

By: Shapiro

S.B. No. 1628

A BILL TO BE ENTITLED

AN ACT

relating to third-party entity employment in the public schools.

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

SECTION 1. Section 824.601, Government Code, is amended to read as follows:

Sec. 824.601. LOSS OF MONTHLY BENEFITS. Except as provided by Section 824.602, a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution. A Texas public educational institution, for the purposes of this subchapter, is any entity included in the definition of "employer" or "public school" in Section 821.001 or any entity in whose employment the retiree has earned credit as a member of the retirement system. A retiree who is an employee of a third-party entity is deemed to be employed by a Texas public educational institution for purposes of this subchapter if the third-party entity is retained by a Texas public educational institution to provide staff or personnel to the Texas public educational institution and the staff or personnel perform duties or provide services normally rendered by an employee of that Texas public educational institution, unless the retiree does not actually perform the duties or render services on behalf of or for the benefit of the Texas public educational institution. The retirement system may adopt rules relating to this subchapter as

1 considered necessary by the system. Loss of benefits under this
2 section does not extend any period of guaranteed benefits elected
3 pursuant to Section 824.204.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2003.