

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 302
By: Zaffirini
State Affairs
3/23/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

In 1979, the State Pension Review Board (board) was created to monitor state and local public retirement systems for actuarial soundness and compliance with state law. However, unless continued by the legislature, the board will expire on September 1, 2001. In its periodic review, the Sunset Advisory Commission has recommended the continuation of the board as well as a few statutory changes. As proposed, C.S.S.B. 302 implements these recommended changes and continues the board until September 1, 2013.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Pension Review Board in SECTION 9 (Section 801.201, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 801.102(b), Government Code, to add disability to the list of characteristics which may not be considered when making an appointment to the State Pension Review Board (board).

SECTION 2. Amends Sections 801.1061(a) and (c), Government Code, as follows:

(a) Provides that it is a ground for removal from the board that a member does not have at the time of taking office the qualifications required by Section 801.103 or is ineligible for membership under Section 801.1021. Makes conforming changes.

(c) Makes a conforming change. Requires the presiding officer to notify the governor and the attorney general that a potential ground for removal exists. Requires the executive director, if the potential ground for removal involves the presiding officer, to notify the next highest ranking officer of the board, who is then required to notify the governor and the attorney general.

SECTION 3. Amends Chapter 801B, Government Code, by adding Section 801.1062, as follows:

Sec. 801.1062. TRAINING PROGRAM. Prohibits a person who is appointed to and qualifies for office as a member of the board from voting, deliberating, or being counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section. Requires the program to provide the person with certain stated types of information. Provides that a person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 4. Amends Section 801.107, Government Code, to provide that, unless continued in existence as provided by Chapter 325 (Texas Sunset Act), the State Pension Review Board is

abolished and this chapter expires September 1, 2013.

SECTION 5. Amends Section 801.110, Government Code, to require the governor to designate a member of the board as the presiding officer of the board to serve in that capacity at the will of the governor, rather than allowing the board to select its officers.

SECTION 6. Amends Section 801.111, Government Code, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Requires the board to develop and implement policies that clearly separate (rather than define) the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the board.

(e) Requires the executive director or the executive director's designee to provide to board employees information and training on the benefits and methods of participation in the state employee incentive program.

SECTION 7. Amends Section 801.1111, Government Code, to require the executive director or designee to prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin. Sets forth requirements for information included in the policy statement. Requires a policy statement to be updated annually and be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1). Makes conforming changes.

SECTION 8. Amends Section 801.114, Government Code, to require the executive director or designee, rather than the board, to provide members to of the board and to board employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

SECTION 9. Amends Section 801.201, Government Code, by adding Subsection (c), to require the board by rule to adopt a brief standard form that will assist the board in efficiently determining the actuarial soundness and current financial condition of a public retirement system and require that a retirement system submitting information required for the review or study described under Section 801.202(1) or (2) include the form with the submission.

SECTION 10. Amends Chapter 801C, Government Code, by adding Section 801.207, as follows:

Sec. 801.207. COMPLAINTS. Requires the State Pension Review Board (board) to maintain a file on each written complaint filed with the board. Sets forth requirements regarding information required in each file. Requires the board to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution. Requires the board, at least quarterly until final disposition of the complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

SECTION 11. (a) Makes application of this Act prospective regarding the designation of a presiding officer of the State Pension Review Board under Section 801.110, Government Code, as amended by this act.

(b) Makes application of this Act prospective regarding the changes in law made by this Act in the prohibitions and qualifications applying to members of the State Pension Review Board.

SECTION 12. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. No change.

SECTION 2. No change.

SECTION 3. Differs from original As Filed S.B. 302 by requiring the training program to provide the person with information regarding any applicable ethics policies adopted by the State Pension Review Board (board), rather than the agency.

SECTION 4. No change.

SECTION 5. No change.

SECTION 6. No change.

SECTION 7. Differs from original As Filed S.B. 302 by making a conforming change in replacing “agency” with “board.”

SECTION 8. Differs from original As Filed S.B. 302 by omitting original text amending Section 801.114, Government Code, regarding the State Pension Review Board fund. Redesignates text from original SECTION 9 as SECTION 8. Makes a conforming change in redesignated text by replacing “agency” with “board.”

SECTION 9. Differs from original As Filed S.B. 302 by redesignating text from original SECTION 10 as SECTION 9. No changes in text.

SECTION 10. Differs from original As Filed S.B. 302 by redesignating text from original SECTION 11 as SECTION 10. Makes a conforming change by replacing “agency” with “board.”

SECTION 11. Differs from original As Filed S.B. 302 by redesignating text from original SECTION 12 as SECTION 11. Makes application of this Act prospective regarding the changes in law made by this Act in the prohibitions and qualifications applying to members of the State Pension Review Board.

SECTION 12. Differs from original As Filed S.B. 302 by redesignating text from original SECTION 13 as SECTION 12. No changes in text.