

By: Gallego

H.B. No. 1161

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the State Board of Education.

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

SECTION 1. Section 7.101, Education Code, is amended to read as follows:

Sec. 7.101. COMPOSITION. (a) The State Board of Education is composed of 15 members appointed by the governor with the advice and consent of the senate [~~elected from districts. Each district from which a board member is elected is composed as provided by former Sections 11.2101(b)-(t), as enacted by Chapter 2, Acts of the 72nd Legislature, 2nd Called Session, 1991~~].

(b) An appointment to the board shall be made without regard to the race, creed, sex, religion, or national origin of the appointed member [~~Members of the board are elected at biennial general elections held in compliance with the Election Code~~].

SECTION 2. Sections 7.103(a) and (b), Education Code, are amended to read as follows:

(a) A person is not eligible for appointment [~~election~~] to or service on the board if the person holds an office with this state or any political subdivision of this state.

(b) [~~A person may not be elected from or serve in a district who is not a bona fide resident of the district with one year's continuous residence before election.~~] A person is not eligible for appointment [~~election~~] to or service on the board unless the

1 person has resided in this state for not less than one year, is a
2 qualified voter of the state, [~~district in which the person~~
3 ~~resides~~] and is at least 26 years of age.

4 SECTION 3. Sections 7.104(a) and (c), Education Code, are
5 amended to read as follows:

6 (a) Members [~~At each general election immediately following~~
7 ~~a decennial reapportionment of districts, one member shall be~~
8 ~~elected to the board from each district. Except as provided by~~
9 ~~Subsection (b), members~~] of the board serve staggered terms of four
10 years, with the terms of eight members expiring on February
11 [~~January~~] 1 of one odd-numbered year and the terms of seven members
12 expiring on February [~~January~~] 1 of the next odd-numbered year.

13 (c) If a position on the board becomes vacant, the governor
14 shall fill the vacancy as soon as possible by appointing a qualified
15 person [~~from the affected district~~] with the advice and consent of
16 the senate. A person appointed to fill a vacancy serves only for
17 the remainder of the unexpired term.

18 SECTION 4. Section 7.107(b), Education Code, is amended to
19 read as follows:

20 (b) At the board's first regular meeting after the
21 appointment [~~election~~] and qualification of new members, the board
22 shall organize, adopt rules of procedure, and elect by separate
23 votes a vice chair and a secretary.

24 SECTION 5. Section 42.005(a), Election Code, is amended to
25 read as follows:

26 (a) A county election precinct, including a consolidated
27 precinct, may not contain territory from more than one of each of

1 the following types of territorial units:

- 2 (1) a commissioners precinct;
- 3 (2) a justice precinct;
- 4 (3) a congressional district;
- 5 (4) a state representative district;
- 6 (5) a state senatorial district; or
- 7 (6) a ward in a city with a population of 10,000 or
- 8 more [~~or~~
- 9 [~~(7) a State Board of Education district~~].

10 SECTION 6. Section 52.092(d), Election Code, is amended to
11 read as follows:

12 (d) District offices of the state government shall be listed
13 in the following order:

- 14 (1) [~~member, State Board of Education,~~
- 15 [~~2~~] state senator;
- 16 (2) [~~3~~] state representative;
- 17 (3) [~~4~~] chief justice, court of appeals;
- 18 (4) [~~5~~] justice, court of appeals;
- 19 (5) [~~6~~] district judge;
- 20 (6) [~~7~~] criminal district judge;
- 21 (7) [~~8~~] family district judge;
- 22 (8) [~~9~~] district attorney;
- 23 (9) [~~10~~] criminal district attorney.

24 SECTION 7. Section 68.001(a), Election Code, is amended to
25 read as follows:

26 (a) The secretary of state shall tabulate the unofficial
27 results as provided by this subchapter in each primary election and

1 general election for state and county officers on each proposed
2 amendment to the state constitution and for each contested race for
3 nomination or election to:

- 4 (1) a federal office or statewide office of the state
- 5 government;
- 6 (2) the office of state senator; and
- 7 (3) the office of state representative [~~and~~
- 8 [~~(4) the office of member, State Board of Education~~].

