

AMENDED IN SENATE SEPTEMBER 9, 1999

AMENDED IN SENATE SEPTEMBER 3, 1999

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 increase the number of board members to 15, require that 3 members of the board be elected *by active members and participants*, 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. The bill would require one appointed member to be an active member or participant employed by a K-12 school district or county office of education, one appointed member to be a community college member or participant, and 2 appointed members to be retired members or participants. The bill would delete the requirement that 2 members must be, respectively, officers of a life insurance company and a bank and instead provide that the Governor appoint 3 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.

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.

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

7 22200. (a) The system is administered by the
8 Teachers' Retirement Board. The members of the board
9 are as follows:



1 (1) The Superintendent of Public Instruction.

2 (2) The Controller.

3 (3) The Treasurer.

4 (4) The Director of Finance.

5 (5) One person who, at the time of appointment, is a
6 member of the governing board of a school district or a
7 community college district and who shall be appointed by
8 the Governor for a term of four years, commencing on
9 January 1, 2000; provided that a person serving on the
10 board on ~~January 1, 2000~~ *December 31, 1999*, who was
11 appointed as a member of the governing board of a school
12 district or community college board may continue to
13 serve until the expiration of his or her current term; and
14 further provided that any person appointed after the
15 expiration of the term of ~~such a~~ *that* person may serve
16 until January 1, 2004.

17 (6) Two persons who are either members of the
18 Defined Benefit Program or participants in the Cash
19 Balance Benefit Program, as follows:

20 (A) One person who, at the time of appointment, is
21 employed by a K-12 school district or the county office of
22 education, appointed by the Governor for a term of four
23 years.

24 (B) One person who, at the time of appointment, is
25 employed by a community college district appointed by
26 the Governor for a term of four years.

27 (7) Two persons who are either retired members
28 under this part or retired participants under part 14
29 (commencing with Section 26000), appointed by the
30 Governor for a term of four years, commencing January
31 1, 2000, *provided that a person serving on the board on*
32 *December 31, 1999, who was appointed as a retired*
33 *member or a retired participant may continue to serve*
34 *until the expiration of his or her current term; and further*
35 *provided that any person appointed after the expiration*
36 *of the term of that person may serve until January 1, 2004.*

37 (8) Three persons representing the public, appointed
38 by the Governor for a term of four years, subject to
39 confirmation by the Senate.



1 (9) Three persons who, at the time of election, are
2 active members or participants of the system. These
3 members shall be elected pursuant to regulations
4 adopted by the board by the active members of the
5 Defined Benefit Program or participants of the Cash
6 Balance Benefit Program for four-year terms,
7 commencing on January 1, 2001.

8 ~~(b) Teacher members of the board serving on January~~
9 ~~1, 2000, may complete their terms of office provided they~~
10 ~~remain members of the State Teachers' Retirement~~
11 ~~System, whether active or retired. However, the~~

12 *(b) Teacher members of the board serving on*
13 *December 31, 1999, may complete their terms of office*
14 *provided they remain members of the Defined Benefit*
15 *Program or participants in the Cash Balance Benefit*
16 *Program, active or retired. However, the Governor may*
17 *immediately replace the member described in paragraph*
18 *(5) of subdivision (a) if he or she is no longer serving on*
19 *a governing board, and the Governor may fill any*
20 *vacancy in the member, school board, or public seats due*
21 *to resignation or death.*

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

24 (d) After any elected member of the board has served
25 two consecutive terms, or six consecutive years, on the
26 board, that member may not be elected for an additional
27 term until at least one year after the expiration of the
28 member's last term.

29 ~~(e) Any person appointed to fill a vacancy on the~~
30 ~~board after January 1, 2000, but before the first~~
31 ~~commencement date for the term of that position on the~~
32 ~~board specified in this section, shall continue to serve only~~
33 ~~for the remainder of the term of the vacated office as~~
34 ~~specified in this section.~~

35 *(e) (1) Notwithstanding any other provision of this*
36 *section and Section 22200.1, any person serving on the*
37 *board on December 31, 1999, may continue to serve on*
38 *the board until the appointment of his or her successor*
39 *pursuant to this section.*



1 (2) *When the Governor appoints the second of the two*
2 *persons to be appointed pursuant to paragraph (7) of*
3 *subdivision (a), that person shall be deemed to be the*
4 *successor of one of the two appointed classroom teachers*
5 *in kindergarten or grades 1 through 12 serving on the*
6 *board on December 31, 1999. At the time of that*
7 *appointment, the Governor shall designate which one of*
8 *the two appointed classroom teacher members is being*
9 *replaced.*

10 SEC. 3. Section 22200.1 is added to the Education
11 Code, to read:

12 22200.1. (a) The board shall provide for the election
13 of members described in paragraph (9) of subdivision (a)
14 of Section 22200 pursuant to regulations adopted by the
15 board. The Secretary of State shall certify the results of
16 the election. The board shall reimburse the Secretary of
17 State for all services performed in the election.

18 (b) Except as provided in subdivision (e) of Section
19 22200, special elections shall be held to fill vacancies that
20 occur during the term of the elected members of the
21 board. If, at the time a vacancy occurs, the unexpired
22 term is less than two years, the new member elected to
23 fill the vacancy shall hold office for a period equal to the
24 remainder of the term of the vacated office plus four
25 years.

26 ~~(c) Subject to subdivision (b) of Section 22200, if an~~
27 *(c) Except as provided in paragraphs (5) and (7) of*
28 *subdivision (a), subdivision (b), and subdivision (e) of*
29 *Section 22200, if an appointed member of the board*
30 *ceases to hold the position that qualified the member to*
31 *be appointed to the board, the office shall be immediately*
32 *deemed vacated and the Governor shall appoint a*
33 *qualified person to fill that vacancy.*

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

38 (e) The regulations adopted by the board shall provide
39 that the elections be conducted in the most cost-effective
40 manner deemed feasible. The board, where practicable,



1 shall consolidate election mailings with other mailings
2 and shall address any other feasible cost-saving measures.

3 (f) The board shall contract with a private firm to
4 conduct the elections if the board determines that the
5 contract would result in a cost-savings to the board.

6 (g) The regulations adopted by the board shall
7 authorize candidates for positions on the board to submit
8 candidate's statements expressing their opinions and
9 ideas, and the regulations shall not restrict the reasonable
10 content of those statements. Notwithstanding subdivision
11 (e), copies of the candidates' statements submitted to the
12 board in a timely manner shall be mailed by the board to
13 all members at no cost to the candidates.

