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H.B. No. 2227

A BILL TO BE ENTITLED

1 AN ACT
2 relating to preventing the loss of benefits by certain retirees of
3 the Teacher Retirement System of Texas who resume service.

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

5 SECTION 1. Section 824.601(b-1), Government Code, is
6 amended to read as follows:

7 (b-1) Subsection (b) does not apply to a retiree under
8 Section 824.202 whose effective date of retirement is on or before
9 August 31, 2018 [~~January 1, 2011~~].

10 SECTION 2. Section 824.602, Government Code, is amended by
11 amending Subsections (a) and (j) and adding Subsection (c) to read
12 as follows:

13 (a) Subject to Subsection (c) and Section 825.506, the
14 retirement system may not, under Section 824.601, withhold a
15 monthly benefit payment if the retiree is employed in a Texas public
16 educational institution:

17 (1) as a substitute only with pay not more than the
18 daily rate of substitute pay established by the employer and, if the
19 retiree is a disability retiree, the employment has not exceeded a
20 total of 90 days in the school year;

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

23 (3) in one or more positions on as much as a full-time
24 basis, if the retiree has been separated from service with all Texas

1 public educational institutions for at least 12 full consecutive
2 months after the retiree's effective date of retirement; or

3 (4) in a position, other than as a substitute, on no
4 more than a one-half time basis for no more than 90 days in the
5 school year, if the retiree is a disability retiree.

6 (c) Except as provided by this subsection, an exception
7 provided by Subsection (a)(2) or (4) continues to apply to a retiree
8 who exceeds a limitation prescribed by that subsection because of
9 an exigent event that is beyond the retiree's control, including a
10 weather-related event. If the system applies this subsection to a
11 retiree:

12 (1) the system shall:

13 (A) immediately notify the retiree and the Texas
14 public educational institution employing the retiree that the
15 retiree exceeded a limitation provided by Subsection (a)(2) or (4),
16 as applicable; and

17 (B) if appropriate, provide to the retiree a
18 30-day period from the date notice is received by the retiree in
19 which the retiree may take corrective action to avoid exceeding the
20 limitation again in the future, as prescribed by the retirement
21 system; and

22 (2) the retiree shall, in the manner prescribed by the
23 system:

24 (A) return to the system the prorated amount of
25 the monthly benefit payment received by the retiree that is
26 attributable to the period in which the retiree exceeded the
27 limitation provided by Subsection (a)(2) or (4), as applicable; or

1 (B) pay to the system the difference between the
2 actual hours for which the retiree was compensated and the hours
3 permitted under Subsection (a)(2) or (4), as applicable.

4 (j) The board of trustees shall adopt rules:

5 (1) governing the employment of a substitute;

6 (2) [~~and~~] defining "one-half time basis"; and

7 (3) implementing Subsection (c), as necessary. ["]

8 SECTION 3. Section [824.602](#), Government Code, as amended by
9 this Act, applies only to a benefit payment made by the Teacher
10 Retirement System of Texas that becomes payable on or after the
11 effective date of this Act.

12 SECTION 4. This Act takes effect September 1, 2019.