9 SECTION 8. Section 172.024(a), Election Code, is amended
10 to read as follows:

11 (a) The filing fee for a candidate for nomination in the
12 general primary election is as follows:

- 13 (1) United States senator \$4,000
- 14 (2) office elected statewide, except United States
- 15 senator 3,000
- 16 (3) United States representative 2,500
- 17 (4) state senator 1,000
- 18 (5) state representative 600
- 19 (6) [~~member, State Board of Education~~ 250
- 20 [~~(7)~~] chief justice or justice, court of appeals,
- 21 other than a justice specified by Subdivision (7) [~~(8)~~] . . . 1,500
- 22 (7) [~~(8)~~] chief justice or justice of a court of
- 23 appeals that serves a court of appeals district in which a county
- 24 with a population of more than 850,000 is wholly or partly
- 25 situated 2,000
- 26 (8) [~~(9)~~] district judge or judge specified by Section
- 27 52.092(d) for which this schedule does not otherwise prescribe a

1	fee	1,200
2	<u>(9)</u> [(10)] district or criminal district judge of a	
3	court in a judicial district wholly contained in a county with a	
4	population of more than 850,000	2,000
5	<u>(10)</u> [(11)] judge, statutory county court, other than	
6	a judge specified by Subdivision <u>(11)</u> [(12)]	1,200
7	<u>(11)</u> [(12)] judge of a statutory county court in a	
8	county with a population of more than 850,000	2,000
9	<u>(12)</u> [(13)] district attorney, criminal district	
10	attorney, or county attorney performing the duties of a district	
11	attorney	1,000
12	<u>(13)</u> [(14)] county commissioner or judge,	
13	constitutional county court:	
14	(A) county with a population of 200,000 or	
15	more	1,000
16	(B) county with a population of	
17	under 200,000	600
18	<u>(14)</u> [(15)] justice of the peace or constable:	
19	(A) county with a population of 200,000 or	
20	more	800
21	(B) county with a population of under	
22	200,000	300
23	<u>(15)</u> [(16)] county surveyor, inspector of hides and	
24	animals, or public weigher	50
25	<u>(16)</u> [(17)] office of the county government for which	
26	this schedule does not otherwise prescribe a fee	600

27 SECTION 9. Section 252.005, Election Code, is amended to

1 read as follows:

2 Sec. 252.005. AUTHORITY WITH WHOM APPOINTMENT FILED:
3 CANDIDATE. An individual must file a campaign treasurer appointment
4 for the individual's own candidacy with:

5 (1) the commission, if the appointment is made for
6 candidacy for:

7 (A) a statewide office;

8 (B) a district office filled by voters of more
9 than one county;

10 (C) a judicial district office filled by voters
11 of only one county;

12 (D) state senator; or

13 (E) state representative[~~;~~ ~~or~~

14 [~~(F) the State Board of Education~~];

15 (2) the county clerk, if the appointment is made for
16 candidacy for a county office, a precinct office, or a district
17 office other than one included in Subdivision (1);

18 (3) the clerk or secretary of the governing body of the
19 political subdivision or, if the political subdivision has no clerk
20 or secretary, with the governing body's presiding officer, if the
21 appointment is made for candidacy for an office of a political
22 subdivision other than a county;

23 (4) the county clerk if:

24 (A) the appointment is made for candidacy for an
25 office of a political subdivision other than a county;

26 (B) the governing body for the political
27 subdivision has not been formed; and

1 (C) no boundary of the political subdivision
2 crosses a boundary of the county; or

3 (5) the commission if:

4 (A) the appointment is made for candidacy for an
5 office of a political subdivision other than a county;

6 (B) the governing body for the political
7 subdivision has not been formed; and

8 (C) the political subdivision is situated in more
9 than one county.

