

By: Hunter

H.B. No. 3972

A BILL TO BE ENTITLED

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. Subchapter A, Chapter 825, Government Code, is amended by adding Section 825.0021 to read as follows:

Sec. 825.0021. ELECTED TRUSTEES. (a) The retirement system shall provide for the direct election of two persons to serve on the board of trustees who are former members of the retirement system who have retired and are receiving benefits from the retirement system, and who shall be elected by former members of the retirement system who have retired and are receiving benefits from the retirement system.

(b) The two persons elected under Subsection (a) hold office for staggered terms.

(c) The board of trustees by rule shall adopt procedures to implement this section. The procedures must include a method for filling a vacancy in an elected position.

SECTION 3. Sections 825.0032(a) and (b), Government Code, are amended to read as follows:

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

4 (1) is employed by or participates in the management
5 of a business entity or other organization receiving funds from the
6 retirement system;

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

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

14 (b) Subsection (a) does not apply to employment by,
15 participation in the management of, or ownership or control of an
16 interest in a business entity or other organization on behalf of the
17 retirement system. Subsection (a)(3) does not apply to a person who
18 is nominated for appointment under Section 825.002(c), (d), or (e)
19 or elected under Section 825.0021.

20 SECTION 4. Sections 825.0041(a) and (c), Government Code,
21 are amended to read as follows:

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

27 (c) A person appointed or elected to the board of trustees

1 is entitled to reimbursement under Section 825.007 for the travel
2 expenses incurred in attending the training program regardless of
3 whether the attendance at the program occurs before or after
4 the person qualifies for office.

5 SECTION 5. Section 825.009(a), Government Code, is amended
6 to read as follows:

7 (a) A trustee appointed from a slate of members nominated by
8 members of the retirement system under Section 825.002 or elected
9 by members of the retirement system under Section 825.0021 is
10 entitled to leave with pay from the trustee's public school
11 employer to attend to the official business of the retirement
12 system.

13 SECTION 6. Sections 825.010(a) and (c), Government Code,
14 are amended to read as follows:

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

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

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

20 (3) violates a prohibition established by Section
21 825.002(b) or 825.0032;

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

25 (5) is absent from more than half of the regularly
26 scheduled board meetings that the person is eligible to attend
27 during a calendar year without an excuse approved by a majority vote

1 of the board.

2 (c) If the executive director has knowledge that a potential
3 ground for removal exists, the executive director shall notify the
4 presiding officer of the board of the ground. The presiding officer
5 shall then notify the appropriate appointing officer, if any, and
6 the attorney general that a potential ground for removal exists. If
7 the potential ground for removal involves the presiding officer,
8 the executive director shall notify the next highest officer of the
9 board, who shall notify the appropriate appointing officer, if any,
10 and the attorney general that a potential ground for removal
11 exists.

12 SECTION 7. Section 825.003, Government Code, is repealed.

13 SECTION 8. (a) In this section, "board" means the board of
14 trustees of the Teacher Retirement System of Texas.

15 (b) The board shall adopt procedures to implement Section
16 825.0021(a), Government Code, as added by this Act, not later than
17 December 31, 2009.

18 (c) The procedures adopted by the board shall facilitate the
19 elections required under Section 825.0021(a), Government Code, as
20 added by this Act, so that the first elections are conducted not
21 later than May 1, 2010.

22 (d) A person elected at the first election under Section
23 825.0021(a), Government Code, as added by this Act, shall serve a
24 term beginning as soon as practicable after the date of the election
25 and taking the oath of office. One person elected under Section
26 825.0021(a) shall serve a term that expires August 31, 2013, and the
27 other person elected under Section 825.0021(a) shall serve a term

1 that expires August 31, 2015, as determined according to the
2 board's procedures adopted under Section 825.0021(c), Government
3 Code, as added by this Act.

4 (e) Not later than the 10th day after the date of the first
5 election held under Section 825.0021, Government Code, as added by
6 this Act, the board shall post the election results on the Teacher
7 Retirement System of Texas publicly accessible Internet website.

8 SECTION 9. The term of a person serving on the board of
9 trustees of the Teacher Retirement System of Texas on December 1,
10 2009, and who was appointed to that position under Section 825.003,
11 Government Code, before the repeal of that section by this Act
12 expires on the date on which a person elected to serve on the board
13 at the first election held under Section 825.0021, Government Code,
14 as added by this Act, takes the oath of office.

15 SECTION 10. This Act takes effect September 1, 2009.