

Amend **HB 2169** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 822, Government Code, is amended by adding Section 822.0015 to read as follows:

Sec. 822.0015. OPTIONAL MEMBERSHIP FOR CERTAIN OFFICIALS.

(a) In lieu of participating in the Employees Retirement System of Texas, the commissioner of education may elect to participate in the retirement system in the same manner and under the same conditions as a member who is an employee of the public school system.

(b) An election by the commissioner of education to participate in the retirement system must be on a form prescribed by the retirement system for that purpose.

(c) Notwithstanding Section 821.001, if the commissioner of education elects to participate in the retirement system, the State Board of Education is the employer of the commissioner for purposes of this subtitle.

SECTION _____. (a) Notwithstanding Section 830.106, Government Code, a commissioner of education who is a participant in the optional retirement program under Chapter 830, Government Code, on the effective date of this Act may make a one-time election to cease active participation in the program and become a member of the Teacher Retirement System of Texas under Section 822.0015, Government Code, as added by this Act, on or after that date.

(b) A commissioner of education who makes the one-time election under Subsection (a) of this section is not eligible to again participate in the optional retirement program under Chapter 830, Government Code, after making the election.