10 SECTION 10. Section 323.0145(a)(2), Government Code, is
11 amended to read as follows:

12 (2) "Legislative information" means:

13 (A) a list of all the members of each house of the
14 legislature;

15 (B) a list of the committees of the legislature
16 and their members;

17 (C) the full text of each bill as filed and as
18 subsequently amended, substituted, engrossed, or enrolled in
19 either house of the legislature;

20 (D) the full text of each amendment or substitute
21 adopted by a legislative committee for each bill filed in either
22 house of the legislature;

23 (E) the calendar of each house of the
24 legislature, the schedule of legislative committee hearings, and a
25 list of the matters pending on the floor of each house of the
26 legislature;

27 (F) detailed procedural information about how a

1 bill filed in either house of the legislature becomes law,
2 including detailed timetable information concerning the times
3 under the constitution or the rules of either house when the
4 legislature may take certain actions on a bill;

5 (G) the district boundaries or other identifying
6 information for the following districts in Texas:

- 7 (i) house of representatives;
8 (ii) senate; and
9 (iii) [~~State Board of Education; and~~
10 [~~(iv)~~] United States Congress; and

11 (H) other information related to the legislative
12 process that in the council's opinion should be made available
13 through the Internet.

14 SECTION 11. Section 572.002(4), Government Code, is
15 amended to read as follows:

16 (4) "Elected officer" means:

- 17 (A) a member of the legislature;
18 (B) an executive or judicial officer elected in a
19 statewide election;
20 (C) a judge of a court of appeals or of a district
21 court;
22 (D) [~~a member of the State Board of Education,~~
23 [~~(E)~~] a district attorney or criminal district
24 attorney; or

25 (E) [~~(F)~~] an individual appointed to fill a
26 vacancy in an office or appointed to a newly created office who, if
27 elected to the office instead of appointed, would be an elected

1 officer under this subdivision.

2 SECTION 12. Sections 572.003(b) and (c), Government Code,
3 are amended to read as follows:

4 (b) The term means:

5 (1) the banking commissioner [~~Banking Commissioner of~~
6 ~~The Banking Department~~] of Texas;

7 (2) the fire fighters' pension commissioner;

8 (3) the administrative director of the Office of Court
9 Administration of the Texas Judicial System;

10 (4) the chief executive of the Office of Public
11 Utility Counsel;

12 (5) the executive director of the State Bar of Texas;

13 (6) the director of the lottery division of the Texas
14 Lottery Commission;

15 (7) the deputy in charge of the department of security
16 in the lottery division of the Texas Lottery Commission;

17 (8) the director of the bingo division of the Texas
18 Lottery Commission;

19 (9) the commissioner of insurance; or

20 (10) [(9)] the secretary of state.

21 (c) The term means a member of:

22 (1) the Public Utility Commission of Texas;

23 (2) the Texas Department of Economic Development
24 [~~Commerce~~];

25 (3) the Texas [~~Natural Resource Conservation~~]
26 Commission on Environmental Quality;

27 (4) the Texas Alcoholic Beverage Commission;

- 1 (5) the [~~The~~] Finance Commission of Texas;
- 2 (6) the Texas Building and Procurement [~~General~~
- 3 ~~Services~~] Commission;
- 4 (7) the Texas Board of Criminal Justice;
- 5 (8) the board of trustees of the Employees Retirement
- 6 System of Texas;
- 7 (9) the Texas Transportation Commission;
- 8 (10) the Texas Workers' Compensation Commission;
- 9 (11) [~~the State Board of Insurance,~~
- 10 [~~(12)~~] the Parks and Wildlife Commission;
- 11 (12) [~~(13)~~] the Public Safety Commission;
- 12 (13) [~~(14)~~] the Texas Ethics Commission;
- 13 (14) [~~(15)~~] the State Securities Board;
- 14 (15) [~~(16)~~] the Texas Water Development Board;
- 15 (16) [~~(17)~~] the governing board of a public senior
- 16 college or university as defined by Section 61.003, Education Code,
- 17 or of The University of Texas Southwestern Medical Center at
- 18 Dallas, The University of Texas Medical Branch at Galveston, The
- 19 University of Texas Health Science Center at Houston, The
- 20 University of Texas Health Science Center at San Antonio, The
- 21 University of Texas System Cancer Center, The University of Texas
- 22 Health Science Center at Tyler, University of North Texas Health
- 23 Science Center at Fort Worth, Texas Tech University Health Sciences
- 24 Center, Texas State Technical College--Harlingen, Texas State
- 25 Technical College--Marshall, Texas State Technical
- 26 College--Sweetwater, or Texas State Technical College--Waco;
- 27 (17) [~~(18)~~] the Texas Higher Education Coordinating

