2019S0324-1 03/04/19

By:  Huffman, et al. S.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to the contributions to the Teacher Retirement System of Texas.

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

SECTION 1.  Section 825.402, Government Code, is amended to read as follows:

Sec. 825.402.  RATE OF MEMBER CONTRIBUTIONS. The rate of contributions for each member of the retirement system is:

(1)  five percent of the member's annual compensation or $180, whichever is less, for service rendered after August 31, 1937, and before September 1, 1957;

(2)  six percent of the first $8,400 of the member's annual compensation for service rendered after August 31, 1957, and before September 1, 1969;

(3)  six percent of the member's annual compensation for service rendered after August 31, 1969, and before the first day of the 1977-78 school year;

(4)  6.65 percent of the member's annual compensation for service rendered after the last day of the period described by Subdivision (3) and before September 1, 1985;

(5)  6.4 percent of the member's annual compensation for service rendered after August 31, 1985, and before September 1, 2014;

(6)  6.7 percent of the member's annual compensation for service rendered after August 31, 2014, and before September 1, 2015;

(7)  7.2 percent of the member's annual compensation for service rendered after August 31, 2015, and before September 1, 2016;

(8)  7.7 percent of the member's annual compensation for service rendered after August 31, 2016, and before September 1, 2017; [~~and~~]

(9)  for compensation paid [~~service rendered~~] on or after September 1, 2017, and before September 1, 2019, the lesser of:

(A)  7.7 percent of the member's annual compensation; or

(B)  a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation [~~service~~] relates is less than the state contribution rate established for the 2015 fiscal year;

(10)  for compensation paid on or after September 1, 2019, and before September 1, 2021, the lesser of:

(A)  7.7 percent of the member's annual compensation; or

(B)  a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established by Section 825.404(f) for that fiscal year;

(11)  for compensation paid on or after September 1, 2021, but before September 1, 2023, the lesser of:

(A)  eight percent of the member's annual compensation; or

(B)  a percentage of the member's annual compensation equal to eight percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established by Section 825.404(f) for that fiscal year; and

(12)  for compensation paid on or after September 1, 2023, the lesser of:

(A)  8.25 percent of the member's annual compensation; or

(B)  a percentage of the member's annual compensation equal to 8.25 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates is less than the state contribution rate established by Section 825.404(f) for that fiscal year.

SECTION 2.  Section 825.4035, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:

(b)  Except as provided in Subsection (c), for each member the employer reports to the retirement system and for whom the employer is not making contributions to the federal Old-Age, Survivors, and Disability Insurance program, the employer shall contribute monthly to the retirement system for each such member:

(1)  for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the member's compensation; [~~and~~]

(2)  beginning with the report month for September 2015 and ending with the report month August 2019, an amount equal to the lesser of:

(A)  1.5 percent of the member's compensation; or

(B)  a percentage of the member's compensation equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for the 2015 fiscal year;

(3)  beginning with the report month for September 2019 and ending with the report month August 2020, an amount equal to the lesser of:

(A)  1.5 percent of the member's compensation; or

(B)  a percentage of the member's compensation equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for that fiscal year under Section 825.404(f); and

(4)  beginning with the report month for September 2020, an amount equal to the lesser of:

(A)  a percentage of the member's compensation equal to the rate of contribution provided for the applicable fiscal year under Subsection (e); or

(B)  a percentage of the member's compensation equal to the percentage provided by Paragraph (A) reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for that fiscal year under Section 825.404(f).

(c)  If a member is entitled to the minimum salary for certain school personnel under Section 21.402, Education Code, or if a member would have been entitled to the minimum salary for certain school personnel under former Section 16.056, Education Code, as that section existed on January 1, 1995, the employer shall, in addition to any contributions required under Section 825.405, contribute monthly to the retirement system for each such member:

(1)  for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the statutory minimum salary determined under Section 825.405(b); [~~and~~]

(2)  beginning with the report month for September 2015 and ending with the report month of August 2019, an amount equal to the lesser of:

(A)  1.5 percent of the statutory minimum salary determined under Section 825.405(b); or

(B)  a percentage of the statutory minimum salary determined under Section 825.405(b) equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for the 2015 fiscal year;

(3)  beginning with the report month for September 2019 and ending with the report month of August 2020, an amount equal to the lesser of:

(A)  1.5 percent of the statutory minimum salary determined under Section 825.405(b); or

(B)  a percentage of the statutory minimum salary determined under Section 825.405(b) equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for that fiscal year under Section 825.404(f); and

(4)  beginning with the report month for September 2020, an amount equal to the lesser of:

(A)  a percentage of the statutory minimum salary determined under Section 825.405(b) equal to the rate of contribution provided for the applicable fiscal year under Subsection (e); or

(B)  a percentage of the statutory minimum salary determined under Section 825.405(b) equal to the percentage provided by Paragraph (A) reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for that fiscal year under Section 825.404(f).

