88R16481 BDP-D

By:  Miles S.B. No. 2104

A BILL TO BE ENTITLED

AN ACT

relating to certain benefits paid by the Employees Retirement System of Texas.

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

SECTION 1.  Subchapter G, Chapter 814, Government Code, is amended by adding Sections 814.605 and 814.606 to read as follows:

Sec. 814.605.  ONE-TIME ADJUSTMENT TO BENEFITS. (a) The amount of a monthly service retirement benefit, disability retirement benefit, or death benefit paid under this chapter to a retiree or beneficiary for service credited in the employee class is increased to include a one-time 10 percent adjustment in accordance with this section.

(b)  The board of trustees shall recompute the amount of a benefit paid monthly under this chapter by applying the 10 percent adjustment to the monthly amount otherwise required to be paid as determined in accordance with this chapter.

Sec. 814.606.  ANNUAL COST-OF-LIVING ADJUSTMENT. (a) Notwithstanding Section 814.605, the amount of a monthly service retirement benefit, disability retirement benefit, or death benefit paid under this chapter to a retiree or beneficiary for service credited in the employee class is increased to include an annual cost-of-living adjustment equal to the annual percentage increase, if any, during the preceding fiscal year in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) published by the Bureau of Labor Statistics of the United States Department of Labor in accordance with this section.

(b)  On January 1 of each year, the board of trustees shall recompute the amount of a benefit paid monthly under this chapter by applying the adjustment prescribed by Subsection (a) to the monthly amount otherwise required to be paid as determined in accordance with this chapter.

SECTION 2.  (a) The Employees Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit, as provided by this section.

(b)  A supplemental payment is payable in January 2024, and, to the extent practicable, on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

(c)  The amount of the supplemental payment is equal to the lesser of:

(1)  $2,000; or

(2)  the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the month of December 2023.

(d)  The Employees Retirement System of Texas shall make applicable tax withholding and other legally required deductions before disbursing the supplemental payment. A supplemental payment under this section is in addition to and not in lieu of the regular monthly annuity payment to which the eligible annuitant is otherwise entitled.

(e)  Subject to Subsections (f) and (g) of this section, to be eligible for the supplemental payment, a person must be, for the month of December 2023, an annuitant eligible to receive:

(1)  a standard retirement annuity payment;

(2)  an optional service retirement annuity payment as either a retiree or beneficiary under Section 814.108, Government Code;

(3)  a standard or occupational disability retirement annuity payment;

(4)  a death benefit annuity payment under Section 814.305, Government Code; or

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

(f)  If the annuitant is a retiree or a beneficiary under an optional retirement payment plan, to be eligible for the supplemental payment, the effective date of the retirement of the member of the Employees Retirement System of Texas must have been on or before September 1, 2022. The supplemental payment shall be made to an alternate payee who is an annuitant under Section 804.005, Government Code, only if the annuity payment to the alternate payee commenced on or before September 1, 2022. The supplemental payment is in addition to the guaranteed number of payments under Section 814.108, Government Code, and may not be counted as one of the guaranteed monthly payments.

(g)  The supplemental payment does not apply to payments under:

(1)  Section 814.103 or 814.205, Government Code, relating to retirees or disability retirees from the elected class of membership;

(2)  a subtitle other than Subtitle B, Title 8, Government Code, except as provided by Subsection (e)(5) of this section; or

(3)  Section 814.304, Government Code, relating to retiree survivor beneficiaries who receive a survivor annuity as the surviving spouse of a member of the elected class.

(h)  Except as provided by this section, the board of trustees of the Employees Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

(i)  The supplemental payment is subject solely to the availability of appropriated funds. The supplemental payment must comply with Section 811.006, Government Code.

SECTION 3.  Section 814.604, Government Code, is repealed.

SECTION 4.  Sections 814.605 and 814.606, Government Code, as added by this Act, apply only to a monthly benefit payment made by the Employees Retirement System of Texas on or after September 1, 2023.

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