

AN ACT

relating to preventing the loss of benefits of and the payment of certain employer contributions for certain retirees of the Teacher Retirement System of Texas who resume service.

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

SECTION 1. Section 824.601, Government Code, is amended by amending Subsection (b) and adding Subsection (b-3) to read as follows:

(b) Except as provided by Subsection (b-1) or Section 824.602 and subject to Subsection (b-2) and, if applicable, Subsection (b-3), a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution.

(b-3) A retiree under Section 824.202 is subject to Subsection (b) only if the retirement system first issues the following notices to the retiree:

(1) with respect to the first occurrence of the retiree's employment that does not qualify for an exception under Section 824.602, the system issued a written warning notifying the retiree of that fact; and

(2) in a month following the month in which the system issued the warning described by Subdivision (1) and with respect to a subsequent occurrence of the retiree's continued employment that

1 does not qualify for an exception under Section 824.602, the system
2 issued a written notice:

3 (A) warning the retiree of the fact described by
4 this subdivision; and

5 (B) requiring the retiree to pay to the system,
6 in a form and manner prescribed by the system, an amount, as elected
7 by the retiree, that equals the total sum the retiree:

8 (i) earned for all employment by Texas
9 public educational institutions for each month occurring after the
10 issuance of the warning under Subdivision (1) for which the retiree
11 did not qualify for an exception under Section 824.602 and before
12 the month the system issued the written notice described by this
13 subdivision; or

14 (ii) received in retirement benefit
15 payments for each month occurring after the issuance of the warning
16 under Subdivision (1) for which the retiree did not qualify for an
17 exception under Section 824.602 and before the month the system
18 issued the written notice described by this subdivision.

19 SECTION 2. Subchapter G, Chapter 824, Government Code, is
20 amended by adding Section 824.6021 to read as follows:

21 Sec. 824.6021. TEMPORARY EXCEPTION TO MITIGATE LEARNING
22 LOSS ATTRIBUTABLE TO COVID-19 PANDEMIC. (a) Subject to Section
23 825.506, the retirement system may not, under Section 824.601,
24 withhold a monthly benefit payment if the retiree is employed in a
25 Texas public educational institution, other than an institution of
26 higher education, in a position performing duties related to the
27 mitigation of student learning loss attributable to the coronavirus

1 disease (COVID-19) pandemic, if the position:

2 (1) is in addition to the normal staffing level at the
3 Texas public educational institution;

4 (2) is funded wholly by federal funds provided under
5 federal law enacted for the purpose of providing relief related to
6 the coronavirus disease (COVID-19) pandemic, including the
7 Coronavirus Aid, Relief, and Economic Security (CARES) Act (15
8 U.S.C. Section 9001 et seq.), Coronavirus Response and Relief
9 Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No.
10 116-260), or American Rescue Plan Act of 2021 (Pub. L. No. 117-2);
11 and

12 (3) ends on or before December 31, 2024.

13 (b) The exception provided by this section:

14 (1) is in addition to the exceptions otherwise
15 provided by Sections 824.601 and 824.602; and

16 (2) does not apply to disability retirees.

17 (c) This section expires February 1, 2025.

18 SECTION 3. Section 825.308, Government Code, is amended to
19 read as follows:

20 Sec. 825.308. STATE CONTRIBUTION ACCOUNT. The retirement
21 system shall deposit in the state contribution account:

22 (1) all state contributions to the retirement system
23 required by Section 825.404;

24 (2) amounts from the interest account as provided by
25 Section 825.313(b)(2);

26 (3) retirement annuities waived or forfeited in
27 accordance with Section 824.601 or 824.004;

1 (3-a) retiree earnings described by Section
2 824.601(b-3)(2)(B)(i) that have been paid to the system;

3 (4) fees collected under Section 825.403(h);

4 (5) fees and interest for reinstatement of service
5 credit or establishment of membership service credit as provided by
6 Section 823.501;

7 (6) the portion of a deposit required by Section
8 823.302 to establish military service credit that represents a fee;
9 and

10 (7) employer contributions required under Section
11 825.4092.

12 SECTION 4. Section 825.4092, Government Code, is amended by
13 adding Subsection (f) to read as follows:

14 (f) Notwithstanding any other provision of this section,
15 the amounts required to be paid under Subsections (b) and (c) are
16 not required to be paid by a reporting employer for a retiree who
17 retired from the retirement system on or after September 1, 2005,
18 and is employed in a position described by Section 824.6021(a).
19 This subsection expires February 1, 2025.

20 SECTION 5. Section 824.601, Government Code, as amended by
21 this Act, applies only to the employment of a retiree of the Teacher
22 Retirement System of Texas on or after the effective date of this
23 Act.

24 SECTION 6. As soon as practicable after the effective date
25 of this Act, the Teacher Retirement System of Texas shall adopt
26 rules as necessary to implement Section 824.601, Government Code,
27 as amended by this Act.

1 SECTION 7. Section [825.4092](#), Government Code, as amended by
2 this Act, applies beginning with the 2021-2022 school year.

3 SECTION 8. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 288 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0; May 25, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2021, House granted request of the Senate; May 29, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 288 passed the House, with amendments, on May 24, 2021, by the following vote: Yeas 146, Nays 0, one present not voting; May 27, 2021, House granted request of the Senate for appointment of Conference Committee; May 29, 2021, House adopted Conference Committee Report by the following vote: Yeas 138, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor