

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 25, 2019
Date

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1151 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Jan Huffman

[Signature]
Longoria

[Signature]
Alch

Gene Nelson

[Signature]
Wu

Robert Lee Nichols

[Signature]
Ashby

Zaffrin

[Signature]
Schreier

On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1151

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the comptroller's access to criminal history record
3 information of wrongfully imprisoned persons and certain annuity
4 payments payable to surviving spouses and designated beneficiaries
5 of those persons.

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

7 SECTION 1. Section 103.0535, Civil Practice and Remedies
8 Code, is amended by amending Subsection (d) and adding Subsection
9 (d-1) to read as follows:

10 (d) An election under this section must be made not later
11 than the 45th day after the date:

12 (1) on which the claimant files with the comptroller
13 the application required by Section 103.051; or

14 (2) on which the claimant experiences one of the
15 following life-changing events:

16 (A) marriage or divorce of the claimant;

17 (B) the addition of a dependent of the claimant;

18 or

19 (C) the death of a dependent, spouse, or
20 beneficiary of the claimant.

21 (d-1) An election under Subsection (d) must be made on a
22 form prescribed by the comptroller that:

23 (1) identifies the claimant's spouse or designated
24 beneficiary according to Section 103.0536; and

1 (2) specifies the option selected under Subsection
2 (c).

3 SECTION 2. Section 411.109(a), Government Code, is amended
4 to read as follows:

5 (a) The comptroller is entitled to obtain from the
6 department criminal history record information maintained by the
7 department that the comptroller believes is necessary for the
8 enforcement or administration of Chapter 103, Civil Practice and
9 Remedies Code, or Chapter 151, 152, 154, 155, or 162, Tax Code,
10 including criminal history record information that relates to a
11 person who is:

12 (1) an applicant for a permit under any of those
13 chapters;

14 (2) a permit holder under any of those chapters;

15 (3) an officer, director, stockholder owning 10
16 percent or more of the outstanding stock, partner, owner, or
17 managing employee of an applicant or permit holder under any of
18 those chapters that is a corporation, association, joint venture,
19 syndicate, partnership, or proprietorship;

20 (4) believed to have violated any of those chapters;

21 [~~or~~]

22 (5) being considered by the comptroller for employment
23 as a peace officer; or

24 (6) receiving, scheduled to receive, or applying to
25 receive compensation under Chapter 103, Civil Practice and Remedies
26 Code.

27 SECTION 3. (a) Notwithstanding Section 103.0535(d), Civil

1 Practice and Remedies Code, as amended by this Act, a person
2 entitled to compensation under Section 103.001(a), Civil Practice
3 and Remedies Code, who started receiving annuity payments before
4 the effective date of this Act may elect to receive any remaining
5 payments as alternative annuity payments under Section 103.0535,
6 Civil Practice and Remedies Code, as amended by this Act, by filing
7 the form described by Section 103.0535(d-1), Civil Practice and
8 Remedies Code, as added by this Act, with the comptroller after
9 December 31, 2019, and before March 1, 2020. The value of
10 alternative annuity payments elected under this subsection must be
11 actuarially equivalent to the remaining value of the annuity
12 payments the person would receive absent the election. This
13 subsection does not affect the ability of a person described by this
14 subsection to make an election under Section 103.0535(d), Civil
15 Practice and Remedies Code, as amended by this Act, following a
16 life-changing event described by that subsection.

17 (b) Not later than December 1, 2019, the comptroller shall
18 provide notice to all persons entitled to compensation under
19 Section 103.001(a), Civil Practice and Remedies Code, of:

20 (1) the opportunity described by Subsection (a) of
21 this section to elect to receive alternative annuity payments under
22 Section 103.0535, Civil Practice and Remedies Code, as amended by
23 this Act; and

24 (2) the opportunity to elect to receive alternative
25 annuity payments after a life-changing event under Section
26 103.0535(d), Civil Practice and Remedies Code, as amended by this
27 Act.

1 (c) The comptroller shall provide the notice required by
2 Subsection (b) of this section by:

3 (1) certified mail to a person's last known address;
4 and

5 (2) phone call to the phone number that the
6 comptroller has on file for the person.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2019.

Senate Bill 1151
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. Section 103.001(d), Civil Practice and Remedies Code, is amended. [FA1]

Same as Senate version.

No equivalent provision.

SECTION __. Section 103.0535, Civil Practice and Remedies Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

SECTION 1. Same as House version.

