

1 AN ACT

2 relating to systems and programs administered by the Employees
3 Retirement System of Texas.

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

5 SECTION 1. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.1402 to read as follows:

7 Sec. 411.1402. ACCESS TO CRIMINAL HISTORY RECORD
8 INFORMATION: EMPLOYEES RETIREMENT SYSTEM OF TEXAS. (a) The
9 Employees Retirement System of Texas is entitled to obtain from the
10 department criminal history record information maintained by the
11 department that relates to a person who is an applicant for
12 employment with, or who is or has been employed by, the retirement
13 system.

14 (b) Criminal history record information obtained by the
15 Employees Retirement System of Texas under Subsection (a) may be
16 used only to evaluate an applicant for employment with, or a current
17 or former employee of, the retirement system.

18 (c) The Employees Retirement System of Texas may not release
19 or disclose information obtained under Subsection (a) except on
20 court order.

21 (d) After the expiration of any probationary term of the
22 person's employment or not later than the 180th day after the date
23 of receipt of the information, whichever is later, the Employees
24 Retirement System of Texas shall destroy all criminal history

1 record information obtained under Subsection (a).

2 SECTION 2. Subdivision (2-a), Section 609.001, Government
3 Code, is amended to read as follows:

4 (2-a) "Institution of higher education" means an
5 institution of higher education as defined by Section 61.003,
6 Education Code [~~, other than a public junior college~~].

7 SECTION 3. Section 811.001, Government Code, is amended by
8 adding Subdivision (8-a) to read as follows:

9 (8-a) "Good cause" means that a person's failure to act
10 was not because of a lack of due diligence the exercise of which
11 would have caused a reasonable person to take prompt and timely
12 action. A failure to act based on ignorance of the law or facts
13 reasonably discoverable through the exercise of due diligence does
14 not constitute good cause.

15 SECTION 4. Section 812.003, Government Code, is amended to
16 read as follows:

17 Sec. 812.003. MEMBERSHIP IN EMPLOYEE CLASS. (a) Except as
18 provided by Subsections [~~Subsection~~] (b) and (d), membership in the
19 employee class of the retirement system includes all employees and
20 appointed officers of every department, commission, board, agency,
21 or institution of the state except:

22 (1) independent contractors and their employees
23 performing work for the state; and

24 (2) persons disqualified from membership under
25 Section 812.201.

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

1 System of Texas Plan One, or the Judicial Retirement System of Texas
2 Plan Two is not a position with a department, commission, board,
3 agency, or institution of the state for purposes of this subtitle.

4 (c) Membership in the employee class is mandatory for
5 eligible persons.

6 (d) Membership [~~For persons whose employment or office~~
7 ~~holding begins on or after September 1, 2005, membership in the~~
8 ~~employee class begins on the first day the person is employed or~~
9 ~~holds office.~~

10 [~~(e) For persons whose employment or office holding begins~~
11 ~~before September 1, 2005, membership]~~ in the employee class begins
12 on the 91st day after the first day a person is employed or holds
13 office.

14 (e) [~~(f)~~] A person who is reemployed or who again holds
15 office after withdrawing contributions under Subchapter B for
16 previous service credited in the employee class begins membership
17 in the employee class on the 91st day after the first day the person
18 is reemployed or again holds office.

19 (f) A [~~(g) Notwithstanding any other provision of law, a~~
20 member may establish service credit only as provided by Section
21 813.514 for service performed during the 90-day waiting period
22 provided by Subsection (d) or (e) [~~or (f)~~].

23 [~~(h) Subsections (e), (f), and (g) and this subsection~~
24 ~~expire September 1, 2005.~~]

25 SECTION 5. Subsection (a), Section 812.005, Government
26 Code, is amended to read as follows:

27 (a) A person's membership in the retirement system is

1 terminated by:

2 (1) death of the person;

3 (2) retirement based on service credited in all
4 classes of membership in which the person has service credit; or

5 (3) withdrawal of all of the person's accumulated
6 contributions [~~or~~

7 [~~(4) transfer of the person's accumulated~~
8 ~~contributions under Section 815.502(e)].~~

9 SECTION 6. Subchapter A, Chapter 812, Government Code, is
10 amended by adding Section 812.006 to read as follows:

11 Sec. 812.006. OPTIONAL MEMBERSHIP. (a) In this section,
12 "qualified employee" means a person who:

13 (1) has at least three years of service credit in the
14 retirement system in the legislative branch that was accrued before
15 June 18, 1993;

16 (2) was employed by an institution of higher
17 education, as defined by Section 61.003, Education Code, before
18 December 31, 1998, and elected to participate in the optional
19 retirement program under Chapter 830; and

20 (3) is actively participating in the optional
21 retirement program.

