

By: Fallon

S.B. No. 730

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the nonconfidential status of certain state pension  
3 information.

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

5 SECTION 1. Section 552.0038, Government Code, is amended by  
6 amending Subsections (c), (h), and (i) and adding Subsection (h-1)  
7 to read as follows:

8 (c) Except as provided by Subsection (h-1), records  
9 [~~Records~~] of individual members, annuitants, retirees,  
10 beneficiaries, alternate payees, program participants, or persons  
11 eligible for benefits from a retirement system under a retirement  
12 plan or program administered by the retirement system that are in  
13 the custody of the system or in the custody of an administering  
14 firm, a carrier, or another governmental agency, including the  
15 comptroller, acting in cooperation with or on behalf of the  
16 retirement system are confidential and not subject to public  
17 disclosure. The retirement system, administering firm, carrier, or  
18 governmental agency is not required to accept or comply with a  
19 request for a record or information about a record or to seek an  
20 opinion from the attorney general because the records are exempt  
21 from the provisions of this chapter, except as otherwise provided  
22 by this section.

23 (h) Except as provided by Subsection (h-1), the [~~The~~]  
24 retirement system has sole discretion in determining whether a

1 record is subject to this section. For purposes of this section, a  
2 record includes any identifying information about a person, living  
3 or deceased, who is or was a member, annuitant, retiree,  
4 beneficiary, alternate payee, program participant, or person  
5 eligible for benefits from the retirement system under any  
6 retirement plan or program administered by the retirement system.

7 (h-1) This subsection applies only to a person who is or was  
8 a member of the legislature and receives a service retirement  
9 annuity from the Employees Retirement System of Texas. For a person  
10 to whom this subsection applies, the Employees Retirement System of  
11 Texas may not withhold as confidential the person's name or the  
12 amount of the person's annuity.

13 (i) Except as provided by Subsection (h-1), to [To] the  
14 extent of a conflict between this section and any other law with  
15 respect to the confidential information held by a public retirement  
16 system or other entity described by Subsection (c) concerning an  
17 individual member, annuitant, retiree, beneficiary, alternate  
18 payee, program participant, or person eligible for benefits from  
19 the retirement system, the prevailing provision is the provision  
20 that provides the greater substantive and procedural protection for  
21 the privacy of information concerning that individual member,  
22 annuitant, retiree, beneficiary, alternate payee, program  
23 participant, or person eligible for benefits.

24 SECTION 2. Sections 815.503(a) and (e), Government Code,  
25 are amended to read as follows:

26 (a) Except as provided by Section 552.0038(h-1), records  
27 ~~[Records]~~ of members, annuitants, retirees, beneficiaries, and

1 alternate payees under retirement plans administered by the  
2 retirement system that are in the custody of the system or of an  
3 administering firm, carrier, or other governmental agency acting in  
4 cooperation with or on behalf of the retirement system are  
5 confidential and not subject to public disclosure, and the  
6 retirement system, administering firm, carrier, or governmental  
7 agency is not required to accept or comply with a request for a  
8 record or information about a record or to seek an opinion from the  
9 attorney general, because the records are exempt from the public  
10 access provisions of Chapter 552, except as otherwise provided by  
11 this section.

12 (e) Except as provided by Section 552.0038(h-1), the [The]  
13 retirement system has sole discretion in determining if a record is  
14 subject to this section. For purposes of this section, a record  
15 includes any identifying information about a person, living or  
16 deceased, who is or was a member, annuitant, retiree, beneficiary,  
17 or alternate payee, under any retirement plan or program  
18 administered by the retirement system.

19 SECTION 3. Section 552.0038(h-1), Government Code, as added  
20 by this Act, applies only to a request for information received by  
21 the Employees Retirement System of Texas on or after the effective  
22 date of this Act. A request for information received before that  
23 date is governed by the law in effect on the date the request is  
24 received, and that law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2019.