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1 AN ACT  
2 relating to the powers and duties of and contributions to and  
3 benefits from the systems and programs administered by the  
4 Employees Retirement System of Texas.

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

6 SECTION 1. Subchapter A, Chapter 609, Government Code, is  
7 amended by adding Section 609.015 to read as follows:

8 Sec. 609.015. BENEFICIARY CAUSING DEATH OF PARTICIPATING  
9 EMPLOYEE. (a) Any benefits, funds, or account balances payable on  
10 the death of a participating employee may not be paid to a person  
11 convicted of or adjudicated as having caused that death but instead  
12 are payable as if the convicted person had predeceased the  
13 decedent.

14 (b) The plan is not required to change the recipient of any  
15 benefits, funds, or account balances under this section unless it  
16 receives actual notice of the conviction or adjudication of a  
17 beneficiary. However, the plan may delay payment of any benefits,  
18 funds, or account balances payable on the death of a participating  
19 employee pending the results of a criminal investigation or civil  
20 proceeding and other legal proceedings relating to the cause of  
21 death.

22 (c) For the purposes of this section, a person has been  
23 convicted of or adjudicated as having caused the death of a  
24 participating employee if the person:

1           (1) pleads guilty or nolo contendere to, or is found  
2 guilty by a court or jury in a criminal proceeding of, causing the  
3 death of the participating employee, regardless of whether sentence  
4 is imposed or probated, and no appeal of the conviction is pending  
5 and the time provided for appeal has expired; or

6           (2) is found liable by a court or jury in a civil  
7 proceeding for causing the death of the participating employee and  
8 no appeal of the judgment is pending and the time provided for  
9 appeal has expired.

10           SECTION 2. Subsection (c), Section 659.140, Government  
11 Code, is amended to read as follows:

12           (c) The [~~Each member of the~~] state policy committee must:

13           (1) be composed of employees and retired state  
14 employees receiving benefits under Chapter 814; and

15           (2) [a state employee. The membership must] represent  
16 employees at different levels of employee classification.

17           SECTION 3. Subsection (b), Section 659.143, Government  
18 Code, is amended to read as follows:

19           (b) The presiding officer of a local employee committee  
20 shall recruit at least five but not more than 10 additional members.  
21 The members must represent different levels of employee  
22 classification. One or more members may be retired state employees  
23 receiving retirement benefits under Chapter 814.

24           SECTION 4. Section 811.010, Government Code, as added by  
25 Chapter 232 (S.B. 1589), Acts of the 81st Legislature, Regular  
26 Session, 2009, is redesignated as Section 811.012, Government Code,  
27 and amended to read as follows:

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1           Sec. 811.012 [~~811.010~~]. PROVISION OF CERTAIN INFORMATION  
2 TO COMPTROLLER. (a) Not later than June 1, 2016, and once every  
3 five years after that date [~~of each year~~], the retirement system  
4 shall provide to the comptroller, for the purpose of assisting the  
5 comptroller in the identification of persons entitled to unclaimed  
6 property reported to the comptroller, the name, address, social  
7 security number, and date of birth of each member, retiree, and  
8 beneficiary from the retirement system's records.

9           (b) Information provided to the comptroller under this  
10 section is confidential and may not be disclosed to the public.

11           (c) The retirement system shall provide the information in  
12 the format prescribed by rule of the comptroller.

13           SECTION 5. Section 813.404, Government Code, is amended to  
14 read as follows:

15           Sec. 813.404. CONTRIBUTIONS FOR SERVICE NOT PREVIOUSLY  
16 ESTABLISHED. For each month of membership, military, or equivalent  
17 membership service not previously credited in the retirement  
18 system, a member claiming credit in the elected class shall pay a  
19 contribution in an amount equal to the greater of:

20           (1) eight percent of the monthly salary paid to  
21 members of the legislature at the time the credit is established; or

22           (2) the appropriate member contribution provided by  
23 Section 815.402 for [~~six percent of the monthly state salary paid~~  
24 ~~to~~] a person who holds, at the time the credit is established, the  
25 office for which credit is sought.

