

By: Hughes

S.B. No. 2092

A BILL TO BE ENTITLED

AN ACT

relating to a cost-of-living adjustment applicable to certain benefits paid by the Teacher Retirement System of Texas.

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

SECTION 1. Subchapter H, Chapter 824, Government Code, is amended by adding Section 824.703 to read as follows:

Sec. 824.703. ADDITIONAL COST-OF-LIVING ADJUSTMENT.

(a) Notwithstanding Section 824.702 and subject to Section 821.006, the retirement system shall make a one-time cost-of-living adjustment payable to annuitants receiving a monthly death or retirement benefit annuity, as provided by this section.

(b) Subject to Subsections (c) and (d), to be eligible for the adjustment, a person must be, on the effective date of the adjustment and disregarding any forfeiture of benefits under Section 824.601, an annuitant eligible to receive:

(1) a standard service or disability retirement annuity payment;

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

(3) an annuity payment under Section 824.402(a)(3) or (4);

(4) an annuity payment under Section 824.502; or

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

1        (c) If the annuitant:

2            (1) is a retiree or is a beneficiary under an optional  
3 retirement payment plan, to be eligible for the adjustment under  
4 this section:

5            (A) the annuitant must be living on the effective  
6 date of the adjustment; and

7            (B) the effective date of the retirement of the  
8 member of the retirement system must have been after August 31,  
9 2004, and on or before August 31, 2021;

10          (2) is a beneficiary under Section 824.402(a)(3) or  
11 (4) or 824.502, to be eligible for the adjustment:

12          (A) the annuitant must be living on the effective  
13 date of the adjustment; and

14          (B) the date of death of the member of the  
15 retirement system must have been after August 31, 2004, and on or  
16 before August 31, 2021; or

17          (3) is an alternate payee under Section 804.005, the  
18 annuitant is eligible for the adjustment only if the effective date  
19 of the election to receive the annuity payment was after August 31,  
20 2004, and on or before August 31, 2021.

21          (d) An adjustment made under this section does not apply to  
22 payments under:

23            (1) Section 824.203(d), relating to retirees who  
24 receive a standard service retirement annuity in an amount fixed by  
25 statute;

26            (2) Section 824.304(a), relating to disability  
27 retirees with less than 10 years of service credit;

1           (3) Section 824.304(b)(2), relating to disability  
2 retirees who receive a disability annuity in an amount fixed by  
3 statute;

4           (4) Section 824.404(a), relating to active member  
5 survivor beneficiaries who receive a survivor annuity in an amount  
6 fixed by statute;

7           (5) Section 824.501(a), relating to retiree survivor  
8 beneficiaries who receive a survivor annuity in an amount fixed by  
9 statute; or

10           (6) Section 824.804(b), relating to participants in  
11 the deferred retirement option plan with regard to payments from  
12 their deferred retirement option plan accounts.

13           (e) An adjustment under this section:

14                   (1) must be made beginning with an annuity payable for  
15 the month of September 2021; and

16                   (2) is limited to the lesser of:

17                           (A) an amount equal to six percent of the monthly  
18 benefit subject to the increase; or

19                           (B) \$100 a month.

20           (f) Subject to Subsection (g), the board of trustees shall  
21 determine the eligibility for and the amount of any adjustment in  
22 monthly annuities in accordance with this section.

23           (g) The board of trustees may not make an adjustment under  
24 this section unless the board finds that the retirement system is  
25 actuarially sound and has money available to pay the adjustment. If  
26 the board of trustees finds that the retirement system is  
27 actuarially sound, but that the amount of money available is not

1 sufficient to pay the full amount of the adjustment under this  
2 section, the board shall compute the largest adjustment possible  
3 for the amount of money available while maintaining the actuarial  
4 soundness of the system and shall adjust benefits by that amount  
5 under this section.

6         SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2021.