

By: McClendon

H.B. No. 2141

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to one-time supplemental payments of retirement and death  
3 benefits by the Teacher Retirement System of Texas.

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

5 SECTION 1. (a) The Teacher Retirement System of Texas shall  
6 make a one-time supplemental payment of a retirement or death  
7 benefit, as provided by this section.

8 (b) The supplemental payment is payable not later than  
9 September of 2009 and, to the extent practicable, on a date or dates  
10 that coincide with the regular annuity payment payable to each  
11 eligible annuitant.

12 (c) The amount of the supplemental payment is equal to the  
13 gross amount of the regular annuity payment to which the eligible  
14 annuitant is otherwise entitled for the month of August 2009.

15 (d) The supplemental payment is payable without regard to  
16 any forfeiture of benefits under Section 824.601, Government Code.  
17 The Teacher Retirement System of Texas shall make applicable tax  
18 withholding and other legally required deductions before  
19 disbursing the supplemental payment. A supplemental payment under  
20 this section is in addition to and not in lieu of the regular  
21 monthly annuity payment to which the eligible annuitant is  
22 otherwise entitled.

23 (e) Subject to Subsection (f) of this section, to be  
24 eligible for the supplemental payment, a person must be, for the

1 month of August 2009, and disregarding any forfeiture of benefits  
2 under Section 824.601, Government Code, an annuitant eligible to  
3 receive:

4 (1) a standard retirement annuity payment;

5 (2) an optional retirement annuity payment as either a  
6 retiree or beneficiary;

7 (3) a life annuity payment under Section  
8 824.402(a)(4), Government Code;

9 (4) an annuity for a guaranteed period of 60 months  
10 under Section 824.402(a)(3), Government Code; or

11 (5) an alternate payee annuity payment under Section  
12 804.005, Government Code.

13 (f) If the annuitant is a retiree or a beneficiary under an  
14 optional retirement payment plan, to be eligible for the  
15 supplemental payment, the effective date of the retirement of the  
16 member of the Teacher Retirement System of Texas must have been on  
17 or before December 31, 2008. If the annuitant is a beneficiary  
18 under Section 824.402(a)(3) or (4), Government Code, to be eligible  
19 for the supplemental payment, the date of death of the member of the  
20 retirement system must have been on or before December 31, 2008.  
21 The supplemental payment shall be made to an alternate payee who is  
22 an annuitant under Section 804.005, Government Code, only if the  
23 annuity payment to the alternate payee commenced on or before  
24 December 31, 2008. The supplemental payment is in addition to the  
25 guaranteed number of payments under Section 824.402(a)(3) or  
26 824.204(c)(3) or (4), Government Code, and may not be counted as one  
27 of the guaranteed monthly payments.

1           (g) The supplemental payment does not apply to payments  
2 under:

3                   (1) Section 824.304(a), Government Code, relating to  
4 disability retirees with less than 10 years of service credit;

5                   (2) Section 824.804(b), Government Code, relating to  
6 participants in the deferred retirement option plan with regard to  
7 payments from their deferred retirement option plan accounts;

8                   (3) Section 824.501(a), Government Code, relating to  
9 retiree survivor beneficiaries who receive a survivor annuity in an  
10 amount fixed by statute; or

11                   (4) Section 824.404(a), Government Code, relating to  
12 active member survivor beneficiaries who receive a survivor annuity  
13 in an amount fixed by statute.

14           (h) Except as provided by this section, the board of  
15 trustees of the Teacher Retirement System of Texas shall determine  
16 the eligibility for and the amount and timing of a supplemental  
17 payment and the manner in which the payment is made.

18           SECTION 2. This Act takes effect September 1, 2009.