

BILL ANALYSIS

Senate Research Center

H.B. 2169
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Education
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Engrossed

DIGEST AND PURPOSE

According to a Texas Attorney General opinion (GA-0018), former teachers temporarily employed by third-party contractors who provide educational services to school district are not considered as professional employees and thereby do not forfeit their retirement benefits. H.B. 1628 clarifies that an individual employed by a company that contracts with a public school and who performs the duties of a teacher is considered a school employee who is not entitled to benefits unless the individual has fulfilled existing return-to-work provisions.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Teacher Retirement System in SECTION 1 (Section 824.601, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 824.601, Government Code, as follows:

- Sec. 824.601. (a) Defines “third party.”
- (b) Creates new subsection from existing text.
 - (c) Creates new subsection from existing text.
 - (d) Provides that a retiree who is an employee of a third-party entity is considered to be employed by a Texas public educational institution for purposes of this subchapter unless the retiree does not perform duties or provide services on behalf of or for the benefit of the institution.
 - (e) Creates new subsection from existing text.
 - (f) Authorizes the Teacher Retirement System to adopt rules necessary to administering this subchapter.

SECTION 2. Provides that the change in law made by Section 824.601, Government Code, as amended by this Act, applies only to the payment of retirement benefits to a retiree who is first employed by a third-party entity on or after April 22, 2003. Provides that the payment of retirement benefits to a retiree who was first employed by a third-party entity before April 22, 2003, is governed by the law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2003.