

By: Herrero

H.B. No. 688

A BILL TO BE ENTITLED

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AN ACT

relating to the election of certain members of the board of trustees of the Teacher Retirement System of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 821.001(5), Government Code, is amended to read as follows:

(5) "Board of trustees" means the board appointed or elected under this subtitle to administer the retirement system.

SECTION 2. The heading to Section 825.002, Government Code, is amended to read as follows:

Sec. 825.002. APPOINTMENT AND ELECTION OF TRUSTEES [~~APPOINTED BY GOVERNOR~~].

SECTION 3. Sections 825.002(a), (d), (f), and (g), Government Code, are amended to read as follows:

(a) The governor shall appoint, with the advice and consent of the senate and as provided by this section, six [~~seven~~] members of the board of trustees.

(d) Persons who have retired and are receiving benefits from the retirement system [~~The governor~~] shall elect under rules adopted by the board [~~appoint~~] one member of the board who must be a [~~from a slate of three~~] former member [~~members~~] of the retirement system who is [~~have~~] retired and [~~are~~] receiving benefits from the retirement system [~~and who have been nominated in accordance with Subsections (f) and (g) by the persons who have retired and are~~]

1 ~~receiving benefits from the retirement system]~~.

2 (f) Persons considered for nomination under Subsection
3 (c) [~~(d)~~] or (e) must have been nominated by written ballot at an
4 election conducted under rules adopted by the board of trustees.

5 (g) To provide for the election [~~nomination~~] of persons [~~for~~
6 ~~appointment~~] under Subsection (d), the board shall send to each
7 retiree of the retirement system:

8 (1) notice of the deadline for filing as a candidate
9 for election [~~nomination~~];

10 (2) information on procedures to follow in filing as a
11 candidate; and

12 (3) a written ballot.

13 SECTION 4. Sections 825.0032(a) and (b), Government Code,
14 are amended to read as follows:

15 (a) Except as provided by Subsection (b), a person is not
16 eligible for appointment or election to the board if the person or
17 the person's spouse:

18 (1) is employed by or participates in the management
19 of a business entity or other organization receiving funds from the
20 retirement system;

21 (2) owns or controls, directly or indirectly, more
22 than a 10 percent interest in a business entity or other
23 organization receiving funds from the retirement system; or

24 (3) uses or receives a substantial amount of tangible
25 goods, services, or funds from the retirement system, other than
26 compensation or reimbursement authorized by law for board
27 membership, attendance, or expenses.

1 (b) Subsection (a) does not apply to employment by,
2 participation in the management of, or ownership or control of an
3 interest in a business entity or other organization on behalf of the
4 retirement system. Subsection (a)(3) does not apply to a person who
5 is nominated for appointment under Section 825.002(c) [~~7-(d)7~~] or
6 (e) or who is elected under Subsection 825.002(d).

7 SECTION 5. Sections 825.0041(a) and (c), Government Code,
8 are amended to read as follows:

9 (a) A person who is appointed or elected to and qualifies
10 for office as a member of the board of trustees may not vote,
11 deliberate, or be counted as a member in attendance at a meeting of
12 the board until the person completes a training program that
13 complies with this section.

14 (c) A person appointed or elected to the board of trustees
15 is entitled to reimbursement under Section 825.007 for the travel
16 expenses incurred in attending the training program regardless of
17 whether the attendance at the program occurs before or after
18 the person qualifies for office.

19 SECTION 6. Section 825.009(a), Government Code, is amended
20 to read as follows:

21 (a) A trustee who is elected under Section 825.002 or who is
22 appointed from a slate of members nominated by members of the
23 retirement system under Section 825.002 is entitled to leave with
24 pay from the trustee's public school employer to attend to the
25 official business of the retirement system.

26 SECTION 7. Sections 825.010(a) and (c), Government Code,
27 are amended to read as follows:

1 (a) It is a ground for removal from the board that a trustee:

2 (1) does not have at the time of taking office the
3 qualifications required for the trustee's position;

4 (2) does not maintain during service on the board the
5 qualifications required for the trustee's position;

6 (3) violates a prohibition established by Section
7 825.002(b) or 825.0032;

8 (4) cannot because of illness or disability discharge
9 the trustee's duties for a substantial part of the term for which
10 the trustee is appointed or elected; or

11 (5) is absent from more than half of the regularly
12 scheduled board meetings that the person is eligible to attend
13 during a calendar year without an excuse approved by a majority vote
14 of the board.

15 (c) If the executive director has knowledge that a potential
16 ground for removal exists, the executive director shall notify the
17 presiding officer of the board of the ground. The presiding officer
18 shall then notify the appropriate appointing officer, if any, and
19 the attorney general that a potential ground for removal exists. If
20 the potential ground for removal involves the presiding officer,
21 the executive director shall notify the next highest officer of the
22 board, who shall notify the appropriate appointing officer, if any,
23 and the attorney general that a potential ground for removal
24 exists.

25 SECTION 8. (a) Section 825.002, Government Code, as amended
26 by this Act, applies only to the appointment or election of a member
27 of the board of trustees of the Teacher Retirement System of Texas

1 that occurs on or after the effective date of this Act.

2 (b) The change in the manner of appointing or electing
3 members of the board does not affect the appointment of members
4 serving on the board before the effective date of this Act.

5 SECTION 9. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009.