

By: Stephenson

H.B. No. 3890

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting benefits for same-sex spouses under a public retirement system.

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

SECTION 1. Section 6.204(c), Family Code, is amended to read as follows:

(c) The state or an agency or political subdivision of the state, including a public retirement system as that term is defined by Section 802.001, Government Code, may not give effect to a:

(1) public act, record, or judicial proceeding that creates, recognizes, or validates a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction; or

(2) right or claim to any legal protection, benefit, or responsibility asserted as a result of a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction.

SECTION 2. Chapter 810, Government Code, is amended by adding Section 810.003 to read as follows:

Sec. 810.003. PROHIBITION ON BENEFITS FOR SAME-SEX SPOUSE.

(a) In this section:

(1) "Public retirement system" has the meaning assigned by Section 802.001.

(2) "Spouse" includes the terms "husband," "wife," and

1 "marital partner" and a partner in a civil union.

2 (b) Notwithstanding any other law, rule, or policy of a
3 public retirement system, a same-sex spouse of a member or retiree
4 of a public retirement system may not be considered eligible for
5 benefits provided by the system under a law, rule, or policy that
6 defines the term "spouse" in a way that includes or allows the
7 spouse of the member or retiree to be a person of the same sex as the
8 member or retiree.

9 (c) A public retirement system may not adopt a rule or
10 policy that would make a same-sex spouse eligible for benefits
11 under the retirement system by:

12 (1) defining the term "spouse" in a way that includes
13 or allows the spouse of a member or retiree to be a person of the
14 same sex as the member or retiree; or

15 (2) using means other than those described by
16 Subdivision (1).

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2015.