22 (b) A qualified employee may make a one-time, irrevocable
23 election in a manner provided by the retirement system to renew
24 active participation in the system and cease participation in the
25 optional retirement program.

26 (c) An employee who makes an election under this section is
27 not eligible to establish service credit in the retirement system

1 for service performed while participating in the optional
2 retirement program.

3 (d) This section is contingent upon the receipt of a
4 favorable Internal Revenue Service ruling addressing all tax
5 issues.

6 (e) An election authorized by this section must be made
7 within 90 days of the Internal Revenue Service ruling.

8 SECTION 7. Subsection (b), Section 813.102, Government
9 Code, is amended to read as follows:

10 (b) A member may reestablish credit by depositing with the
11 retirement system in a lump sum the amount withdrawn from a
12 membership class, plus interest computed on the basis of the state
13 fiscal year at an annual rate of 10 [~~five~~] percent from the date of
14 withdrawal to the date of redeposit.

15 SECTION 8. Section 813.504, Government Code, is amended to
16 read as follows:

17 Sec. 813.504. ELIGIBILITY FOR SERVICE CREDIT PREVIOUSLY
18 CANCELED. [~~(a)~~] A person may reestablish service credit
19 previously canceled in the retirement system if[+]

20 [~~(1)~~] the person is a member of the employee class and
21 at least six months have elapsed since the end of the month in which
22 the cancellation became effective[~~+or~~

23 [~~(2) the person is+~~

24 [~~(A) a former member of the employee class, and~~

25 [~~(B) a participant in the optional retirement~~
26 ~~program under Chapter 830].~~

27 SECTION 9. Subsection (a), Section 813.513, Government

1 Code, is amended to read as follows:

2 (a) An eligible member may establish not more than 36 [60]
3 months of equivalent membership service credit, including law
4 enforcement or custodial officer service, in either the elected
5 class or the employee class.

6 SECTION 10. Subsection (c), Section 813.514, Government
7 Code, is amended to read as follows:

8 (c) After a member makes the deposits required by this
9 section, the retirement system shall grant the member one month of
10 equivalent membership service credit for each month of credit
11 approved. [~~A member may establish not more than three months of
12 equivalent membership service credit under this section.~~]

13 SECTION 11. Subchapter A, Chapter 814, Government Code, is
14 amended by adding Section 814.011 to read as follows:

15 Sec. 814.011. LUMP-SUM PAYMENTS IN LIEU OF ANNUITIES. The
16 retirement system may elect to make a lump-sum payment to a retiree
17 or beneficiary in lieu of annuity payments if the actuarial present
18 value of the annuity at the time of retirement or death does not
19 exceed \$20,000. Payment of a lump sum under this section does not
20 affect eligibility for any other program administered by the
21 retirement system.

22 SECTION 12. Section 814.202, Government Code, is amended by
23 amending Subsections (a), (b), and (e) and adding Subsection (f) to
24 read as follows:

25 (a) A member who was contributing to the retirement system
26 at the time the member became permanently disabled for the further
27 performance of duty is eligible to retire for a nonoccupational

1 disability if the member has at least:

2 (1) 8 years of membership service credit in the
3 elected class of membership;

4 (2) 6 years of membership service credit in the
5 elected class plus 2 years of military service credit established
6 before January 1, 1978; or

7 (3) 10 years of membership service credit in the
8 employee class of membership.

9 (b) A member who was contributing to the retirement system
10 at the time the member became permanently incapacitated for the
11 further performance of duty, who meets the requirements provided by
12 Section 811.001(12), and who has service credit in either
13 membership class is eligible to retire for an occupational
14 disability regardless of age or amount of service credit.

15 (e) A member otherwise eligible may not apply for or receive
16 a nonoccupational disability annuity if the member is eligible for
17 a service retirement annuity under Section 814.102 or 814.104(a)(2)
18 or (b) [814.104].

19 (f) An application for a nonoccupational disability
20 retirement may not be made after the second anniversary of the date
21 the member ceased making contributions to the retirement system.

