

By: Eiland

H.B. No. 2454

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a one-time supplemental annuity payment by the Teacher  
3 Retirement System of Texas.

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

5 SECTION 1. (a) Subject to the availability of funds under  
6 the American Recovery and Reinvestment Act of 2009 (Pub. L. No.  
7 111-5) or other legislative appropriation, the Teacher Retirement  
8 System of Texas shall make a one-time supplemental payment of a  
9 retirement or death benefit as provided by this section.

10 (b) The supplemental payment is payable not later than  
11 September 30, 2009, and, to the extent practicable, on a date or  
12 dates that coincide with the regular annuity payment payable to  
13 each eligible annuitant.

14 (c) The amount of the supplemental payment is equal to the  
15 lesser of:

16 (1) the gross amount of the regular annuity payment to  
17 which the eligible annuitant is otherwise entitled for the month of  
18 August 2009; or

19 (2) \$2,400.

20 (d) The supplemental payment is payable without regard to  
21 any forfeiture of benefits under Section 824.601, Government Code.  
22 The Teacher Retirement System of Texas shall make applicable tax  
23 withholding and other legally required deductions before  
24 disbursing the supplemental payment. A supplemental payment under

1 this section is in addition to and not in lieu of the regular  
2 monthly annuity payment to which the eligible annuitant is  
3 otherwise entitled.

4 (e) Subject to Subsection (f) of this section, to be  
5 eligible for the supplemental payment, a person must be, for the  
6 month of August 2009, and disregarding any forfeiture of benefits  
7 under Section 824.601, Government Code, an annuitant eligible to  
8 receive:

9 (1) a standard retirement annuity payment;

10 (2) an optional retirement annuity payment as either a  
11 retiree or beneficiary;

12 (3) a life annuity payment under Section  
13 824.402(a)(4), Government Code;

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

16 (5) an alternate payee annuity payment under Section  
17 804.005, Government Code.

18 (f) If the annuitant is a retiree or a beneficiary under an  
19 optional retirement payment plan, to be eligible for the  
20 supplemental payment, the effective date of the retirement of the  
21 member of the Teacher Retirement System of Texas must have been on  
22 or before December 31, 2008. If the annuitant is a beneficiary  
23 under Section 824.402(a)(3) or (4), Government Code, to be eligible  
24 for the supplemental payment, the date of death of the member of the  
25 retirement system must have been on or before December 31, 2008.  
26 The supplemental payment shall be made to an alternate payee who is  
27 an annuitant under Section 804.005, Government Code, only if the

1 annuity payment to the alternate payee commenced on or before  
2 December 31, 2008. The supplemental payment is in addition to the  
3 guaranteed number of payments under Section 824.402(a)(3) or  
4 824.204(c)(3) or (4), Government Code, and may not be counted as one  
5 of the guaranteed monthly payments.

6 (g) The supplemental payment does not apply to payments  
7 under:

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

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

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

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

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

23 (i) The supplemental payment provided under this Act is  
24 subject solely to the availability of funds appropriated for that  
25 purpose, and does not depend on actuarial soundness of the fund or  
26 any other condition provided by other law.

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