

By: Guillen

H.B. No. 1907

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the retirement benefits payable to retirees of the  
3 Teacher Retirement System of Texas who are employed as school  
4 counselors.

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

6 SECTION 1. Section 824.602(a), Government Code, as amended  
7 by Chapters 674 (S.B. 132) and 1359 (S.B. 1691), Acts of the 79th  
8 Legislature, Regular Session, 2005, is reenacted and amended to  
9 read as follows:

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

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

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

19 (3) in one or more positions on as much as a full-time  
20 basis, if the work occurs in not more than six months of a school  
21 year that begins after the retiree's effective date of retirement;

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

1           (5) in a position as a classroom teacher on as much as  
2 a full-time basis, if the retiree has retired under Section  
3 824.202(a) or (a-1), is certified under Subchapter B, Chapter 21,  
4 Education Code, to teach the subjects assigned, is teaching in an  
5 acute shortage area as determined by the board of trustees of a  
6 school district as provided by Subsection (m), and has been  
7 separated from service with all public schools for at least 12  
8 months;

9           (6) in a position as a principal, including as an  
10 assistant principal, on as much as a full-time basis, if the retiree  
11 has retired under Section 824.202(a) or (a-1) without reduction for  
12 retirement at an early age, is certified under Subchapter B,  
13 Chapter 21, Education Code, to serve as a principal, and has been  
14 separated from service with all public schools for at least 12  
15 months;

16           (7) as a bus driver for a school district on as much as  
17 a full-time basis, if the retiree has retired under Section  
18 824.202(a) or (a-1), and the retiree's primary employment is as a  
19 bus driver; ~~[or]~~

20           (8) as a faculty member, during the period beginning  
21 with the 2005 fall semester and ending on the last day of the 2015  
22 spring semester, in an undergraduate professional nursing program  
23 or graduate professional nursing program, as defined by Section  
24 54.221, Education Code, and if the retiree has been separated from  
25 service with all public schools for at least 12 months; or

26           (9) in a position as a counselor on as much as a  
27 full-time basis, if the retiree has retired under Section

1 824.202(a) or (a-1) without reduction for retirement at an early  
2 age, is certified under Subchapter B, Chapter 21, Education Code,  
3 to serve as a counselor, and has been separated from service with  
4 all public schools for at least 12 months.

5 SECTION 2. Section 824.602(a), Government Code, as amended  
6 by this Act, applies beginning with the 2009-2010 school year.

7 SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2009.