

To Increase From \$500 to \$1,000 the Payment Granted as Death Benefit to Pensioners of the Teachers Retirement System

Act No. 272 of September 14, 2004

To amend Section 35 of Act No. 91 of March 29, 2004, in order to increase from five hundred (500) dollars to one thousand (1,000) dollars the payment granted as death benefit to pensioners of the Teachers Retirement System; to provide for the financing of said increase; and for other purposes.

STATEMENT OF MOTIVES

The pensioned teachers played a major role in the social and cultural development of the people of Puerto Rico. Their will to serve during the best years of their lives greatly contributed to the achievement of important accomplishments. In spite of the enormous efforts exerted to guarantee to this important sector a quality of life worthy of those who served with such perseverance, we have come to realize that there is still much to be done.

In compliance with the commitment contracted to implement strategies that would benefit pensioned teachers and thus provide them with greater economic support, through this measure we amend Act No. 91 of March 29, 2004. The purpose of this amendment is to increase from five hundred (500) dollars to one thousand (1,000) dollars the death benefit granted by the Teachers Retirement System. Such a benefit is granted so that in the case of the death of a pensioned teacher his/her relatives may receive greater resources to defray the funeral expenses. This financial aid is granted to alleviate the difficult burden they face at the time of their great loss.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Section 35 of Act No. 91 of March 29, 2004, as amended, is hereby amended to read as follows:

“Section 35.-Payments after the death of a Teacher.

Upon the death of a retired teacher, his or her lifetime annual income shall be paid in full for the month when the death occurred to be enjoyed by his or her beneficiaries. The lifetime annual income shall no longer be paid from the biweekly payment period following the time of death of the retired teacher but his or her beneficiaries or forced or legal heirs shall receive the balance of the fees provided there are no outstanding pension fees to be paid as beneficiaries after deducting the annuities paid, and in no case shall they receive less than one thousand (1,000) dollars in a single payment to defray the cost of the funeral expenses of the pensioned teacher. When the teacher is survived by children enrolled in a regular public or private school or college program and the laws

concerning the studies of disabled children or minors under six (6) years of age do not apply, these shall continue to receive half the lifetime annual income distributed among said children in equal parts. Said payments shall cease as these children reach the age of twenty-two (22). Should there be disabled children, these shall continue receiving, while disabled, the portion corresponding to the first distribution. The payments made to those who reach that age shall increase the payment of the remaining children. All provisions concerning their studies shall apply to those children who are not disabled when they reach the age of six (6). The petition for an annuity for those minor children shall be filed by the surviving father or mother who is able to prove *patria potestas*, a guardian legally appointed by a court of justice or an administrative tutor appointed by the Agency and payment of the minors' annuity shall be made to the surviving father or mother or to the tutor. When the teacher is survived by a widow or widower, they shall receive half of said lifetime annual income and this provision shall be retroactive to cover those widows or widowers who do not receive this benefit. The widow or widower of those teachers who retired under laws approved prior to 1951 shall be covered by this benefit which shall be computed on the basis of the pension they received at the time of their death.”

Section 2. — The funds to cover the increase established in this Act, regarding the pensioners of the Teachers Retirement System, shall be consigned in the General Expenses Budget of the Government of the Commonwealth of Puerto Rico. At the beginning of each fiscal year, the Office of Management and Budget shall order the accreditation of the estimate of the funds needed to cover the benefit. Should an insufficiency in the funds consigned arise, funds shall be appropriated to cover the same on or before thirty (30) days of the beginning of the next fiscal year.

Section 3. — This Act shall take effect July 1, 2004.

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