26           SECTION 6. Subsection (a), Section 813.505, Government  
27 Code, is amended to read as follows:

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1 (a) A member claiming credit in the employee class for  
2 membership service not previously established shall, for each month  
3 of the service, pay a contribution in an amount equal to the greater  
4 of:

5 (1) the appropriate member contribution provided by  
6 Section 815.402 [~~six percent of the member's monthly state~~  
7 ~~compensation~~] for the service during the time for which credit is  
8 sought; or

9 (2) \$18.

10 SECTION 7. Subsections (a), (c), (d), and (e), Section  
11 814.007, Government Code, are amended to read as follows:

12 (a) Any benefits, funds, or account balances [~~A benefit~~]  
13 payable on the death of a member or annuitant may not be paid to a  
14 person convicted of or adjudicated as having caused [~~causing~~] that  
15 death but instead are [~~is~~] payable as if the convicted person had  
16 predeceased the decedent.

17 (c) The retirement system shall reduce any annuity computed  
18 in part on the age of the convicted or adjudicated person to a lump  
19 sum equal to the present value of the remainder of the annuity. The  
20 reduced amount is payable to a person entitled as provided by this  
21 section to receive the benefit.

22 (d) The retirement system is not required to change the  
23 recipient of any benefits, funds, or account balances under this  
24 section unless it receives actual notice of the conviction or  
25 adjudication of a beneficiary. However, the retirement system may  
26 delay payment of any benefits, funds, or account balances [~~a~~  
27 ~~benefit~~] payable on the death of a member or annuitant pending the

1 results of a criminal investigation or civil proceeding and other  
2 ~~[of]~~ legal proceedings relating to the cause of death.

3 (e) For the purposes of this section, a person has been  
4 convicted of or adjudicated as having caused ~~[causing]~~ the death of  
5 a member or annuitant if the person:

6 (1) pleads guilty or nolo contendere to, or is found  
7 guilty by a court or jury in a criminal proceeding of, causing the  
8 death of the member or annuitant, regardless of whether sentence is  
9 imposed or probated, ~~[+]~~ and

10 ~~[(2) has]~~ no appeal of the conviction is pending and  
11 the time provided for appeal has expired; or

12 (2) is found liable by a court or jury in a civil  
13 proceeding for causing the death of the member or annuitant and no  
14 appeal of the judgment is pending and the time provided for appeal  
15 has expired.

16 SECTION 8. The heading to Section 814.009, Government Code,  
17 is amended to read as follows:

18 Sec. 814.009. DEDUCTION FROM ANNUITY FOR STATE EMPLOYEE  
19 ORGANIZATION.

20 SECTION 9. Subchapter A, Chapter 814, Government Code, is  
21 amended by adding Sections 814.0095 and 814.0096 to read as  
22 follows:

23 Sec. 814.0095. CHARITABLE DEDUCTION FROM ANNUITY.

24 (a) Except as provided by Section 814.0096(c), a person who  
25 receives an annuity under this subchapter may, on a printed or  
26 electronic form filed with the retirement system, authorize the  
27 retirement system to deduct from the person's monthly annuity

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1 payment the amount of a contribution to the state employee  
2 charitable campaign in the manner and for the same purposes for  
3 which a state employee may authorize deductions to that campaign  
4 under Subchapter I, Chapter 659.

5 (b) An authorization under this section must direct the  
6 board of trustees to deposit the deducted funds with the  
7 comptroller for distribution as required by Section 659.132(g) in  
8 the same manner in which a state employee's deduction is  
9 distributed.

10 (c) An authorization under this section remains in effect  
11 for the period described by Section 659.137 unless the person  
12 revokes the authorization by giving notice to the board of  
13 trustees.

14 (d) The board of trustees may adopt rules to administer this  
15 section. Any rules adopted must be consistent with the  
16 comptroller's rules related to the state employee charitable  
17 campaign.

