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OPINION COMMITTEE

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COMMITTEE ON CORRECTIONS  
Texas House of Representatives

March 25, 2004

Honorable Greg Abbott  
Attorney General of Texas  
Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # ML-43651-04  
I.D. # 43651

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Re: Request for Opinion

**RQ-0213-GA**

Dear General Abbott:

This is to request an opinion on a question affecting the public interest, regarding the meaning and intent of House Bill 725 (78<sup>th</sup> Legislature Regular Session), which amended Chapter 1551 of the Insurance Code. The bill allows employees and retirees from Community Supervision and Corrections Departments (CSCDs) to have access to state health benefits by participating in the group benefits program administered by the Employees Retirement System of Texas. Beginning September 1, 2004, CSCDs will be allowed access to the group benefits program.

Since passage of H.B. 725, the issue that has arisen is: does the legislation enable eligible retirees of CSCDs to obtain State health benefits after meeting the requirements of Insurance Code §1551.114(c),(2),(A and B), with no further requirements, such as the "rule of 80" set out in Insurance Code §1551.102? As a legislator involved in passage of the bill, it was my understanding and intent that eligibility was to be determined solely under Insurance Code §1551.114, but the Employees Retirement System has indicated that the "rule of 80" will apply.

Under the Texas County and District Retirement System (TCDRS), to which most CSCDs currently subscribe, there are various configurations, depending on the plan chosen by the CSCD, in which a CSCD employee becomes eligible for retirement. Eligibility for retirement benefits under TDCRS is one of the criteria a retired CSCD employee must meet to be eligible to participate in the state group benefits program under H.B.725.

The legislation created Insurance Code §1551.114 (c) as follows, in pertinent part:

... Participation under this section is limited to...

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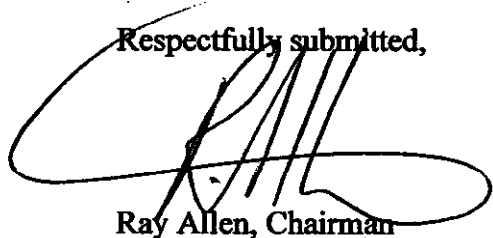
(2) retired employees of a community supervision and corrections department who retire on or after September 1, 2004, and who:

(A) have been employed by one or more community supervision and corrections departments for a total of at least 10 years of creditable service; and

(B) meet all the requirements for retirement benefits prescribed by the Texas County and District Retirement System; . . . .

In your consideration of this issue, I would respectfully suggest that you seek input from the Employees Retirement System, the Texas Department of Criminal Justice, the Legislative Council, and directors of CSCDs (who can be notified through TDCJ's Community Justice Assistance Division). Since this Bill becomes effective on September 1, 2004, your prompt attention to this matter will be appreciated.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be 'Ray Allen', is written over the typed name below.

Ray Allen, Chairman