

By: Duncan

S.B. No. 1459

A BILL TO BE ENTITLED

AN ACT

relating to the Employees Retirement System of Texas.

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

SECTION 1. Section 411.1402(a), Government Code, is amended to read as follows:

Sec. 411.1402. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYEES RETIREMENT SYSTEM OF TEXAS. (a) The Employees Retirement System of Texas is entitled to obtain from the department, the Federal Bureau of Investigation Criminal Justice Information Services Division, or another law enforcement agency criminal history record information maintained by the department, division, or agency that relates to a person who is:

(1) an applicant for employment with, or who is or has been employed by, the retirement system;

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

(3) a candidate for appointment or election to the board of trustees of the retirement system or an advisory committee to that board.

SECTION 2. Section 812.003(b), Government Code, is amended to read as follows:

(b) An office or employment that is included in the coverage of the Teacher Retirement System of Texas, the Judicial Retirement

1 System of Texas Plan One, ~~[or]~~ the Judicial Retirement System of
2 Texas Plan Two, or is with a university system or institution of
3 higher education, as defined by Section 61.003, Education Code, is
4 not a position with a department, commission, board, agency, or
5 institution of the state for purposes of this subtitle.

6 SECTION 3. Section 813.302(b), Government Code, is amended
7 to read as follows:

8 (b) A member eligible to establish military service credit
9 is one who:

10 (1) does not receive and is not eligible to receive
11 federal retirement payments based on 20 years or more of active
12 federal military duty ~~[or its equivalent]~~;

13 (2) has been released from military duty under
14 conditions not dishonorable; and

15 (3) has credit in the retirement system for membership
16 service performed after the member's date of release from active
17 military duty.

18 SECTION 4. Section 814.1081(a), Government Code, is amended
19 to read as follows:

20 Sec. 814.1081. CHANGE IN ANNUITY SELECTION. (a) A person
21 who retired and selected an optional service retirement annuity
22 described by Section 814.108(c)(1), (c)(2), or (c)(5) may change
23 the optional annuity selection to the selection of a standard
24 service retirement annuity by filing with the retirement system a
25 request to change the annuity selection, if the retiree designated
26 a person as beneficiary who:

27 (1) was not at the time of designation and is not

1 currently the retiree's spouse or dependent child; ~~or~~

2 (2) has executed since the designation a written,
3 notarized instrument that releases the retirement system from any
4 claim by the beneficiary to the annuity and that transfers all
5 ~~transfer and release, approved by a court of competent jurisdiction~~
6 ~~pursuant to a divorce decree,~~ of the beneficiary's interest in the
7 annuity to the retiree, and is not currently the retiree's spouse or
8 dependent child; or

9 (3) was ordered by a court of competent jurisdiction
10 pursuant to a divorce decree to change the annuity selection to a
11 standard service retirement annuity.

12 SECTION 5. Section 838.103(b), Government Code, is amended
13 to read as follows:

14 (b) A member eligible to establish military service credit
15 is one who:

16 (1) has at least eight years of service credit in the
17 retirement system;

18 (2) does not receive and is not eligible to receive
19 federal retirement payments based on 20 years or more of active
20 federal military duty [~~or its equivalent~~]; and

21 (3) has been released from military duty under
22 conditions not dishonorable.

23 SECTION 6. Section 1551.104(b), Insurance Code, is amended
24 to read as follows:

25 (b) In this section, "child" includes:

26 (1) a natural child, adopted child, stepchild, ~~or~~
27 foster child, or child in the possession of a person designated

1 managing conservator in an irrevocable or unrevoked affidavit of
2 relinquishment under Chapter 161, Family Code; or

3 (2) a child who is related by blood or marriage and was
4 claimed as a dependent on the federal income tax return of an
5 individual who is eligible to participate in the group benefits
6 program under Section 1551.101 or 1551.102 for the calendar year
7 preceding the plan year in which the child is first enrolled as a
8 dependent under Subchapter D, and for each subsequent year in which
9 the child is enrolled as a dependent.

10 SECTION 7. Sections 1551.1055(a) and (b), Insurance Code,
11 are amended to read as follows:

12 Sec. 1551.1055. DATE ELIGIBILITY BEGINS; WAITING PERIOD.

13 (a) Except as provided by Subsection (c) or (d), eligibility under
14 Section 1551.101 begins not later than [~~on the first day of the~~
15 ~~calendar month that begins after~~] the 90th day after the date the
16 employee performs services for a state agency or is qualified for
17 and begins to hold elected or appointed office.

18 (b) Except as provided by Subsection (c), eligibility under
19 Section 1551.102, for an individual who does not retire at the end
20 of the last month for which the individual is on the payroll of a
21 state agency before retirement, begins not later than the [~~on the~~
22 ~~first day of the calendar month that begins after~~] 90th day after
23 the date the individual retires.

24 SECTION 8. Section 1551.158(a), Insurance Code, is amended
25 to read as follows:

26 (a) A dependent child who is unmarried and whose coverage
27 under this chapter ends when the child becomes 26 [~~25~~] years of age

1 may, on expiration of continuation coverage under the Consolidated
2 Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272),
3 reinstate health benefit plan coverage under this chapter if the
4 child, or the child's participating parent, pays the full cost of
5 the health benefit plan coverage.

6 SECTION 9. The following sections are repealed:

7 (1) Sections 840.401, Government Code; and

8 (2) Sections 1551.321, Insurance Code.

9 SECTION 10. This Act takes effect on September 1, 2013.