

By: Truitt

H.B. No. 3353

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the resumption of service by retirees under the Teacher
3 Retirement System of Texas.

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

5 SECTION 1. Section 824.601, Government Code, is amended by
6 amending Subsection (b) and adding Subsection (b-1) to read as
7 follows:

8 (b) Except as provided by Subsection (b-1) or Section
9 824.602, a retiree is not entitled to service or disability
10 retirement benefit payments, as applicable, for any month in which
11 the retiree is employed in any position by a Texas public
12 educational institution.

13 (b-1) Subsection (b) does not apply to a retiree under
14 Section 824.202 whose effective date of retirement is on or before
15 January 1, 2011.

16 SECTION 2. Section 824.602(a), Government Code, as amended
17 by Chapters 674 (S.B. 132) and 1359 (S.B. 1691), Acts of the 79th
18 Legislature, Regular Session, 2005, is reenacted and amended to
19 read as follows:

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

23 (1) as a substitute only with pay not more than the
24 daily rate of substitute pay established by the employer and, if the

1 retiree is a disability retiree, the employment has not exceeded a
2 total of 90 days in the school year;

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

5 (3) in one or more positions on as much as a full-time
6 basis, if the retiree has been separated from service with all Texas
7 public educational institutions for at least 12 full consecutive
8 months [~~work occurs in not more than six months of a school year~~
9 ~~that begins~~] after the retiree's effective date of retirement; or

10 (4) in a position, other than as a substitute, on no
11 more than a one-half time basis for no more than 90 days in the
12 school year, if the retiree is a disability retiree[~~+~~

13 [~~(5) in a position as a classroom teacher on as much as~~
14 ~~a full-time basis, if the retiree has retired under Section~~
15 ~~824.202(a) or (a-1), is certified under Subchapter B, Chapter 21,~~
16 ~~Education Code, to teach the subjects assigned, is teaching in an~~
17 ~~acute shortage area as determined by the board of trustees of a~~
18 ~~school district as provided by Subsection (m), and has been~~
19 ~~separated from service with all public schools for at least 12~~
20 ~~months,~~

21 [~~(6) in a position as a principal, including as an~~
22 ~~assistant principal, on as much as a full-time basis, if the retiree~~
23 ~~has retired under Section 824.202(a) or (a-1) without reduction for~~
24 ~~retirement at an early age, is certified under Subchapter B,~~
25 ~~Chapter 21, Education Code, to serve as a principal, and has been~~
26 ~~separated from service with all public schools for at least 12~~
27 ~~months,~~

1 ~~[(7) as a bus driver for a school district on as much~~
2 ~~as a full-time basis, if the retiree has retired under Section~~
3 ~~824.202(a) or (a-1), and the retiree's primary employment is as a~~
4 ~~bus driver; or~~

5 ~~[(8) as a faculty member, during the period beginning~~
6 ~~with the 2005 fall semester and ending on the last day of the 2015~~
7 ~~spring semester, in an undergraduate professional nursing program~~
8 ~~or graduate professional nursing program, as defined by Section~~
9 ~~54.221, Education Code, and if the retiree has been separated from~~
10 ~~service with all public schools for at least 12 months].~~

11 SECTION 3. Section 824.602(g), Government Code, is amended
12 to read as follows:

13 (g) The exceptions provided by Subsections (a)(2) and
14 (a)(3) do not apply to disability retirees. The retirement system
15 nevertheless may not withhold a monthly benefit payment under
16 Section 824.601 if:

17 (1) a disability retiree is employed in a Texas public
18 educational institution in a position, other than as a substitute,
19 for a period not to exceed three consecutive months ~~[of the school~~
20 ~~year]~~;

21 (2) the work occurs in a period, designated by the
22 disability retiree, of no more than three consecutive months ~~[of a~~
23 ~~school year]~~;

24 (3) the disability retiree executes on a form and at a
25 time prescribed by the retirement system a written election to have
26 this exception apply on a one-time trial basis in determining
27 whether benefits are to be suspended for the months of employment

1 after retirement and in determining whether a disability retiree is
2 no longer mentally or physically incapacitated for the performance
3 of duty; and

4 (4) the disability retiree has not previously elected
5 to avoid loss of monthly benefits [~~in a school year~~] under this
6 subsection.

7 SECTION 4. Section 824.603, Government Code, is amended to
8 read as follows:

9 Sec. 824.603. EXCLUSION FROM CREDIT. Employment of a
10 retiree described by Section 824.601(b-1) or 824.602(a) does not
11 entitle the [~~a~~] retiree to additional service credit, and the
12 retiree so employed is not required to make contributions to the
13 system from compensation for that employment.

14 SECTION 5. Sections 824.602(c), (d), (m), (p), and (q),
15 Government Code, are repealed.

16 SECTION 6. (a) A person who resumed employment after
17 retirement and whose benefit payments were suspended under Section
18 824.601, Government Code, as that section existed before amendment
19 by this Act, is entitled to the resumption of monthly benefit
20 payments if the person meets the requirements of Section
21 824.601(b-1), Government Code, as added by this Act, or Section
22 824.602, Government Code, as amended by this Act.

23 (b) The Teacher Retirement System of Texas shall resume
24 making monthly benefit payments to a person described by Subsection
25 (a) of this section on the first payment date occurring on or after
26 the effective date of this Act.

27 (c) A person who is entitled to the resumption of monthly

1 benefit payments under this section is not entitled to recover
2 benefit payments not made during the period the person's benefit
3 was suspended under Section 824.601, Government Code, as that
4 section existed before amendment by this Act.

5 SECTION 7. To the extent of any conflict, this Act prevails
6 over another Act of the 82nd Legislature, Regular Session, 2011,
7 relating to nonsubstantive additions to and corrections in enacted
8 codes.

9 SECTION 8. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.