

By: Bernal

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 the retiree is
11 employed in a position necessary, as determined by the board of
12 trustees, for implementing a special education program under
13 Subchapter A, Chapter 29, Education Code.

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

18 (b) Section 824.602, Government Code, as amended by this
19 Act, applies only to a benefit payment made by the Teacher
20 Retirement System of Texas that becomes payable on or after the
21 effective date of this Act.

22 SECTION 4. Section 825.4092, Government Code, as amended by
23 this Act, applies beginning with the 2021-2022 school year.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2021.