Texas not later than August 31, 2016.

23 SECTION 50. (a) Notwithstanding the service credit cost
24 provisions of Section 45 of this Act and Subsection (e), Section
25 823.402, Subdivision (2), Subsection (c), Section 823.501, and
26 Subsection (h), Section 825.403, Government Code, as amended by
27 this Act, a person may establish service credit by paying the

1 deposits and fees required under Sections 823.402, 823.501, and
2 825.403, Government Code, and by Section 57, Chapter 1359 (S.B.
3 1691), Acts of the 79th Legislature, Regular Session, 2005, as
4 those sections existed before amendment or repeal by this Act, if:

5 (1) the person otherwise meets all eligibility
6 requirements under those sections as amended by this Act;

7 (2) the service for which credit is sought to be
8 established was rendered, or the compensation for which credit is
9 sought was paid, before the effective date of this Act; and

10 (3) the person makes payment for the service credit,
11 or enters into an installment agreement for payment, not later than
12 August 31, 2013.

13 (b) If a person has an installment agreement under
14 Subsection (a) of this section that is terminated after August 31,
15 2013, before the person has made all of the payments, the person may
16 establish credit only as provided by Sections 823.402, 823.501, and
17 825.403, Government Code, as amended by this Act, and by Section 45
18 of this Act.

19 SECTION 51. The change in law made by this Act to Subsection
20 (b), Section 825.507, Government Code, applies only to the release
21 of records by the Teacher Retirement System of Texas on or after the
22 effective date of this Act. The release of records before the
23 effective date of this Act is governed by the law in effect
24 immediately before that date, and the former law is continued in
25 effect for that purpose.

26 SECTION 52. (a) Notwithstanding Subsection (a), Section
27 825.404, Government Code, for the state fiscal year ending August

1 31, 2012, the amount of the state contribution to the Teacher
2 Retirement System of Texas under that section may be less than the
3 amount contributed by members during that fiscal year.

4 (b) Notwithstanding Subsection (a), Section 1575.202,
5 Insurance Code, for the state fiscal year ending August 31, 2013,
6 the state may contribute an amount to the retired school employees
7 group insurance fund that is less than one percent of the salary of
8 each active employee.

9 SECTION 53. To the extent of any conflict, this Act prevails
10 over another Act of the 82nd Legislature, Regular Session, 2011,
11 relating to nonsubstantive additions to and corrections in enacted
12 codes.

13 SECTION 54. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2011.