18 Sec. 814.0096. COORDINATION WITH STATE EMPLOYEE CHARITABLE  
19 CAMPAIGN POLICY COMMITTEE. (a) The board of trustees and the  
20 state employee charitable campaign policy committee established  
21 under Section 659.140 shall coordinate responsibility for the  
22 administration of charitable deductions from annuity payments to  
23 the state employee charitable campaign under Section 814.0095.

24 (b) The state employee charitable campaign policy committee  
25 is authorized to approve a budget that includes funding for as many  
26 of the expenses incurred by the retirement system associated with  
27 the implementation and administration of annuitants' participation

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1 in the state employee charitable campaign as is practicable,  
2 including notification of annuitants.

3 (c) Except as provided by this subsection, the board of  
4 trustees shall charge an administrative fee to cover any costs not  
5 paid under Subsection (b) in the implementation of Section 814.0095  
6 to the charitable organizations participating in the state employee  
7 charitable campaign conducted under that section in the same  
8 proportion that the contributions to that charitable organization  
9 bear to the total of contributions in that campaign. The board of  
10 trustees shall determine the most efficient and effective method of  
11 collecting the administrative fee and shall adopt rules for the  
12 implementation of this subsection.

13 (d) If necessary, the board of trustees and the state  
14 employee charitable campaign policy committee may make the annuity  
15 deduction authorization under Section 814.0095(a) available in  
16 stages to subgroups of the retirement system's annuity recipients  
17 as money becomes available to cover the expenses under Subsection  
18 (b).

19 SECTION 10. Subsection (d), Section 814.104, Government  
20 Code, is amended to read as follows:

21 (d) Except as provided by Section 814.102 or by rule adopted  
22 under Section 813.304(d) or 803.202(a)(2), a member who was not a  
23 member on the date hired, was hired on or after September 1, 2009,  
24 and has service credit in the retirement system is eligible to  
25 retire and receive a service retirement annuity if the member:

- 26 (1) is at least 65 years old and has at least 10 years  
27 of service credit in the employee class; or

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1           (2) has at least 10 [~~5~~] years of service credit in the  
2 employee class and the sum of the member's age and amount of service  
3 credit in the employee class, including months of age and credit,  
4 equals or exceeds the number 80.

5           SECTION 11. Subsection (d), Section 814.1075, Government  
6 Code, is amended to read as follows:

7           (d) The standard combined service retirement annuity that  
8 is payable under this section is based on retirement at either the  
9 age of 55 or the age at which the sum of the member's age and amount  
10 of service credit in the employee class equals or exceeds the number  
11 80. The annuity of a law enforcement or custodial officer who  
12 retires before reaching the age of 55 under any eligibility  
13 criteria is actuarially reduced by five percent for each year the  
14 member retires before the member reaches age 55, with a maximum  
15 possible reduction of 25 percent. The actuarial reduction  
16 described by this section is in addition to any other actuarial  
17 reduction required by law.

18           SECTION 12. Section 815.303, Government Code, is amended to  
19 read as follows:

20           Sec. 815.303. SECURITIES LENDING. (a) The retirement  
21 system may, in the exercise of its constitutional discretion to  
22 manage the assets of the retirement system, select one or more  
23 commercial banks, depository trust companies, or other entities to  
24 serve as custodian or custodians of the system's securities and to  
25 lend the securities under rules or policies adopted by the board of  
26 trustees and as required by this section.

27           (b) To be eligible to lend securities under this section, a



1 bank or brokerage firm must:

2 (1) be experienced in the operation of a fully secured  
3 securities loan program;

4 (2) maintain adequate capital in the prudent judgment  
5 of the retirement system to assure the safety of the securities;

6 (3) execute an indemnification agreement satisfactory  
7 in form and content to the retirement system fully indemnifying the  
8 retirement system against loss resulting from borrower default in  
9 its operation of a securities loan program for the system's  
10 securities; and

11 (4) require any securities broker or dealer to whom it  
12 lends securities belonging to the retirement system to deliver to  
13 and maintain with the custodian or securities lending agent  
14 collateral in the form of cash or [~~United States government~~]  
15 securities that are obligations of the United States or agencies or  
16 instrumentalities of the United States in an amount equal to but not  
17 less than 100 percent of the market value, from time to time, as  
18 determined by the retirement system, of the loaned securities.

