

By: Allen

H.B. No. 397

A BILL TO BE ENTITLED

AN ACT

relating to 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 Sections 824.7015 and 824.703 to read as follows:

Sec. 824.7015. ADJUSTMENT TO BENEFITS. (a)  
Notwithstanding Section 824.702, the amount of a monthly service retirement benefit, disability retirement benefit, or death benefit paid under this chapter is increased to include a 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 the other applicable provisions of this chapter and other law.

Sec. 824.703. ANNUAL ADJUSTMENT FOR COST OF LIVING. (a)  
Notwithstanding Section 824.702, the amount of a monthly service retirement benefit, disability retirement benefit, or death benefit paid under this chapter is increased to include a four percent annual cost-of-living 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 four

1 percent adjustment to the monthly amount otherwise required to be  
2 paid as determined in accordance with the other applicable  
3 provisions of this chapter.

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

7 (b) The supplemental payment is payable in January 2018 and,  
8 to the extent practicable, on a date or dates that coincide with the  
9 regular annuity payment payable to each eligible annuitant.

10 (c) The amount of the supplemental payment is equal to the  
11 greater of:

12 (1) \$2,000; or

13 (2) the gross amount of the regular annuity payment to  
14 which the eligible annuitant is otherwise entitled for the month of  
15 December 2017.

16 (d) The supplemental payment is payable without regard to  
17 any forfeiture of benefits under Section 824.601, Government Code.  
18 The Teacher Retirement System of Texas shall make applicable tax  
19 withholding and other legally required deductions before  
20 disbursing the supplemental payment. A supplemental payment under  
21 this section is in addition to and not in lieu of the regular  
22 monthly annuity payment to which the eligible annuitant is  
23 otherwise entitled.

24 (e) Subject to Subsection (f) of this section, to be  
25 eligible for the supplemental payment, a person must be, for the  
26 month of December 2017, and disregarding any forfeiture of benefits  
27 under Section 824.601, Government Code, an annuitant eligible to

1 receive:

2 (1) a standard retirement annuity payment;

3 (2) an optional retirement annuity payment as either a  
4 retiree or beneficiary;

5 (3) a life annuity payment under Section  
6 824.402(a)(4), Government Code;

7 (4) an annuity for a guaranteed period of 60 months  
8 under Section 824.402(a)(3), Government Code; or

9 (5) an alternate payee annuity payment under Section  
10 804.005, Government Code.

11 (f) If the annuitant is a retiree or a beneficiary under an  
12 optional retirement payment plan, to be eligible for the  
13 supplemental payment, the effective date of the retirement of the  
14 member of the Teacher Retirement System of Texas must have been  
15 before September 1, 2016. If the annuitant is a beneficiary under  
16 Section 824.402(a)(3) or (4), Government Code, to be eligible for  
17 the supplemental payment, the date of death of the member of the  
18 retirement system must have been before September 1, 2016. The  
19 supplemental payment shall be made to an alternate payee who is an  
20 annuitant under Section 804.005, Government Code, only if the  
21 annuity payment to the alternate payee commenced before September  
22 1, 2016. The supplemental payment is in addition to the guaranteed  
23 number of payments under Section 824.402(a)(3) or 824.204(c)(3) or  
24 (4), Government Code, and may not be counted as one of the  
25 guaranteed monthly payments.

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

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

3           (2) Section 824.804(b), Government Code, relating to  
4 participants in the deferred retirement option plan with regard to  
5 payments from their deferred retirement option plan accounts;

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

9           (4) Section 824.404(a), Government Code, relating to  
10 active member survivor beneficiaries who receive a survivor annuity  
11 in an amount fixed by statute.

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

16          (i) The Teacher Retirement System of Texas shall pay the  
17 supplemental payment made under this section from the retired  
18 reserve account and may transfer to that account from the state  
19 contribution account any portion of the amount that exceeds the  
20 amount in the retired reserve account available to finance the  
21 supplemental payment and that is actuarially determined to be  
22 necessary to finance the supplemental payment. The supplemental  
23 payment under this section must comply with Section 821.006,  
24 Government Code.

25          SECTION 3. Sections 824.7015 and 824.703, Government Code,  
26 as added by this Act, apply only to a monthly benefit payment made  
27 by the Teacher Retirement System of Texas on or after September 1,

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1 2017.

2 SECTION 4. This Act takes effect September 1, 2017.