22 SECTION 13. Section 814.203, Government Code, is amended to
23 read as follows:

24 Sec. 814.203. CERTIFICATION OF DISABILITY. As soon as
25 practicable after an application for disability retirement is
26 filed, the medical board shall evaluate the medical and other
27 pertinent information regarding the member's application. If the

1 medical board finds that the member is mentally or physically
2 incapacitated for the further performance of duty, as supported by
3 substantial, objective, medical evidence, and that the incapacity
4 is likely to be permanent, the medical board shall issue a
5 certification of disability and submit it to the executive
6 director. A certification under this section is admissible in a
7 contested case under Section 815.511 without proving the medical
8 board as experts.

9 SECTION 14. Section 814.206, Government Code, is amended by
10 adding Subsection (f) to read as follows:

11 (f) A standard nonoccupational disability retirement
12 annuity under this section is reducible, under actuarial tables
13 adopted by the board of trustees, for a member who retires before
14 reaching an applicable age provided by Section 814.102 or 814.104.

15 SECTION 15. Subsection (a), Section 814.301, Government
16 Code, is amended to read as follows:

17 (a) A contributing member who has at least 10 years of
18 service credit in the elected or employee class of membership may
19 select a death benefit plan for the payment, if the member dies
20 while the member is eligible to select a plan, of a death benefit
21 annuity to a person designated by the member. Death benefit
22 annuities available for selection by a member described in this
23 subsection are the optional annuities provided by Sections
24 814.108(c)(1) and (c)(4), payable as if the member had retired at
25 the time of death.

26 SECTION 16. Subsection (a), Section 814.302, Government
27 Code, is amended to read as follows:

1 (a) If a contributing member eligible to select a death
2 benefit plan under Section 814.301 dies without having made a
3 selection, or if a selection cannot be made effective, the member's
4 designated beneficiary may select a plan in the same manner as if
5 the member had made the selection. If there is no designated
6 beneficiary, the personal representative of the decedent's estate
7 may make the selection for the benefit of the decedent's heirs or
8 devisees. In lieu of selecting a death benefit plan, the designated
9 beneficiary or, if there is none, the personal representative of
10 the decedent's estate, may elect to receive a refund of
11 contributions and any applicable payment under Section 814.401.

12 SECTION 17. Subsection (a), Section 815.103, Government
13 Code, is amended to read as follows:

14 (a) The board of trustees shall administer all assets of the
15 retirement system. The board is the trustee of the system's assets.
16 The board of trustees shall hold all retirement system assets in
17 trust for the exclusive benefit of the members and annuitants of the
18 system and administer all operations funded by trust assets for the
19 same purpose.

20 SECTION 18. Section 815.109, Government Code, is amended to
21 read as follows:

22 Sec. 815.109. CORRECTION OF ERRORS. If an error in the
23 records of the retirement system results in a person receiving more
24 or less money than the person is entitled to receive under this
25 subtitle, the retirement system shall correct the error in
26 accordance with Section 802.1024 and so far as practicable shall
27 adjust future payments so that the actuarial equivalent of the

1 benefit to which the person is entitled is paid.

2 SECTION 19. Section 815.204, Government Code, is amended by
3 adding Subsection (d) to read as follows:

4 (d) The medical board is not subject to subpoena regarding
5 findings it makes in assisting the executive director under this
6 section, and its members may not be held liable for any opinions,
7 conclusions, or recommendations made under this section.

8 SECTION 20. Subsections (a), (c), and (d), Section 815.504,
9 Government Code, are amended to read as follows:

10 (a) The retirement system may photograph, microphotograph,
11 or film any record in its possession or preserve the record through
12 electronic document imaging.

13 (c) A photograph, microphotograph, [~~or~~] film, or electronic
14 document image of a record reproduced under Subsection (a) is
15 equivalent to the original record for all purposes, including
16 introduction as evidence in all courts and administrative agency
17 proceedings. A [~~duly~~] certified or authenticated copy of such a
18 record [~~photograph, microphotograph, or film~~] is admissible as
19 evidence equally with the original [~~photograph, microphotograph,~~
20 ~~or film~~].

21 (d) The executive director or an authorized representative
22 may certify the authenticity [~~of a photograph, microphotograph, or~~
23 ~~film~~] of a record reproduced under this section and shall charge a
24 fee for the certified copy [~~photograph, microphotograph, or film~~]
25 as provided by law.