1 Board;

2 (18) [~~(19)~~] the Texas Workforce [~~Employment~~]

3 Commission;

4 (19) [~~(20) — the State Banking Board,~~

5 ~~(21)]~~ the board of trustees of the Teacher Retirement

6 System of Texas;

7 (20) [~~(22)~~] the Credit Union Commission;

8 (21) [~~(23)~~] the School Land Board;

9 (22) [~~(24)~~] the board of the Texas Department of

10 Housing and Community Affairs;

11 (23) [~~(25)~~] the Texas Racing Commission;

12 (24) [~~(26)~~] the State Board of Dental Examiners;

13 (25) [~~(27)~~] the Texas Board of [~~Licensure for~~] Nursing

14 Facility [~~Home~~] Administrators;

15 (26) [~~(28)~~] the Texas State Board of Medical

16 Examiners;

17 (27) [~~(29)~~] the Board of Pardons and Paroles;

18 (28) [~~(30)~~] the Texas State Board of Pharmacy;

19 (29) [~~(31)~~] the Department of Information Resources

20 governing board;

21 (30) [~~(32)~~] the Motor Vehicle Board;

22 (31) [~~(33)~~] the Texas Real Estate Commission;

23 (32) [~~(34)~~] the board of directors of the State Bar of

24 Texas;

25 (33) [~~(35)~~] the bond review board;

26 (34) [~~(36)~~] the Texas Board of Health;

27 (35) [~~(37)~~] the Texas Board of Mental Health and

1 Mental Retardation;

2 (36) [~~(38)~~] the Texas Board on Aging;

3 (37) [~~(39)~~] the Texas Board of Human Services;

4 (38) [~~(40)~~] the Texas Funeral Service Commission;

5 (39) [~~(41)~~] the board of directors of a river
6 authority created under the Texas Constitution or a statute of this
7 state; [~~or~~]

8 (40) [~~(42)~~] the Texas Lottery Commission; or

9 (41) the State Board of Education.

10 SECTION 13. (a) Sections 7.104(b), (d), and (e) and 7.108,
11 Education Code, are repealed.

12 (b) Chapter 2, Acts of the 72nd Legislature, 2nd Called
13 Session, 1991, is repealed.

14 SECTION 14. (a) The terms of office of members of the State
15 Board of Education elected under Section 7.101, Education Code, or
16 appointed under Section 7.104, Education Code, as those sections
17 existed before amendment by this Act, expire on the date of the
18 first meeting of the State Board of Education appointed under
19 Section 7.101, Education Code, as amended by this Act. The chair of
20 the appointed board designated by the governor shall call the first
21 meeting as soon as possible after the governor has appointed all
22 members of the board and the members have qualified. The governor
23 shall make those appointments as soon as possible after this Act
24 takes effect.

25 (b) Of the members of the first board appointed under
26 Section 7.101, Education Code, as amended by this Act, eight serve
27 terms expiring February 1, 2005, and seven serve terms expiring

1 February 1, 2007. The members shall draw lots to determine the
2 length of their terms.

3 (c) Rules of the State Board of Education that are in effect
4 on the date of the first meeting of the State Board of Education
5 appointed under Section 7.101, as amended by this Act, remain in
6 effect until superseded by rules of the appointed board.

7 SECTION 15. The repeal by this Act of Section 7.108,
8 Education Code, does not apply to an offense committed under that
9 section before the effective date of the repeal. An offense
10 committed before that date is covered by that section as it existed
11 on the date the offense was committed, and the former law is
12 continued in effect for that purpose.

13 SECTION 16. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas
16 Constitution. If this Act does not receive the vote necessary for
17 immediate effect, this Act takes effect September 1, 2003.