By:  VanDeaver H.B. No. 3638

A BILL TO BE ENTITLED

AN ACT

relating to the break-in service period for certain retirees preventing the loss of benefits and the state making payments 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(b-2), Government Code, is amended to read as follows:

(b-2)  A retiree is considered to be employed by a Texas public educational institution for purposes of Subsection (b) if the retiree performs duties or provides services for or on behalf of the institution that an employee of the institution would otherwise perform or provide and:

(1)  the retiree waives, defers, or forgoes compensation from the institution for the performance of the duties or provision of the services at any time during the 90 [~~12~~] consecutive calendar days [~~months~~] after the retiree's effective date of retirement, notwithstanding any other law, including Sections 824.602(a)(1), (a)(2), and (a)(4);

(2)  the retiree performs the duties or provides the services for or on behalf of the institution as an independent contractor at any time during the 90 [~~12~~] consecutive calendar days [~~months~~] after the retiree's effective date of retirement; or

(3)  the retiree, as a volunteer without compensation, performs the same duties or provides the same services for an institution that the retiree performed or provided immediately before retiring and the retiree has an agreement to perform those duties or provide those services after the 90 [~~12~~] consecutive calendar days [~~months~~] after the retiree's effective date of retirement.

SECTION 2.  Section 824.602(a), Government Code, is amended to read as follows:

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

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

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

(3)  in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 90 days [~~12 full consecutive months~~] after the retiree's effective date of retirement;

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

(5)  as a tutor under Section 33.913, Education Code.

SECTION 3.  Sections 824.601 and 824.602, Government Code, as amended by this Act, apply only to the employment of a retiree of the Teacher Retirement System of Texas on or after the effective date of this Act.

SECTION 4.  To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5.  This Act takes effect September 1, 2023.