26 SECTION 21. Subchapter F, Chapter 815, Government Code, is
27 amended by adding Sections 815.5111, 815.513, and 815.514 to read

1 as follows:

2 Sec. 815.5111. DILIGENT PROSECUTION OF SUIT. The plaintiff
3 shall prosecute with reasonable diligence any suit brought under
4 Section 815.511(f). If the plaintiff does not secure proper
5 service of process or does not prosecute the suit within one year
6 after it is filed, the court shall presume that the suit has been
7 abandoned. The court shall dismiss the suit on a motion for
8 dismissal made by or on behalf of the retirement system unless the
9 plaintiff, after receiving appropriate notice, shows good cause for
10 the delay.

11 Sec. 815.513. EXCLUSIVE REMEDIES. The remedies provided
12 under this chapter are the exclusive remedies available to a
13 member, retiree, beneficiary, or alternate payee.

14 Sec. 815.514. MAILINGS ON BEHALF OF NONPROFIT ASSOCIATION.
15 The retirement system may make mailings on behalf of a nonprofit
16 association of active or retired state employees described by
17 Section 814.009, for purposes of association membership and
18 research only, to annuitants identified in information contained in
19 records that are in the custody of the system. The nonprofit
20 association requesting a mailing shall pay the expenses of the
21 mailing.

22 SECTION 22. Subsection (b), Section 838.108, Government
23 Code, is amended to read as follows:

24 (b) A member is eligible to establish service credit under
25 this section only for the purpose of becoming eligible to retire, or
26 retiring, under Section 839.101(a)(3) [~~if the member has at least~~
27 ~~120 months of actual membership service of the type of service that~~

1 ~~the member seeks to establish].~~

2 SECTION 23. Subsection (a), Section 840.001, Government
3 Code, is amended to read as follows:

4 (a) The board of trustees of the Employees Retirement System
5 of Texas, as provided by Subchapter A of Chapter 815, is responsible
6 for the general administration and operation of the retirement
7 system. The board of trustees shall hold all retirement system
8 assets in trust for the exclusive benefit of the members and
9 annuitants of the system and administer all operations funded by
10 trust assets for the same purpose.

11 SECTION 24. Section 1551.003, Insurance Code, is amended by
12 adding Subdivision (9-a) to read as follows:

13 (9-a) "Good cause" means that a person's failure to act
14 was not because of a lack of due diligence the exercise of which
15 would have caused a reasonable person to take prompt and timely
16 action. A failure to act based on ignorance of the law or facts
17 reasonably discoverable through the exercise of due diligence does
18 not constitute good cause.

19 SECTION 25. Subsection (c), Section 1551.063, Insurance
20 Code, is amended to read as follows:

21 (c) To accomplish the purposes of this chapter, the [The]
22 board of trustees may release the records to:

23 (1) an administrator, carrier, agent, or attorney
24 acting on behalf of the board;

25 (2) another governmental entity having a legitimate
26 need for the information to perform a function of the board of
27 trustees;

1 (3) an authorized [a] medical provider of the
2 participant [~~to accomplish the purposes of this chapter~~]; or

3 (4) a party in response to a subpoena issued under
4 applicable law.

5 SECTION 26. Subsection (e), Section 1551.101, Insurance
6 Code, is amended to read as follows:

7 (e) An individual is eligible to participate in the group
8 benefits program as provided by Subsection (a) if the individual
9 receives compensation for service performed for an institution of
10 higher education pursuant to a payroll certified by an institution
11 of higher education or by an elected or appointed officer of this
12 state and either:

13 (1) is eligible to become [~~be~~] a member of the Teacher
14 Retirement System of Texas after any waiting period provided by law
15 before membership in that retirement system; or

16 (2) is employed at least 20 hours a week and is not
17 permitted to be a member of the Teacher Retirement System of Texas
18 because the individual is employed by an institution of higher
19 education only in a position that as a condition of employment
20 requires the individual to be enrolled as a student in the
21 institution in graduate-level courses.

22 SECTION 27. Subchapter E, Chapter 1551, Insurance Code, is
23 amended by adding Section 1551.220 to read as follows:

24 Sec. 1551.220. BENEFICIARY CAUSING DEATH OF PARTICIPANT OR
25 BENEFICIARY OF PARTICIPANT. (a) A benefit payable on the death of
26 a participant or the beneficiary of a participant in the group
27 benefits program may not be paid to a person convicted of causing

1 that death but instead is payable as if the convicted person had
2 predeceased the decedent.