19 SECTION 13. (a) Section 815.317, Government Code, is  
20 amended by adding Subsection (a-1) to read as follows:

21 (a-1) The comptroller shall deposit fees collected under  
22 Section 133.102(e)(7), Local Government Code, to the credit of the  
23 law enforcement and custodial officer supplemental retirement  
24 fund.

25 (b) Subsection (e), Section 133.102, Local Government Code,  
26 is amended to read as follows:

27 (e) The comptroller shall allocate the court costs received

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1 under this section to the following accounts and funds so that each  
2 receives to the extent practicable, utilizing historical data as  
3 applicable, the same amount of money the account or fund would have  
4 received if the court costs for the accounts and funds had been  
5 collected and reported separately, except that the account or fund  
6 may not receive less than the following percentages:

- 7 (1) abused children's counseling 0.0088 percent;
- 8 (2) crime stoppers assistance 0.2581 percent;
- 9 (3) breath alcohol testing 0.5507 percent;
- 10 (4) Bill Blackwood Law Enforcement Management  
11 Institute 2.1683 percent;
- 12 (5) law enforcement officers standards and  
13 education 5.0034 percent;
- 14 (6) comprehensive rehabilitation 5.3218 percent;
- 15 (7) law enforcement and custodial officer  
16 supplemental retirement fund [~~operator's and chauffeur's~~  
17 ~~license~~] 11.1426 percent;
- 18 (8) criminal justice planning 12.5537 percent;
- 19 (9) an account in the state treasury to be used only  
20 for the establishment and operation of the Center for the Study and  
21 Prevention of Juvenile Crime and Delinquency at Prairie View A&M  
22 University 1.2090 percent;
- 23 (10) compensation to victims of crime fund 37.6338  
24 percent;
- 25 (11) fugitive apprehension account 12.0904 percent;
- 26 (12) judicial and court personnel training fund 4.8362  
27 percent;

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1           (13) an account in the state treasury to be used for  
2 the establishment and operation of the Correctional Management  
3 Institute of Texas and Criminal Justice Center Account           1.2090  
4 percent; and

5           (14) fair defense account                               6.0143 percent.

6           (c) Notwithstanding any other provision of this Act, this  
7 section takes effect September 1, 2013.

8           SECTION 14. Section 815.402, Government Code, is amended by  
9 adding Subsections (a-1) and (h-1) to read as follows:

10           (a-1) Notwithstanding Subsection (a)(1), if the state  
11 contribution to the retirement system is computed using a  
12 percentage less than 6.5 percent for the state fiscal year  
13 beginning September 1, 2011, the member's contribution is not  
14 required to be computed using a percentage equal to the percentage  
15 used to compute the state contribution for that biennium. This  
16 subsection expires September 1, 2012.

17           (h-1) Notwithstanding Subsection (h), if the state  
18 contribution to the law enforcement and custodial officer  
19 supplemental retirement fund is computed using a percentage less  
20 than 0.5 percent for the state fiscal year beginning September 1,  
21 2011, the member's contribution is not required to be computed  
22 using a percentage equal to the percentage used to compute the state  
23 contribution for that biennium. This subsection expires September  
24 1, 2012.

25           SECTION 15. Subchapter D, Chapter 834, Government Code, is  
26 amended by adding Section 834.305 to read as follows:

27           Sec. 834.305. BENEFICIARY CAUSING DEATH OF MEMBER OR

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1 ANNUITANT. (a) Any benefits, funds, or account balances payable  
2 on the death of a member or annuitant may not be paid to a person  
3 convicted of or adjudicated as having caused that death but instead  
4 are payable as if the convicted person had predeceased the  
5 decedent.

6 (b) A person who becomes eligible under this section to  
7 select death or survivor benefits may select benefits as if the  
8 person were the designated beneficiary.

