

By: Flores

H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

relating to the payment of monthly benefits to certain retirees of the Teacher Retirement System of Texas who return to work.

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

SECTION 1. Section 824.601, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The system may not withhold a monthly benefit payment under this section from a retiree who:

(1) before January 1, 2005, retired under Section 824.202; and

(2) is employed by a school district or an open-enrollment charter school, other than a third-party entity.

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

(a) Subject to 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

1 basis, if the work occurs in not more than six months of a school
2 year that begins after the retiree's effective date of retirement;

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

6 (5) in a position as a classroom teacher on as much as
7 a full-time basis, if the retiree has retired under Section
8 824.202(a), is certified under Subchapter B, Chapter 21, Education
9 Code, to teach the subjects assigned, [~~is teaching in an acute
10 shortage area as determined by the board of trustees of a school
11 district as provided by Subsection (m),~~] and has been separated
12 from service with all public schools for at least 12 months;

13 (6) in a position as a principal, including as an
14 assistant principal, on as much as a full-time basis, if the retiree
15 has retired under Section 824.202(a) without reduction for
16 retirement at an early age, is certified under Subchapter B,
17 Chapter 21, Education Code, to serve as a principal, and has been
18 separated from service with all public schools for at least 12
19 months; or

20 (7) as a bus driver for a school district on as much as
21 a full-time basis, if the retiree has retired under Section
22 824.202(a).

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.