

By: Swanson

H.B. No. 4203

A BILL TO BE ENTITLED

AN ACT

relating to rights to certain benefits accrued in the Texas County and District Retirement System.

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

SECTION 1. Sections 841.0091(b) and (c), Government Code, are amended to read as follows:

(b) Following a division described by Subsection (a), the portion of the accrued benefit awarded the alternate payee is considered the alternate payee's sole and separate property in which the member has no interest. The board of trustees by rule shall ensure that [~~define and specify~~] the rights and responsibilities of the alternate payee and the terms and features of the benefit awarded the alternate payee under the order are equal to the rights attained by the member or the member's beneficiary, but in no event may the alternate payee vest in the accrued benefit before the member vests or attain greater rights than are attained by the member or the member's beneficiary.

(c) Notwithstanding Section 804.101, the board of trustees by rule shall [~~may~~] prescribe terms, equal to the terms prescribed for a member, on which the interest awarded the alternate payee under a qualified domestic relations order described by this section may be transferred at the alternate payee's death.

SECTION 2. Not later than December 1, 2017, the board of trustees of the Texas County and District Retirement System shall

1 adopt the rules necessary to implement Section 841.0091, Government
2 Code, as amended by this Act.

3 SECTION 3. The change in law made by this Act to Section
4 841.0091, Government Code, applies only to a qualified domestic
5 relations order entered or amended on or after January 1, 2018. A
6 qualified domestic relations order entered or amended before
7 January 1, 2018, is governed by the law as it existed immediately
8 before the effective date of this Act, and that law is continued in
9 effect for that purpose.

10 SECTION 4. This Act takes effect September 1, 2017.