9 (c) The retirement system shall reduce any annuity computed  
10 in part on the age of the convicted or adjudicated person to a lump  
11 sum equal to the present value of the remainder of the annuity. The  
12 reduced amount is payable to a person entitled as provided by this  
13 section to receive the benefit.

14 (d) The retirement system is not required to change the  
15 recipient of any benefits, funds, or account balances under this  
16 section unless it receives actual notice of the conviction or  
17 adjudication of a beneficiary. However, the retirement system may  
18 delay payment of any benefits, funds, or account balances payable  
19 on the death of a member or annuitant pending the results of a  
20 criminal investigation or civil proceeding and other legal  
21 proceedings relating to the cause of death.

22 (e) For the purposes of this section, a person has been  
23 convicted of or adjudicated as having caused the death of a member  
24 or annuitant if the person:

25 (1) pleads guilty or nolo contendere to, or is found  
26 guilty by a court or jury in a criminal proceeding of, causing the  
27 death of the member or annuitant, regardless of whether sentence is

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1 imposed or probated, and no appeal of the conviction is pending and  
2 the time provided for appeal has expired; or

3 (2) is found liable by a court or jury in a civil  
4 proceeding for causing the death of the member or annuitant and no  
5 appeal of the judgment is pending and the time provided for appeal  
6 has expired.

7 SECTION 16. Subchapter D, Chapter 839, Government Code, is  
8 amended by adding Section 839.306 to read as follows:

9 Sec. 839.306. BENEFICIARY CAUSING DEATH OF MEMBER OR  
10 ANNUITANT. (a) Any benefits, funds, or account balances payable  
11 on the death of a member or annuitant may not be paid to a person  
12 convicted of or adjudicated as having caused that death but instead  
13 are payable as if the convicted person had predeceased the  
14 decedent.

15 (b) A person who becomes eligible under this section to  
16 select death or survivor benefits may select benefits as if the  
17 person were the designated beneficiary.

18 (c) The retirement system shall reduce any annuity computed  
19 in part on the age of the convicted or adjudicated person to a lump  
20 sum equal to the present value of the remainder of the annuity. The  
21 reduced amount is payable to a person entitled as provided by this  
22 section to receive the benefit.

23 (d) The retirement system is not required to change the  
24 recipient of any benefits, funds, or account balances under this  
25 section unless it receives actual notice of the conviction or  
26 adjudication of a beneficiary. However, the retirement system may  
27 delay payment of any benefits, funds, or account balances payable

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1 on the death of a member or annuitant pending the results of a  
2 criminal investigation or civil proceeding and other legal  
3 proceedings relating to the cause of death.

4 (e) For the purposes of this section, a person has been  
5 convicted of or adjudicated as having caused the death of a member  
6 or annuitant if the person:

7 (1) pleads guilty or nolo contendere to, or is found  
8 guilty by a court or jury in a criminal proceeding of, causing the  
9 death of the member or annuitant, regardless of whether sentence is  
10 imposed or probated, and no appeal of the conviction is pending and  
11 the time provided for appeal has expired; or

12 (2) is found liable by a court or jury in a civil  
13 proceeding for causing the death of the member or annuitant and no  
14 appeal of the judgment is pending and the time provided for appeal  
15 has expired.

16 SECTION 17. Subsection (a), Section 1551.004, Insurance  
17 Code, is amended to read as follows:

18 (a) In this chapter, "dependent" with respect to an  
19 individual eligible to participate in the group benefits program  
20 [~~under Section 1551.101 or 1551.102~~] means the individual's:

- 21 (1) spouse;
- 22 (2) unmarried child younger than 26 [~~25~~] years of age;
- 23 (3) child of any age who the board of trustees  
24 determines lives with or has the child's care provided by the  
25 individual on a regular basis if:

26 (A) the child is mentally [~~retarded~~] or  
27 physically incapacitated to the extent that the child is dependent

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1 on the individual for care or support, as determined by the board of  
2 trustees;

3 (B) the child's coverage under this chapter has  
4 not lapsed; and

5 (C) the child is at least 26 [~~25~~] years old and  
6 was enrolled as a participant in the health benefits coverage under  
7 the group benefits program on the date of the child's 26th [~~25th~~]  
8 birthday;

9 (4) child of any age who is unmarried, for purposes of  
10 health benefit coverage under this chapter, on expiration of the  
11 child's continuation coverage under the Consolidated Omnibus  
12 Budget Reconciliation Act of 1985 (Pub. L. No. 99-272) and its  
13 subsequent amendments; and

14 (5) ward, as that term is defined by Section 601, Texas  
15 Probate Code, who is 26 years of age or younger.

