

AMENDED IN SENATE JUNE 24, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999
AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 311

Introduced by Assembly Member Honda

February 8, 1999

An act to amend Section 22200 of, and to add Section 22200.1 to, the Education Code, relating to the State Teachers' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

AB 311, as amended, Honda. State Teachers' Retirement System: board.

Under existing law, the State Teachers' Retirement System and the State Teachers' Retirement Plan are administered by the 12-member Teachers' Retirement Board. Two of the members of the board must be members or participants, who are classroom teachers in kindergarten or grades 1 through 12, and another member must be a retired member or participant. All 3 of these members are appointed by the Governor for 4-year terms from a list submitted by the Superintendent of Public Instruction. Another member of the board is required to be a community college instructor with expertise in business or economics, or both, and is appointed by the Governor for a 4-year term from a list submitted by the Board of Governors of the California Community Colleges.

One member of the board is required to be an officer of a life insurance company and one member of the board is required to be an officer of a bank. These members are appointed by the Governor for 4-year terms, subject to confirmation by the Senate.

This bill would, ~~instead,~~ *increase the number of board members to 13*, require that ~~5~~ 6 members of the board be elected, at an election provided for by the board, by the members of the group to which they belong, for 4-year terms commencing on January 1, 2001, and January 1, 2002. The bill would require ~~three~~ 4 elected members to be *active* members or participants ~~in specified grades not employed by a community college district~~, one elected member to be a community college member or participant, and one elected member to be a retired member or participant. The bill would delete the requirement that ~~3~~ 2 members must be, respectively, officers of a life insurance company; *and* a bank; ~~and members of the governing board of a school or community college district~~ and instead provide that the Governor appoint ~~3~~ 2 persons representing the public for 4-year terms, subject to Senate confirmation.

This bill would require the board to adopt regulations regarding these elections, *as specified*, and would exempt the regulations from the requirements of the Administrative Procedure Act.

This bill would permit the board to establish a full-time position to implement the regulations and would require costs of elections, *including the costs of mailing candidate's statements*, to be paid by the Teachers' Retirement Fund as appropriated in the annual Budget Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in
 2 enacting this act that the elections for positions on the
 3 Teachers' Retirement Board be conducted as cost
 4 efficiently as possible.



1 SEC. 2. Section 22200 of the Education Code is
2 amended to read:

3 22200. (a) The system is administered by the
4 Teachers' Retirement Board. The members of the board
5 are as follows:

6 (1) The Superintendent of Public Instruction.

7 (2) The Controller.

8 (3) The Treasurer.

9 (4) The Director of Finance.

10 (5) ~~Four~~ *One person who, at the time of appointment,*
11 *is a member of the governing board of a school district or*
12 *a community college district and who shall be appointed*
13 *by the Governor for a term of four years, commencing on*
14 *January 1, 2000.*

15 (6) *Five* persons who are members of the Defined
16 Benefit Program or participants of the Cash Balance
17 Benefit Program, as follows:

18 (A) ~~Three~~ *Four* persons who, at the time of election,
19 are active members or participants of the system—~~in~~
20 ~~kindergarten or grades 1 through 12~~ *who are not*
21 *employed by a community college district.* These
22 members shall be elected pursuant to regulations
23 adopted by the board by the active members of the
24 Defined Benefit Program or participants of the Cash
25 Balance Benefit Program for four-year terms,
26 commencing on January 1, 2001.

27 (B) One person who, at the time of election, is an
28 active member or participant of the system employed by
29 a community college district who shall be elected by the
30 active community college members or participants of the
31 system. This member shall be elected pursuant to
32 regulations adopted by the board, for a four-year term,
33 commencing on January 1, 2002.

34 ~~(6)~~

35 (7) One member who is a retired member of the
36 Defined Benefit Program or a participant receiving an
37 annuity under the Cash Balance Benefit Program elected
38 by the retired members of the Defined Benefit Program
39 and the participants receiving an annuity under the Cash
40 Balance Benefit Program. This member shall be elected



1 pursuant to regulations adopted by the board, for a
2 four-year term, commencing on January 1, 2002.

3 ~~(7) Three~~

4 (8) *Two* persons representing the public, appointed
5 by the Governor for a term of four years, subject to
6 confirmation by the Senate, *commencing on January 1,*
7 *2000.*

8 (b) The term of the office of each member described
9 in paragraphs ~~(5) and (6)~~ (6) and (7) of subdivision (a)
10 shall be adjusted so as to commence on January 1, and to
11 expire on December 31 of the calendar year.

12 (c) The members of the board shall annually elect a
13 chairperson and vice chairperson.

14 (d) *After any elected member of the board has served*
15 *two consecutive terms, or six consecutive years, on the*
16 *board, that member may not be elected for an additional*
17 *term until at least one year after the expiration of the*
18 *member's last term.*

19 (e) *Notwithstanding any provision of this section, any*
20 *person who is serving on the board on January 1, 2000,*
21 *shall continue to serve until the expiration of his or her*
22 *then-current term. Any person appointed to fill a vacancy*
23 *on the board after January 1, 2000, but before the first*
24 *commencement date for the term of that position on the*
25 *board specified in this section, shall continue to serve only*
26 *for the remainder of the term of the vacated office as*
27 *specified in this section.*

28 SEC. 3. Section 22200.1 is added to the Education
29 Code, to read:

30 22200.1. (a) The board shall provide for the election
31 of members described in paragraphs ~~(5) and (6)~~ (6) and
32 (7) of subdivision (a) of Section 22200 pursuant to
33 regulations adopted by the board. The Secretary of State
34 shall certify the results of the election. The board shall
35 reimburse the Secretary of State for all services
36 performed in the election.

37 (b) ~~Special~~ *Except as provided in subdivision (e) of*
38 *Section 22200, special elections shall be held to fill*
39 *vacancies that occur during the term of the elected*
40 *members of the board. If, at the time a vacancy occurs,*



1 the unexpired term is less than two years, the new
2 member elected to fill the vacancy shall hold office for a
3 period equal to the remainder of the term of the vacated
4 office plus four years.

5 (c) If ~~a~~ *an appointed* member of the board ceases to
6 hold the position that qualified the member to be
7 appointed ~~or elected~~ to the board, the office shall be
8 immediately deemed vacated and the Governor shall
9 appoint a qualified person ~~to fill that vacancy if the~~
10 ~~unexpired term is less than two years. A special election~~
11 ~~shall be held if more than two years remain in the term~~
12 ~~of office. to fill that vacancy.~~

13 (d) The regulations adopted by the board pursuant to
14 this section and Section 22200 shall not be subject to
15 Article 3.5 (commencing with Section 11340) of Part 1 of
16 Division 3 of Title 2 of the Government Code.

17 (e) The regulations adopted by the board shall provide
18 that the elections be conducted in the most cost-effective
19 manner deemed feasible. The board, where practicable,
20 shall consolidate election mailings with other mailings
21 and shall address any other feasible cost-saving measures.

22 (f) *The regulations adopted by the board shall*
23 *authorize candidates for positions on the board to submit*
24 *candidate's statements expressing their opinions and*
25 *ideas, and the regulations shall not restrict the reasonable*
26 *content of those statements. Notwithstanding subdivision*
27 *(e), copies of the candidates' statements submitted to the*
28 *board in a timely manner shall be mailed by the board to*
29 *all members at no cost to the candidates.*

30 (g) The board may establish a full-time position, as
31 required, to implement this section.

32 ~~(g)~~

33 (h) All costs of elections shall be paid by allocations
34 from the Teachers' Retirement Fund as appropriated for
35 that purpose in the annual Budget Act.

