

Association of Texas Professional Educators

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No 13th check for retired teachers, AG's office says

Texas retired educators will not get a "13th check" this year, according to an opinion released today by Attorney General Greg Abbott.

The opinion questioned an appropriation to fund the additional annuity payment for retired teachers under House Bill 3347, by Rep. Vicki Truitt (R-Southlake).

Instead, funds appropriated by the 81st Legislature will be absorbed into the Teacher Retirement System and Employees Retirement System, due to a provision placed in Senate Bill 1.

"While we can at least take some comfort in the fact that these funds will help the TRS continue to grow, there are thousands of pensioners who were looking forward to receiving a little extra money in these difficult times," said Josh Sanderson, a lobbyist with the 112,000-member Association of Texas Professional Educators. "Hopefully, this infusion of funds will help bring TRS to the point that it can get an additional annuity payment into the hands of our retired educators."

The bill called for the Comptroller's office to make the additional payment instead of the respective retirement agencies, so the attorney general couldn't guarantee that the appropriation didn't violate Articles 44 and 53 of the Texas Constitution, which prohibits extra compensation from being granted to a person after services have been performed if the additional payment wasn't contractually based. Because the 13th check in question was not anticipated while the current eligible retirees were under contract with local school districts, a court could potentially interpret this extra compensation to violate these provisions.

"With the attorney general's action, there should be an even greater focus on retired educators and TRS, because now it has been more than eight years since retirees received a cost-of-living adjustment," said Sanderson. "We're grateful for the efforts lawmakers made last year to provide a temporary benefit increase for retirees, and we expect the Legislature to pick up where it left off and work to provide a permanent benefit increase for retirees in 2011."

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