

1-1 By: Telford, et al. (Senate Sponsor - Shapiro) H.B. No. 2169  
1-2 (In the Senate - Received from the House April 25, 2003;  
1-3 April 29, 2003, read first time and referred to Committee on  
1-4 Education; May 19, 2003, reported favorably, as amended, by the  
1-5 following vote: Yeas 6, Nays 0; May 19, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Shapiro

1-7 Amend H.B. No. 2169 by adding the following appropriately  
1-8 numbered SECTIONS to the bill and renumbering subsequent SECTIONS  
1-9 of the bill accordingly:

1-10 SECTION \_\_\_\_\_. Subchapter A, Chapter 822, Government Code, is  
1-11 amended by adding Section 822.0015 to read as follows:

1-12 Sec. 822.0015. OPTIONAL MEMBERSHIP FOR CERTAIN OFFICIALS.

1-13 (a) In lieu of participating in the Employees Retirement System of  
1-14 Texas, the commissioner of education may elect to participate in  
1-15 the retirement system in the same manner and under the same  
1-16 conditions as a member who is an employee of the public school  
1-17 system.

1-18 (b) An election by the commissioner of education to  
1-19 participate in the retirement system must be on a form prescribed by  
1-20 the retirement system for that purpose.

1-21 (c) Notwithstanding Section 821.001, if the commissioner of  
1-22 education elects to participate in the retirement system, the State  
1-23 Board of Education is the employer of the commissioner for purposes  
1-24 of this subtitle.

1-25 SECTION \_\_\_\_\_. (a) Notwithstanding Section 830.106,  
1-26 Government Code, a commissioner of education who is a participant  
1-27 in the optional retirement program under Chapter 830, Government  
1-28 Code, on the effective date of this Act may make a one-time election  
1-29 to cease active participation in the program and become a member of  
1-30 the Teacher Retirement System of Texas under Section 822.0015,  
1-31 Government Code, as added by this Act, on or after that date.

1-32 (b) A commissioner of education who makes the one-time  
1-33 election under Subsection (a) of this section is not eligible to  
1-34 again participate in the optional retirement program under Chapter  
1-35 830, Government Code, after making the election.

1-36 A BILL TO BE ENTITLED  
1-37 AN ACT

1-38 relating to the payment of retirement benefits to retirees who are  
1-39 employed by certain public educational institutions.

1-40 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-41 SECTION 1. Section 824.601, Government Code, is amended to  
1-42 read as follows:

1-43 Sec. 824.601. LOSS OF MONTHLY BENEFITS. (a) In this  
1-44 section, "third-party entity" means an entity retained by a Texas  
1-45 public educational institution to provide personnel to the  
1-46 institution that perform duties or provide services that employees  
1-47 of the institution would otherwise perform or provide.

1-48 (b) Except as provided by Section 824.602, a retiree is not  
1-49 entitled to service or disability retirement benefit payments, as  
1-50 applicable, for any month in which the retiree is employed in any  
1-51 position by a Texas public educational institution.

1-52 (c) A Texas public educational institution, for the purposes  
1-53 of this subchapter, is any entity included in the definition of  
1-54 "employer" or "public school" in Section 821.001 or any entity in  
1-55 whose employment the retiree has earned credit as a member of the  
1-56 retirement system.

1-57 (d) A retiree who is an employee of a third-party entity is  
1-58 considered to be employed by a Texas public educational institution  
1-59 for purposes of this subchapter unless the retiree does not perform  
1-60 duties or provide services on behalf of or for the benefit of the  
1-61 institution.

1-62 (e) Loss of benefits under this section does not extend any

2-1 period of guaranteed benefits elected pursuant to Section 824.204.  
2-2 (f) The system may adopt rules necessary for administering  
2-3 this subchapter.

2-4 SECTION 2. The change in law made by Section 824.601,  
2-5 Government Code, as amended by this Act, applies only to the payment  
2-6 of retirement benefits to a retiree who is first employed by a  
2-7 third-party entity on or after April 22, 2003. The payment of  
2-8 retirement benefits to a retiree who was first employed by a  
2-9 third-party entity before April 22, 2003, is governed by the law in  
2-10 effect before the effective date of this Act, and the former law is  
2-11 continued in effect for that purpose.

2-12 SECTION 3. This Act takes effect immediately if it receives  
2-13 a vote of two-thirds of all the members elected to each house, as  
2-14 provided by Section 39, Article III, Texas Constitution. If this  
2-15 Act does not receive the vote necessary for immediate effect, this  
2-16 Act takes effect September 1, 2003.

2-17 \* \* \* \* \*