16 SECTION 18. Subchapter B, Chapter 1551, Insurance Code, is  
17 amended by adding Section 1551.068 to read as follows:

18 Sec. 1551.068. QUALIFICATION OF GROUP BENEFITS PROGRAM.  
19 Notwithstanding any provision of this chapter or any other law, it  
20 is intended that the provisions of this chapter be construed and  
21 administered in a manner that coverages under the group benefits  
22 program will be considered in compliance with applicable federal  
23 law. The board of trustees may adopt rules that modify the coverage  
24 provided under the program by adding, deleting, or changing a  
25 provision of the program, including rules that modify eligibility  
26 and enrollment requirements and the benefits available under the  
27 program.

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1 SECTION 19. Section 1551.220, Insurance Code, is amended to  
2 read as follows:

3 Sec. 1551.220. BENEFICIARY CAUSING DEATH OF PARTICIPANT OR  
4 BENEFICIARY OF PARTICIPANT. (a) Any benefits, funds, or account  
5 balances [~~A benefit~~] payable on the death of a participant or the  
6 beneficiary of a participant in the group benefits program may not  
7 be paid to a person convicted of or adjudicated as having caused  
8 [~~causing~~] that death but instead are [~~is~~] payable as if the  
9 convicted person had predeceased the decedent.

10 (b) The Employees Retirement System of Texas is not required  
11 to change the recipient of any benefits, funds, or account balances  
12 under this section unless it receives actual notice of the  
13 conviction or adjudication of a beneficiary. However, the  
14 retirement system may delay payment of any benefits, funds, or  
15 account balances [~~a benefit~~] payable on the death of a participant  
16 or beneficiary of a participant pending the results of a criminal  
17 investigation or civil proceeding and other [~~of~~] legal proceedings  
18 relating to the cause of death.

19 (c) For the purposes of this section, a person has been  
20 convicted of or adjudicated as having caused [~~causing~~] the death of  
21 a participant or beneficiary of a participant if the person:

22 (1) pleads guilty or nolo contendere to, or is found  
23 guilty by a court or jury in a criminal proceeding of, causing the  
24 death of the participant or beneficiary of a participant,  
25 regardless of whether sentence is imposed or probated, [~~+~~] and

26 [~~(2) has~~] no appeal of the conviction is pending and  
27 the time provided for appeal has expired; or



1           (2) is found liable by a court or jury in a civil  
2 proceeding for causing the death of the member or annuitant and no  
3 appeal of the judgment is pending and the time provided for appeal  
4 has expired.

5           SECTION 20. Subchapter E, Chapter 1551, Insurance Code, is  
6 amended by adding Section 1551.226 to read as follows:

7           Sec. 1551.226. TOBACCO CESSATION COVERAGE. (a) The board  
8 of trustees shall develop a plan for providing under any health  
9 benefit plan provided under the group benefits program tobacco  
10 cessation coverage for participants.

11           (b) The plan developed under Subsection (a) must include  
12 coverage for prescription drugs that aid participants in ceasing  
13 the use of tobacco products.

14           SECTION 21. Subchapter G, Chapter 1551, Insurance Code, is  
15 amended by adding Section 1551.3075 to read as follows:

16           Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL.  
17 (a) The board of trustees shall assess each participant in a  
18 health benefit plan provided under the group benefits program who  
19 uses one or more tobacco products a tobacco user premium  
20 differential, to be paid in monthly installments. Except as  
21 provided by Subsection (b), the board of trustees shall determine  
22 the amount of the monthly installments of the premium differential.

