

1-1 By: Duncan S.B. No. 1669  
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 21, 2011, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; April 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the resumption of service by retirees under the Teacher  
1-9 Retirement System of Texas.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 824.601, Government Code, is amended by  
1-12 amending Subsection (b) and adding Subsection (b-1) to read as  
1-13 follows:

1-14 (b) Except as provided by Subsection (b-1) or Section  
1-15 824.602, a retiree is not entitled to service or disability  
1-16 retirement benefit payments, as applicable, for any month in which  
1-17 the retiree is employed in any position by a Texas public  
1-18 educational institution.

1-19 (b-1) Subsection (b) does not apply to a retiree under  
1-20 Section 824.202 whose effective date of retirement is on or before  
1-21 January 1, 2011.

1-22 SECTION 2. Subsection (a), Section 824.602, Government  
1-23 Code, as amended by Chapters 674 (S.B. 132) and 1359 (S.B. 1691),  
1-24 Acts of the 79th Legislature, Regular Session, 2005, is reenacted  
1-25 and amended to read as follows:

1-26 (a) Subject to Section 825.506, the retirement system may  
1-27 not, under Section 824.601, withhold a monthly benefit payment if  
1-28 the retiree is employed in a Texas public educational institution:

1-29 (1) as a substitute only with pay not more than the  
1-30 daily rate of substitute pay established by the employer and, if the  
1-31 retiree is a disability retiree, the employment has not exceeded a  
1-32 total of 90 days in the school year;

1-33 (2) in a position, other than as a substitute, on no  
1-34 more than a one-half time basis for the month;

1-35 (3) in one or more positions on as much as a full-time  
1-36 basis, if the retiree has been separated from service with all Texas  
1-37 public educational institutions for at least 12 full consecutive  
1-38 months ~~[work occurs in not more than six months of a school year~~  
1-39 ~~that begins]~~ after the retiree's effective date of retirement; or

1-40 (4) in a position, other than as a substitute, on no  
1-41 more than a one-half time basis for no more than 90 days in the  
1-42 school year, if the retiree is a disability retiree[+]

1-43 ~~[(5) in a position as a classroom teacher on as much as~~  
1-44 ~~a full-time basis, if the retiree has retired under Section~~  
1-45 ~~824.202(a) or (a-1), is certified under Subchapter B, Chapter 21,~~  
1-46 ~~Education Code, to teach the subjects assigned, is teaching in an~~  
1-47 ~~acute shortage area as determined by the board of trustees of a~~  
1-48 ~~school district as provided by Subsection (m), and has been~~  
1-49 ~~separated from service with all public schools for at least 12~~  
1-50 ~~months;~~

1-51 ~~[(6) in a position as a principal, including as an~~  
1-52 ~~assistant principal, on as much as a full-time basis, if the retiree~~  
1-53 ~~has retired under Section 824.202(a) or (a-1) without reduction for~~  
1-54 ~~retirement at an early age, is certified under Subchapter B,~~  
1-55 ~~Chapter 21, Education Code, to serve as a principal, and has been~~  
1-56 ~~separated from service with all public schools for at least 12~~  
1-57 ~~months;~~

1-58 ~~[(7) as a bus driver for a school district on as much~~  
1-59 ~~as a full-time basis, if the retiree has retired under Section~~  
1-60 ~~824.202(a) or (a-1), and the retiree's primary employment is as a~~  
1-61 ~~bus driver; or~~

1-62 ~~[(8) as a faculty member, during the period beginning~~  
1-63 ~~with the 2005 fall semester and ending on the last day of the 2015~~  
1-64 ~~spring semester, in an undergraduate professional nursing program~~

2-1 ~~or graduate professional nursing program, as defined by Section~~  
2-2 ~~54.221, Education Code, and if the retiree has been separated from~~  
2-3 ~~service with all public schools for at least 12 months].~~

2-4 SECTION 3. Subsection (g), Section 824.602, Government  
2-5 Code, is amended to read as follows:

2-6 (g) The exceptions provided by Subsections (a)(2) and  
2-7 (a)(3) do not apply to disability retirees. The retirement system  
2-8 nevertheless may not withhold a monthly benefit payment under  
2-9 Section 824.601 if:

2-10 (1) a disability retiree is employed in a Texas public  
2-11 educational institution in a position, other than as a substitute,  
2-12 for a period not to exceed three consecutive months [~~of the school~~  
2-13 ~~year~~];

2-14 (2) the work occurs in a period, designated by the  
2-15 disability retiree, of no more than three consecutive months [~~of a~~  
2-16 ~~school year~~];

2-17 (3) the disability retiree executes on a form and at a  
2-18 time prescribed by the retirement system a written election to have  
2-19 this exception apply on a one-time trial basis in determining  
2-20 whether benefits are to be suspended for the months of employment  
2-21 after retirement and in determining whether a disability retiree is  
2-22 no longer mentally or physically incapacitated for the performance  
2-23 of duty; and

2-24 (4) the disability retiree has not previously elected  
2-25 to avoid loss of monthly benefits [~~in a school year~~] under this  
2-26 subsection.

2-27 SECTION 4. Section 824.603, Government Code, is amended to  
2-28 read as follows:

2-29 Sec. 824.603. EXCLUSION FROM CREDIT. Employment of a  
2-30 retiree described by Section 824.601(b-1) or 824.602(a) does not  
2-31 entitle the [~~a~~] retiree to additional service credit, and the  
2-32 retiree ~~so~~ employed is not required to make contributions to the  
2-33 system from compensation for that employment.

2-34 SECTION 5. Subsections (c), (d), (m), (p), and (q), Section  
2-35 824.602, Government Code, are repealed.

2-36 SECTION 6. (a) A person who resumed employment after  
2-37 retirement and whose benefit payments were suspended under Section  
2-38 824.601, Government Code, as that section existed before amendment  
2-39 by this Act, is entitled to the resumption of monthly benefit  
2-40 payments if the person meets the requirements of Section  
2-41 824.601(b-1), Government Code, as added by this Act, or Section  
2-42 824.602, Government Code, as amended by this Act.

2-43 (b) The Teacher Retirement System of Texas shall resume  
2-44 making monthly benefit payments to a person described by Subsection  
2-45 (a) of this section on the first payment date occurring on or after  
2-46 the effective date of this Act.

2-47 (c) A person who is entitled to the resumption of monthly  
2-48 benefit payments under this section is not entitled to recover  
2-49 benefit payments not made during the period the person's benefit  
2-50 was suspended under Section 824.601, Government Code, as that  
2-51 section existed before amendment by this Act.

2-52 SECTION 7. To the extent of any conflict, this Act prevails  
2-53 over another Act of the 82nd Legislature, Regular Session, 2011,  
2-54 relating to nonsubstantive additions to and corrections in enacted  
2-55 codes.

2-56 SECTION 8. This Act takes effect immediately if it receives  
2-57 a vote of two-thirds of all the members elected to each house, as  
2-58 provided by Section 39, Article III, Texas Constitution. If this  
2-59 Act does not receive the vote necessary for immediate effect, this  
2-60 Act takes effect September 1, 2011.

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