3 (b) The Employees Retirement System of Texas is not required
4 to change the recipient of benefits under this section unless it
5 receives actual notice of the conviction of a beneficiary.
6 However, the retirement system may delay payment of a benefit
7 payable on the death of a participant or beneficiary of a
8 participant pending the results of a criminal investigation and of
9 legal proceedings relating to the cause of death.

10 (c) For the purposes of this section, a person has been
11 convicted of causing the death of a participant or beneficiary of a
12 participant if the person:

13 (1) pleads guilty or nolo contendere to, or is found
14 guilty by a court of, causing the death of the participant or
15 beneficiary of a participant, regardless of whether sentence is
16 imposed or probated; and

17 (2) has no appeal of the conviction pending and the
18 time provided for appeal has expired.

19 SECTION 28. Subsection (a), Section 1551.259, Insurance
20 Code, is amended to read as follows:

21 (a) The amount of group life coverage and group accidental
22 death and dismemberment coverage in force for a participant on the
23 date the participant dies shall be paid, on the establishment of a
24 valid claim, to a person surviving the death in the following order
25 of precedence:

26 (1) to the beneficiary designated by the participant
27 in a signed and witnessed document mailed before the death of the

1 participant [~~writing received before death by the employing state~~
2 ~~agency~~];

3 (2) if a beneficiary is not designated, to the spouse
4 of the participant;

5 (3) if Subdivisions (1) and (2) do not apply, to the
6 children of the participant and descendants of the deceased
7 children by representation;

8 (4) if Subdivisions (1)-(3) do not apply, to the
9 parents of the participant or the survivor of the parents;

10 (5) if Subdivisions (1)-(4) do not apply, to the
11 executor or administrator of the estate of the participant; or

12 (6) if Subdivisions (1)-(5) do not apply, to other
13 relatives of the participant entitled under applicable laws of the
14 participant's domicile on the date of the participant's death.

15 SECTION 29. Subchapter G, Chapter 1551, Insurance Code, is
16 amended by adding Section 1551.3195 to read as follows:

17 Sec. 1551.3195. AMOUNT OF CONTRIBUTION FOR ANNUITANTS WHO
18 WERE PART-TIME EMPLOYEES. An annuitant who as an employee received
19 the benefits of a state contribution under Section 1551.319(b) for
20 coverage during any portion of the annuitant's last employment by a
21 state agency is not eligible to receive more than the state
22 contribution provided under Section 1551.319(b) unless the
23 annuitant was designated by the annuitant's employer as a full-time
24 employee during the three-consecutive-month period before
25 retirement.

26 SECTION 30. Subsection (d), Section 1551.351, Insurance
27 Code, is amended to read as follows:

1 (d) A person may appeal a determination made under
2 Subsection (a) or (b) or Section 1551.352 only to the board of
3 trustees. A proceeding under this subsection is a contested case
4 under Chapter 2001, Government Code. This subchapter applies to an
5 appeal to the board of trustees under this subsection. The
6 appellant has the burden of proof on all issues, including issues in
7 the nature of an affirmative defense. Any~~[, and any]~~ sanction
8 imposed is not stayed during an appeal under this subsection. [~~If a~~
9 ~~person fails to make a timely appeal, any sanction relates back to~~
10 ~~the date of the Employees Retirement System of Texas'~~
11 ~~determination.~~] An appeal of a decision of the board of trustees
12 under this subsection is under the substantial evidence rule.

13 SECTION 31. Subchapter H, Chapter 1551, Insurance Code, is
14 amended by adding Section 1551.361 to read as follows:

15 Sec. 1551.361. DILIGENT PROSECUTION OF SUIT. The plaintiff
16 shall prosecute with reasonable diligence any suit brought under
17 Section 1551.359. If the plaintiff does not secure proper service
18 of process or does not prosecute the suit within one year after it
19 is filed, the court shall presume that the suit has been abandoned.
20 The court shall dismiss the suit on a motion for dismissal made on
21 or behalf of the Employees Retirement System of Texas, unless the
22 plaintiff, after receiving appropriate notice, shows good cause for
23 the delay.