23           (b) If the General Appropriations Act for a state fiscal  
24 biennium sets the amount of the monthly installments of the tobacco  
25 user premium differential for that biennium, the board of trustees  
26 shall assess the premium differential during that biennium in the  
27 amount prescribed by the General Appropriations Act.

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1 SECTION 22. Subchapter G, Chapter 1551, Insurance Code, is  
2 amended by adding Section 1551.3076 to read as follows:

3 Sec. 1551.3076. EMPLOYER ENROLLMENT FEE. (a) The board of  
4 trustees shall assess each employer whose employees participate in  
5 the group benefits program an employer enrollment fee in an amount  
6 not to exceed a percentage of the employer's total payroll, as  
7 determined by the General Appropriations Act.

8 (b) The board of trustees shall deposit the enrollment fees  
9 to the credit of the employees life, accident, and health insurance  
10 and benefits fund to be used for the purposes specified by Section  
11 1551.401.

12 SECTION 23. Section 1551.314, Insurance Code, is amended to  
13 read as follows:

14 Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A  
15 state contribution may not be:

16 (1) made for coverages under this chapter selected by  
17 an individual who receives a state contribution[~~other than as a~~  
18 ~~spouse, dependent, or beneficiary,~~] for coverages under a group  
19 benefits program provided by another state health plan or by an  
20 institution of higher education, as defined by Section 61.003,  
21 Education Code; or

22 (2) made for or used to pay a tobacco user premium  
23 differential assessed under Section 1551.3075.

24 SECTION 24. The change in law made by Sections 609.015,  
25 834.305, and 839.306, Government Code, as added by this Act, and  
26 Sections 814.007, Government Code, and 1551.220, Insurance Code, as  
27 amended by this Act, applies only to an offense committed on or

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1 after the effective date of this Act. An offense committed before  
2 the effective date of this Act is governed by the law in effect on  
3 the date the offense was committed, and the former law is continued  
4 in effect for that purpose. For purposes of this section, an  
5 offense was committed before the effective date of this Act if any  
6 element of the offense occurred before that date.

7 SECTION 25. (a) The board of trustees of the Employees  
8 Retirement System of Texas, in cooperation with the comptroller of  
9 public accounts and the state employee charitable campaign policy  
10 committee established under Section 659.140, Government Code, as  
11 amended by this Act, may adopt rules to implement Sections 814.0095  
12 and 814.0096, Government Code, as added by this Act.

13 (b) The board of trustees of the Employees Retirement System  
14 of Texas by rule shall designate the start date on which annuity  
15 deductions begin under Sections 814.0095 and 814.0096, Government  
16 Code, as added by this Act.

17 SECTION 26. (a) Subsection (d), Section 814.104,  
18 Government Code, as amended by this Act, applies only to a member of  
19 the Employees Retirement System of Texas who retires on or after the  
20 effective date of this Act.

21 (b) A member of the Employees Retirement System of Texas who  
22 retires before the effective date of this Act is governed by the law  
23 as it existed immediately before the effective date of this Act, and  
24 that law is continued in effect for that purpose.

25 SECTION 27. The board of trustees of the Employees  
26 Retirement System of Texas shall develop and fully implement the  
27 plan for providing tobacco cessation coverage as required by

S.B. No. 1664

1 Section 1551.226, Insurance Code, as added by this Act, and  
2 implement the tobacco user premium differential required under  
3 Section 1551.3075, Insurance Code, as added by this Act, not later  
4 than January 1, 2012.

5 SECTION 28. To the extent of any conflict, this Act prevails  
6 over another Act of the 82nd Legislature, Regular Session, 2011,  
7 relating to nonsubstantive additions to and corrections in enacted  
8 codes.

9 SECTION 29. This Act takes effect September 1, 2011.

SMC

S.B. No. 1664

David Newkum  
President of the Senate

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 1664 passed the Senate on May 4, 2011, by the following vote: Yeas 29, Nays 2; May 26, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Daisy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 1664 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 145, Nays 3, one present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 128, Nays 17, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

17 JUN '11  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
O'CLOCK

John R. ...  
Secretary of State