

BILL ANALYSIS

Senate Research Center
77R3522 GJH-D

S.B. 292
By: Armbrister
State Affairs
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DIGEST AND PURPOSE

Every legislative session, an Employees Retirement System (ERS) Omnibus Bill is passed. As proposed, S.B. 292 is an ERS Omnibus Bill that enhances the application and consistency of benefits for ERS members, provides cost of living adjustments for ERS annuitants, and contains general housekeeping provisions regarding ERS and making clarifications in some of the statutes affecting ERS.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of trustees--provided for in Chapter 815 (Administration), Government Code, to administer the Employees Retirement System of Texas-- in SECTION 6 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 813.509, Government Code, to provide that a death benefit designee under Section 814.301 or 814.302 of a member who holds a position included in the employee class of membership during the month that includes the member's date of death is entitled to service credit in the Employees Retirement System of Texas (retirement system) for the member's sick leave that has accumulated and is unused on the member's date of death. Authorizes a member who holds a position included in the employee class to use sick leave creditable under this section to satisfy service requirements for the selection of a death benefit plan under Section 814.301 and the payment of a death benefit plan under Section 814.301 and 814.302 if the member satisfied the eligibility requirements for the selection of a death benefit plan on the date of the member's death. Requires the disbursing officer of each department (except as provided by Subsection (f)), before the 11th day after the date of death of one or more employees of the department or agency, to certify to the retirement system the name of each person who died during the preceding month and the amount of the person's accumulated sick leave on the date of death. Requires the disbursing officer of a department or agency that employs a member who selects a benefit plan under Subsection (d), not more than 90 or less than 30 days before the effective date of the member's death benefit selection, to certify to the retirement system the amount of the member's accumulated and unused sick leave. Requires the officer to immediately notify the retirement system if a member who applied for retirement uses sick leave after the date of certification.

SECTION 2. Amends Section 813.511, Government Code, as added by Chapter 1541, Acts of the 76th Legislature, Regular Session, 1999, to make conforming changes regarding annual leave.

SECTION 3. Amends Section 814.202, Government Code, by adding Subsection (e), to prohibit a member who is otherwise eligible from receiving a nonoccupational disability annuity if the member is eligible for a service retirement annuity under Section 814.102 or 814.104.

SECTION 4. Amends Section 814.207, Government Code, by adding Subsection (f), to prohibit an annuity increase under Subsection (e) from being payable before the first month following the month in which the satisfactory evidence is received by the retirement system under Subsection (e).

SECTION 5. Amends Section 3(a)(8), Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, V.T.I.C.), to define “dependent.”

SECTION 6. Amends Section 13B, Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, V.T.I.C.), by adding Subsection (e), to authorize the board of trustees, provided for in Chapter 815 (Administration), Government Code, to administer the Employees Retirement System of Texas (trustee), to adopt rules for the use of a debit card or other similar technology for claims administration under this section.

SECTION 7. Amends Chapter 615C, Government Code, by adding Section 615.045, as follows:

Sec. 615.045. RECORDS. (a) Provides that records of individuals listed by Section 615.003 and of survivors eligible under this chapter that are in the custody of certain entities are confidential, not subject to public disclosure, and exempt from the public information provisions of Chapter 552, except as otherwise provided by this section.

(b) Authorizes records to be released under certain conditions to certain individuals and entities.

(c) Provides that the records of individuals listed by Section 615.003, and of eligible survivors, remain confidential after release to a person as authorized by this section. Authorizes the records of individuals listed by Section 615.003, and of eligible survivors, to become part of the public record of an administrative or judicial proceeding related to an appeal filed under this chapter, unless the records are closed to public access by a protective order issued under applicable law.

SECTION 8. Amends Section 615.074(a), Government Code, to provide that an eligible surviving dependent who is a minor is entitled to continue health insurance coverage until the dependent either turns 18 years old or becomes eligible for group health insurance through another employer.

SECTION 9. Effective date: September 1, 2001.

Makes SECTION 5 of this Act applicable only to a dependent not covered by a basic health benefits plan under Article 3.50-2, Insurance Code, on August 31, 2001.