24 SECTION 32. A retiree of the Employees Retirement System of
25 Texas who at the time of retirement had at least 25 years of service
26 credit in the retirement system and has served as the executive head
27 of a legislative agency is eligible to make an election to retire as

1 a member of the elected class of membership. The election must be
2 made in writing to the Employees Retirement System of Texas before
3 September 1, 2008. After the filing of such an election, the
4 retirement system shall consider all the service credit established
5 by the person who makes the election, including service credit
6 established after the date the election is filed, as if it were
7 performed as a member of the elected class of membership.

8 SECTION 33. (a) An individual who is eligible for
9 participation in the group benefits program under Subdivision (2),
10 Section 1551.108, Insurance Code, on being first eligible to retire
11 under Subdivision (1), Subsection (a), Section 814.104, Government
12 Code, on or after March 31, 2008, is eligible for a contribution
13 under Section 1551.310, Insurance Code.

14 (b) The expiration of this section does not affect the
15 eligibility of an individual for a contribution under Section
16 1551.310, Insurance Code, if the individual obtained coverage as
17 described by Subsection (a) of this section before the expiration
18 of this section.

19 (c) This section takes effect March 1, 2008. This section
20 expires August 31, 2008.

21 SECTION 34. The Employees Retirement System of Texas shall
22 recompute the annuities of all persons who retired or received a
23 death benefit annuity from the Judicial Retirement System of Texas
24 Plan One or the Judicial Retirement System of Texas Plan Two before
25 January 1, 2002, as if the changes in law made by Chapter 1240, Acts
26 of the 77th Legislature, Regular Session, 2001, to Subsection (b),
27 Section 834.102, and Subsection (b), Section 839.102, Government

1 Code, had been in effect on the date of the person's retirement or
2 death. The first payment of any annuity increased under this
3 section becomes payable with the first payment due on or after the
4 effective date of this Act.

5 SECTION 35. (a) The change in law made by this Act to
6 Section 814.202, Government Code, applies only to a person who
7 applies for a disability retirement annuity on or after the
8 effective date of this Act. A person who applied for a disability
9 retirement annuity before the effective date of this Act is
10 governed by the law as it existed immediately before the effective
11 date of this Act, and the former law is continued in effect for that
12 purpose.

13 (b) The changes in law made by this Act to Sections 814.301
14 and 814.302, Government Code, apply only to the selection of a death
15 benefit plan that is made on or after the effective date of this
16 Act. A person who selected a death benefit plan before the
17 effective date of this Act is governed by the law as it existed
18 immediately before the effective date of this Act, and the former
19 law is continued in effect for that purpose.

20 (c) The change in law made by this Act to Subsection (d),
21 Section 1551.351, Insurance Code, applies only to an appeal filed
22 on or after the effective date of this Act. An appeal filed under
23 that subsection before the effective date of this Act is governed by
24 the law as it existed immediately before the effective date of this
25 Act, and the former law is continued in effect for that purpose.

26 SECTION 36. The following provisions of the Government Code
27 are repealed:

- 1 (1) Section 813.103;
- 2 (2) Section 813.507;
- 3 (3) Section 813.508;
- 4 (4) Section 813.510;
- 5 (5) Section 814.1042; and
- 6 (6) Subsection (d), Section 814.202.

7 SECTION 37. (a) Except as provided by Subsections (b) and
8 (c) of this section and as otherwise specifically provided by this
9 Act, this Act takes effect September 1, 2005.

10 (b) The changes in law made by this Act by the amendment of
11 Subsection (a), Section 813.513, Government Code, the repeal of
12 Section 814.1042, Government Code, and the enactment of Section
13 1551.3195, Insurance Code, by this Act, take effect January 1,
14 2006.

15 (c) The change in law made by this Act to Subsection (b),
16 Section 813.102, Government Code, takes effect September 1, 2006.

David Swihurst
President of the Senate

Jim Cradick
Speaker of the House

I hereby certify that S.B. No. 1176 passed the Senate on May 4, 2005, by the following vote: Yeas 28, Nays 2; May 26, 2005, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Datsy Shaw
Secretary of the Senate

I hereby certify that S.B. No. 1176 passed the House, with amendments, on May 23, 2005, by a non-record vote; May 27, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by a non-record vote.

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:20 AM CROCK

Roger Williams
Secretary of State
JUN 17 2005