(d) An election under this section must be made not later than the 45th day after the date:

(1) on which the claimant files with the comptroller the application required by Section 103.051; or

(2) on which the claimant experiences one of the following life-changing events:

(A) marriage or divorce of the claimant;

(B) the addition of a dependent of the claimant; or

(C) the death of a dependent, spouse, or beneficiary of the claimant.

(d-1) An election under Subsection (d) must be made on a form prescribed by the comptroller that:

(1) identifies the claimant's spouse or designated beneficiary according to Section 103.0536; and

(2) specifies the option selected under Subsection (c). [FA2]

SECTION 1. Section 411.109(a), Government Code, is amended.

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

No equivalent provision.

SECTION __. (a) Notwithstanding Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, a person entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, who started receiving

SECTION 3. Same as House version.

Senate Bill 1151
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

annuity payments before the effective date of this Act may elect to receive any remaining payments as alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act, by filing the form described by Section 103.0535(d-1), Civil Practice and Remedies Code, as added by this Act, with the comptroller after December 31, 2019, and before March 1, 2020. The value of alternative annuity payments elected under this subsection must be actuarially equivalent to the remaining value of the annuity payments the person would receive absent the election. This subsection does not affect the ability of a person described by this subsection to make an election under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, following a life-changing event described by that subsection.

(b) Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of:

(1) the opportunity described by Subsection (a) of this section to elect to receive alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act; and

(2) the opportunity to elect to receive alternative annuity payments after a life-changing event under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act.

(c) The comptroller shall provide the notice required by Subsection (b) of this section by:

(1) certified mail to a person's last known address; and

(2) phone call to the phone number that the comptroller has on file for the person. [FA2]

Senate Bill 1151
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. Section 1551.115, Insurance Code, is amended. [FA1]

Same as Senate version.

No equivalent provision.

SECTION __. A person who, before the effective date of this Act, obtained group health benefit plan coverage under Section 103.001(d), Civil Practice and Remedies Code, as the law existed before the effective date of this Act, may elect to include the person's spouse and dependents in the person's coverage as provided by Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act. An election under this section must be made:

- (1) not later than March 1, 2020; or
- (2) during any subsequent open enrollment period applicable to employees of the Texas Department of Criminal Justice. [FA1]

Same as Senate version.

No equivalent provision.

SECTION __. (a) Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of the opportunity to obtain group health benefit plan coverage for a spouse or dependent under Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act.

(b) The comptroller shall provide the notice required by Subsection (a) of this section by:

- (1) certified mail to a person's last known address; and
- (2) phone call to the phone number that the comptroller has on file for the person. [FA1]

Same as Senate version.

Senate Bill 1151
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 2. Effective date.

HOUSE VERSION (IE)

SECTION 2. Same as Senate version.

CONFERENCE

SECTION 4. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB1151 by Huffman (Relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons and certain annuity payments payable to surviving spouses and designated beneficiaries of those persons.), **Conference Committee Report**

The fiscal impact of the bill cannot be estimated at this time. The bill could result in savings to the General Revenue Fund by reducing erroneously made wrongful imprisonment payments. Alternatively, the bill could result in an indeterminate cost due to the unknown number of claimants who would elect to receive a reduced annuity under the provisions of the bill.

The bill would amend Chapter 411 of the Government Code to add that the Comptroller of Public Accounts (CPA) is entitled to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS for the purpose of administration of Chapter 103 of the Civil Practice and Remedies Code, relating to compensation to persons wrongfully imprisoned. Based on the analysis of the CPA, the provisions of the bill could result in savings from the reduction of erroneous wrongful imprisonment payments by providing the CPA more timely access to criminal history records of affected individuals, which could result in termination of the payments. However, that savings cannot be estimated. The DPS estimates a small increase in receipts from fees to be collected by providing additional background checks for the CPA.

The bill would also expand the circumstances in which the person can elect to receive reduced alternative annuity payments. Under current law, a claimant can elect to receive reduced alternative annuity payments if the election is made not later than the 45th day after the date on which the claimant files with the Comptroller an application for compensation. The bill would additionally authorize a claimant to elect to receive the alternative annuity payments upon a life-changing event, as defined by the bill.

The bill would establish additional circumstances for which a claimant could elect to receive a reduced annuity which could be passed on to a spouse or beneficiary upon the claimant's death. Because the number of claimants who would elect to receive a reduced annuity under the additional circumstances added by the bill are unknown, the additional cost to the state cannot be estimated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 327 Employees Retirement System,
696 Department of Criminal Justice, 405 Department of Public Safety

LBB Staff: WP, LCO, KFB, KK, NV, CMa