

By: Bernal, Dean

H.B. No. 3929

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the loss of benefits of and the payment of certain  
3 employer contributions for certain retirees of the Teacher  
4 Retirement System of Texas who resume service.

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

6 SECTION 1. Section 824.602(a), Government Code, is amended  
7 to read as follows:

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

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

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

17 (3) in one or more positions on as much as a full-time  
18 basis, if the retiree has been separated from service with all Texas  
19 public educational institutions for at least 12 full consecutive  
20 months after the retiree's effective date of retirement; ~~or~~

21 (4) in a position, other than as a substitute, on no  
22 more than a one-half time basis for no more than 90 days in the  
23 school year, if the retiree is a disability retiree; or

24 (5) in a position on as much as a full-time basis that

1 is necessary, as determined by the board of trustees, for  
2 implementing a special education program under Subchapter A,  
3 Chapter 29, Education Code.

4 SECTION 2. Section 825.4092(e), Government Code, is amended  
5 to read as follows:

6 (e) The amounts required to be paid under Subsections (b)  
7 and (c) are not required to be paid by a reporting employer for a  
8 retiree who retired from the retirement system:

9 (1) before September 1, 2005; or

10 (2) on or after September 1, 2005, if:

11 (A) the reporting employer is located in an area  
12 subject to:

13 (i) a disaster declared by the president of  
14 the United States;

15 (ii) a state of disaster declared by the  
16 governor under Chapter 418; or

17 (iii) a local state of disaster declared by  
18 the presiding officer of the governing body of a political  
19 subdivision under Chapter 418;

20 (B) the amounts to be paid are attributable to a  
21 payroll period that occurs in any of the following school years:

22 (i) a school year during which a disaster  
23 described by Paragraph (A) is declared, beginning with the payroll  
24 period that occurs after the date the disaster is declared; and

25 (ii) the two school years following a  
26 school year described by Subparagraph (i); and

27 (C) the retiree is employed in a position

1 necessary, as determined by the board of trustees, for implementing  
2 a special education program under Subchapter A, Chapter 29,  
3 Education Code.

4 SECTION 3. (a) Subject to Subsection (b) of this section,  
5 the changes in law made by this Act apply to a retiree of the Teacher  
6 Retirement System of Texas regardless of whether the person retired  
7 from employment before, on, or after the effective date of this Act.

8 (b) Section 824.602, Government Code, as amended by this  
9 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. Section 825.4092, Government Code, as amended by  
13 this Act, applies beginning with the 2021-2022 school year.

14 SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2021.