

By: Wu

H.B. No. 2109

A BILL TO BE ENTITLED

AN ACT

relating to preventing the loss of benefits by certain retirees of the Teacher Retirement System of Texas who resume service.

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

SECTION 1. Section 824.602, Government Code, is amended by amending Subsection (a) and adding Subsections (c), (d), and (d-1) to read as follows:

(a) Subject to Subsections (c), (d), and (d-1) and Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months after the retiree's effective date of retirement; or

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree.

1       (c) Subject to Section 825.506, with respect to a retiree  
2 who is employed by a Texas public educational institution in excess  
3 of a limitation on employment provided by Subsection (a), the  
4 retirement system may not withhold a monthly benefit payment under  
5 Section 824.601 and shall provide a written warning regarding the  
6 consequences of further employment that exceeds those limitations.

7       (d) If the retirement system determines that a retiree,  
8 after receipt of a warning under Subsection (c), is employed in a  
9 manner that exceeds a limitation on employment provided by  
10 Subsection (a), the system shall provide notice of that  
11 determination to the retiree and require the retiree, in the manner  
12 prescribed by the system, to:

13             (1) return to the system the prorated amount of the  
14 monthly benefit payment received by the retiree that is  
15 attributable to the period in which the retiree exceeded the  
16 limitation provided by Subsection (a); or

17             (2) pay to the system the difference between the  
18 actual hours or days for which the retiree was compensated and the  
19 hours or days permitted under Subsection (a).

20       (d-1) If the retirement system determines that a retiree,  
21 after receipt of a notice under Subsection (d), is employed in a  
22 manner that exceeds a limitation on employment provided by  
23 Subsection (a), the system may withhold a monthly benefit payment  
24 under Section 824.601.

25       SECTION 2. Section 824.602, Government Code, as amended by  
26 this Act, applies only to the employment of a retiree of the Teacher  
27 Retirement System of Texas on or after the effective date of this

1 Act.

2           SECTION 3. As soon as practicable after the effective date  
3 of this Act, the Teacher Retirement System of Texas shall adopt  
4 rules as necessary to implement Section [824.602](#), Government Code,  
5 as amended by this Act.

6           SECTION 4. This Act takes effect September 1, 2021.