(e)  Unless otherwise required by Subsection (b)(4)(B) or (c)(4)(B), employers shall contribute monthly to the retirement system in accordance with the requirements of this section at the following contribution rates:

(1)  1.6 percent beginning with the report month for September 2020;

(2)  1.7 percent beginning with the report month for September 2021;

(3)  1.8 percent beginning with the report month for September 2022;

(4)  1.9 percent beginning with the report month for September 2023; and

(5)  two percent beginning with the report month for September 2024 and for all subsequent report months.

SECTION 3.  Section 825.404, Government Code, is amended by amending Subsections (a) and (a-1) and adding Subsection (f) to read as follows:

(a)  Except as provided by Subsections [~~Subsection~~] (a-1) and (f), during each fiscal year, the state shall contribute to the retirement system an amount equal to at least six and not more than 10 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year.

(a-1)  In computing the amount owed by the state under this section [~~Subsection (a)~~], the compensation of members who are employed by public junior colleges or public junior college districts shall be included in the aggregate annual compensation as follows:

(1)  50 percent of the eligible creditable compensation of employees who:

(A)  otherwise are eligible for membership in the retirement system; and

(B)  are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2)  none of the eligible creditable compensation of all other employees who:

(A)  do not meet the requirements of Subdivision (1)(B) but are otherwise eligible for membership in the retirement system; or

(B)  cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (b-1).

(f)  The state shall make its required contribution under Subsection (a) based on the following percentages of the aggregate annual compensation of all members of the retirement system during each applicable fiscal year:

(1)  7.25 percent beginning on September 1, 2019;

(2)  7.50 percent beginning on September 1, 2020;

(3)  7.75 percent beginning on September 1, 2021;

(4)  8.00 percent beginning on September 1, 2022; and

(5)  8.25 percent beginning on September 1, 2023, and each subsequent fiscal year.

SECTION 4.  (a)  The Teacher Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit, as provided by this section.

(b)  The one-time supplemental payment is payable not earlier than the first calendar month after the calendar month in which the state transfers to the Teacher Retirement System of Texas the amount described by Subsection (i) of this section. To the extent practicable, the Teacher Retirement System of Texas shall issue the supplemental payment on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

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

(1)  the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the calendar month immediately prior to the calendar month in which the Teacher Retirement System of Texas issues the one-time supplemental payment in accordance with Subsection (b) of this section; or

(2)  $500.

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

(e)  Subject to Subsection (f) of this section, to be eligible for the supplemental payment, a person must be, for the calendar month immediately prior to the calendar month in which the Teacher Retirement System of Texas issues the one-time supplemental payment in accordance with Subsection (b) of this section, and disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:

(1)  a standard retirement annuity payment;

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

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

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

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

(f)  If the annuitant is a retiree or a beneficiary under an optional retirement payment plan, to be eligible for the supplemental payment, the effective date of the retirement of the member of the Teacher Retirement System of Texas must have been on or before December 31, 2018. If the annuitant is a beneficiary under Section 824.402(a)(3) or (4), Government Code, to be eligible for the supplemental payment, the date of death of the member of the retirement system must have been on or before December 31, 2018. The supplemental payment shall be made to an alternate payee who is an annuitant under Section 804.005, Government Code, only if the annuity payment to the alternate payee commenced on or before December 31, 2018. The supplemental payment is in addition to the guaranteed number of payments under Section 824.402(a)(3), Section 824.204(c)(3) or (4), or Section 824.308(c)(3) or (4), Government Code, and may not be counted as one of the guaranteed monthly payments.

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

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

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

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

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

(h)  The board of trustees of the Teacher Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

(i)  The state shall appropriate to the Teacher Retirement System of Texas an amount equal to the cost of the one-time supplemental payment required by this section. This amount is in addition to the amount the state is required to contribute to the Teacher Retirement System of Texas under Section 825.404, Government Code, as amended by this Act. If the state does not transfer the appropriated amount described by this subsection, the Teacher Retirement System of Texas shall not issue the one-time supplemental payment required by this section.

SECTION 5.  This Act takes effect September 1, 2019.