

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H2/20/97 H2/25/97

A Bill

HOUSE BILL 1404

4
5 By: Representatives Bisbee, Faris, and Rodgers
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE §§ 24-7-301 AND 24-7-302 TO
10 CHANGE THE COMPOSITION AND LENGTH OF TERMS FOR MEMBERS AND
11 RETIRANT TRUSTEES ON THE TEACHER RETIREMENT SYSTEM BOARD
12 OF TRUSTEES; TO AMEND ARKANSAS CODE § 24-7-304 TO CHANGE
13 THE COMPOSITION OF A QUORUM FOR MEETINGS; TO DECLARE AN
14 EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

15
16
17 "TO CHANGE THE COMPOSITION AND LENGTH OF
18 TERMS FOR MEMBERS AND RETIRANT TRUSTEES
19 ON THE TEACHER RETIREMENT SYSTEM BOARD
20 OF TRUSTEES."
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 24-7-301 is amended to read as follows:
25 "24-7-301. Members.

26 The general administration and responsibility for the proper operation
27 of the system and for making effective the provisions of this act are vested
28 in a board of trustees of ~~thirteen (13)~~ fifteen (15) persons as follows:

29 (1)~~(A)~~ The Bank Commissioner, the Treasurer of State, the Auditor of
30 State, and the Director of General Education shall be ex officio trustees.

31 ~~_____ (B)(i) An ex officio trustee may designate someone as his
32 representative to serve at meetings of the board.~~

33 ~~_____ (ii) Each designee must be approved by the board;~~

34 (2)(A) ~~Six (6)~~ Eight (8) members shall be elected member trustees, each
35 of whom shall have at least five (5) years of credited service in force and be
36 an active member ~~at the beginning of his term of office.~~ For the purpose of

1 this section and § 24-7-302, participants in the Teacher Deferred Retirement
2 Option Plan shall be considered active members.

3 ~~(i)(a) One (1) member trustee shall be elected from each of~~
4 ~~the four (4) congressional districts of the state by the active members~~
5 ~~employed in school districts, educational institutions, or educational~~
6 ~~agencies located in the congressional districts.~~

7 ~~_____ (b) Each trustee must be a resident of the congressional district from~~
8 ~~which he is elected. Four (4) member trustees shall be employed in a position~~
9 ~~which requires state certification, but not an administrator's certificate.~~

10 One (1) member trustee will be elected from each of the four (4) congressional
11 districts. The four (4) member trustees shall be elected by the members
12 employed in positions which require state certification, but not a
13 administrator's certificate.

14 ~~(ii) One (1) person other than a Caucasian shall be elected~~
15 ~~by the Arkansas Education Association. Two (2) member trustees shall be~~
16 ~~employed in a position requiring an administrator's certificate, one must be a~~
17 ~~superintendent. These two (2) member trustees shall be elected by members~~
18 ~~employed in positions requiring administrator certification.~~

19 ~~(iii) One (1) classroom teacher shall be an elected member~~
20 ~~trustee by classroom teacher members of the Arkansas Education Association.~~

21 ~~_____ (B) The member trustees shall be elected in accordance with such rules~~
22 ~~and regulations as the board shall adopt to govern the elections from time to~~
23 ~~time One (1) member trustee shall be employed in a position not requiring~~
24 ~~state certification. This member trustee shall be elected by members employed~~
25 ~~in positions not requiring state certification; and~~

26 ~~(iv) One (1) trustee shall be a person of a minority racial~~
27 ~~ethnic group who is either an active or retired member of the system and shall~~
28 ~~be elected from the active and retired membership of the system.~~

29 ~~(3)(A)(i) Three (3) retirants shall be elected retirant trustees by the~~
30 ~~Arkansas Retired Teachers' Association by the retirees of the Arkansas Teacher~~
31 ~~Retirement System.~~

32 ~~_____ (ii) Each retirant trustee shall be a retirant with an annuity being~~
33 ~~paid by the Arkansas Teacher Retirement System at the beginning of his term of~~
34 ~~office.~~

35 ~~_____ (B)(4) The member and retirant trustees shall be elected in accordance~~
36 ~~with such rules and regulations as have been adopted by the board of trustees~~

1 to govern the elections."

2

3 SECTION 2. Arkansas Code § 24-7-302 is amended to read as follows:

4 "24-7-302. Term of office and vacancies.

5 (a)(1) The term of office of each member and retirant trustee elected
6 after July 1, 1997 shall be five (5) six (6) years.

7 (2) ~~The term of office of each of the three retirant trustees~~
8 ~~shall be three (3) years. A member trustee shall be ineligible to serve after~~
9 ~~becoming inactive or upon retiring. A retirant trustee shall be ineligible to~~
10 ~~serve after becoming active.~~

11 (3) Each trustee shall continue to serve until his successor is
12 elected and has qualified.

13 (b)(1) In the event any member trustee fails to attend three (3)
14 consecutive meetings of the Board of Trustees of the Arkansas Teacher
15 Retirement System, unless in each case excused for cause by the remaining
16 trustees attending the meetings, he shall be considered to have resigned from
17 the board, and the board shall by resolution declare his office of trustee
18 vacated.

19 (2) If a vacancy occurs in the office of member or retirant
20 trustee, the remaining trustees shall fill the vacancy for the remainder of
21 the unexpired term."

22

23 SECTION 3. Arkansas Code § 24-7-304 is amended to read as follows:

24 "24-7-304. Meetings.

25 (a) The Board of Trustees of the Arkansas Teacher Retirement System
26 shall hold regular meetings at least quarterly.

27 (b) ~~Seven (7) trustees, of whom at least one (1) shall be an ex officio~~
28 ~~trustee or his designee, Eight (8) trustees constitute a quorum at any meeting~~
29 of the board.

30 (c) Each trustee shall be entitled to one (1) vote on each question
31 before the board, and at least ~~seven (7)~~ eight (8) concurring votes shall be
32 required for a decision by the board at any meeting.

33 (d) The board shall adopt its own rules of procedure and shall keep a
34 record of its proceedings.

35 (e) All meetings of the board shall be public."

36

1 SECTION 4. All provisions of this act of general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

4
5 SECTION 5. If any provisions of this act or the application thereof to
6 any person or circumstance is held invalid, the invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provisions or application, and to this end the provisions of this
9 act are declared to be severable.

10

11 SECTION 6. All laws and parts of laws in conflict with this act are
12 hereby repealed.

13

14 SECTION 7. Emergency. It is hereby found and determined by the
15 Eighty-First General Assembly of the State of Arkansas that various terms of
16 the members and retirants trustees on the Teacher Retirement Board of Trustees
17 need revision; that these differences in terms create an inequitable situation
18 on the Board; that eliminating this inequity is essential to the
19 administration of the retirement system; and it necessary to begin the terms
20 of these members at prescribed times and this act should be given effect
21 immediately. Therefore, in order to restore equity among the groups under the
22 System's Board, an emergency is declared to exist and this act being
23 immediately necessary for the preservation of the public peace, health and
24 safety shall become effective on the date of its approval by the Governor. If
25 the bill is neither approved nor vetoed by the Governor, it shall become
26 effective on the expiration of the period of time during which the Governor
27 may veto the bill. If the bill is vetoed by the Governor and the veto is
28 overridden, it shall become effective on the date the last house overrides the
29 veto.

30

31 /s/Rep. Bisbee, et al

32

33

34

35