

By: VanDeaver

H.B. No. 3638

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the break-in service period for certain retirees  
3 preventing the loss of benefits and the state making payments for  
4 certain retirees of the Teacher Retirement System of Texas who  
5 resume service.

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

7 SECTION 1. Section 824.601(b-2), Government Code, is  
8 amended to read as follows:

9 (b-2) A retiree is considered to be employed by a Texas  
10 public educational institution for purposes of Subsection (b) if  
11 the retiree performs duties or provides services for or on behalf of  
12 the institution that an employee of the institution would otherwise  
13 perform or provide and:

14 (1) the retiree waives, defers, or forgoes  
15 compensation from the institution for the performance of the duties  
16 or provision of the services at any time during the 90 [~~12~~]  
17 consecutive calendar days [~~months~~] after the retiree's effective  
18 date of retirement, notwithstanding any other law, including  
19 Sections 824.602(a)(1), (a)(2), and (a)(4);

20 (2) the retiree performs the duties or provides the  
21 services for or on behalf of the institution as an independent  
22 contractor at any time during the 90 [~~12~~] consecutive calendar days  
23 [~~months~~] after the retiree's effective date of retirement; or

24 (3) the retiree, as a volunteer without compensation,

1 performs the same duties or provides the same services for an  
2 institution that the retiree performed or provided immediately  
3 before retiring and the retiree has an agreement to perform those  
4 duties or provide those services after the 90 [~~12~~] consecutive  
5 calendar days [~~months~~] after the retiree's effective date of  
6 retirement.

7 SECTION 2. Section 824.602(a), Government Code, is amended  
8 to read as follows:

9 (a) Subject to Section 825.506, the retirement system may  
10 not, under Section 824.601, withhold a monthly benefit payment if  
11 the retiree is employed in a Texas public educational institution:

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

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

18 (3) in one or more positions on as much as a full-time  
19 basis, if the retiree has been separated from service with all Texas  
20 public educational institutions for at least 90 days [~~12 full~~  
21 ~~consecutive months~~] after the retiree's effective date of  
22 retirement;

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

26 (5) as a tutor under Section 33.913, Education Code.

27 SECTION 3. Sections 824.601 and 824.602, Government Code,

1 as amended by this Act, apply only to the employment of a retiree of  
2 the Teacher Retirement System of Texas on or after the effective  
3 date of this Act.

4 SECTION 4. To the extent of any conflict, this Act prevails  
5 over another Act of the 88th Legislature, Regular Session, 2023,  
6 relating to nonsubstantive additions to and corrections in enacted  
7 codes.

8 SECTION 5. This Act takes effect September 1, 2023.