

By: Deshotel

H.B. No. 3321

A BILL TO BE ENTITLED

AN ACT

1
2 relating to student and faculty representation on the board of
3 regents of each state university or state university system.

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

5 SECTION 1. Subchapter G, Chapter 51, Education Code, is
6 amended by adding Sections 51.355, 51.356, 51.357, and 51.358 to
7 read as follows:

8 Sec. 51.355. STUDENT REGENT; UNIVERSITY SYSTEM BOARD OF
9 REGENTS. (a) In this section, "student government" means the
10 representative student organization directly elected by the
11 student body of a general academic teaching institution.

12 (b) The chancellor of each university system shall develop a
13 uniform application form to be used by each general academic
14 teaching institution in the university system to solicit applicants
15 for the position of student regent.

16 (c) Except as provided by Subsection (f), not later than
17 September 1 of each even-numbered year, the student government of
18 each general academic teaching institution in a university system
19 shall solicit applicants for the position of student regent. Not
20 later than November 1, from among the applications received by the
21 student government, the student government shall select one or more
22 applicants as the student government's recommendations for the
23 position of student regent and send the applications of those
24 applicants to the governor. On February 1, or as soon thereafter as

1 practicable, the governor, with the advice and consent of the
2 senate, shall appoint one of the applicants to serve as the student
3 regent on the university system's board of regents for a two-year
4 term.

5 (d) A student regent must be enrolled as an undergraduate or
6 graduate student in a general academic teaching institution in the
7 university system at the time of appointment and throughout the
8 student regent's term of office. For purposes of this subsection, a
9 person is considered to be enrolled in an institution for a summer
10 term if the person was enrolled in the institution for the preceding
11 semester and:

12 (1) is registered or preregistered at the institution
13 for the following fall semester;

14 (2) if the person has not completed the person's degree
15 program, is eligible to continue the degree program at the
16 institution in the following fall semester; or

17 (3) if the person completed a degree program in the
18 preceding semester, is admitted to another degree program at the
19 institution for the following fall semester.

20 (e) A student regent has the same powers and duties,
21 including voting privileges, as the other members of the board to
22 which the student regent is appointed.

23 (f) The student government of the general academic teaching
24 institution at which a current student regent was enrolled at the
25 time of the student regent's appointment may not solicit applicants
26 for the position of student regent for the next regular term of the
27 office.

1 (g) A vacancy in the position of student regent shall be
2 filled for the unexpired term by appointment by the governor in
3 consultation with the student governments of the component general
4 academic teaching institutions of the university system.

5 (h) If the two-year term of the student regent is held by
6 final judgment of a court to violate the Texas Constitution, the
7 student regent holds office for a term of six years.

8 Sec. 51.356. STUDENT REGENT; INSTITUTION BOARD OF REGENTS.

9 (a) This section applies only to a general academic teaching
10 institution that is not a part of a university system.

11 (b) In this section, "student government" means the
12 representative student organization directly elected by the
13 student body of a general academic teaching institution.

14 (c) The president of a general academic teaching
15 institution shall develop a uniform application form to be used to
16 solicit applicants for the position of student regent.

17 (d) Not later than September 1 of each even-numbered year,
18 the student government of the general academic teaching institution
19 shall solicit applicants for the position of student regent. Not
20 later than November 1, from among the applications received by the
21 student government, the student government shall select one or more
22 applicants as the student government's recommendations for the
23 position of student regent and send the applications of those
24 applicants to the governor. On February 1, or as soon thereafter as
25 practicable, the governor, with the advice and consent of the
26 senate, shall appoint one of the applicants to serve as the student
27 regent on the institution's board of regents for a two-year term.

1 (e) A student regent must be enrolled as an undergraduate or
2 graduate student in the general academic teaching institution at
3 the time of appointment and throughout the student regent's term of
4 office. For purposes of this subsection, a person is considered to
5 be enrolled in an institution for a summer term if the person was
6 enrolled in the institution for the preceding semester and:

7 (1) is registered or preregistered at the institution
8 for the following fall semester;

9 (2) if the person has not completed the person's degree
10 program, is eligible to continue the degree program at the
11 institution in the following fall semester; or

12 (3) if the person completed a degree program in the
13 preceding semester, is admitted to another degree program at the
14 institution for the following fall semester.

15 (f) A student regent has the same powers and duties,
16 including voting privileges, as the other members of the board to
17 which the student regent designate is appointed.

18 (g) A vacancy in the position of student regent shall be
19 filled for the unexpired term by appointment by the governor in
20 consultation with the student government of the general academic
21 teaching institution.

22 (h) If the two-year term of the student regent is held by
23 final judgment of a court to violate the Texas Constitution, the
24 student regent holds office for a term of six years.

25 Sec. 51.357. FACULTY REGENT; UNIVERSITY SYSTEM BOARD OF
26 REGENTS. (a) The chancellor of each university system shall
27 develop a uniform application form to be used by each general

1 academic teaching institution in the university system to solicit
2 applicants for the position of faculty regent.

3 (b) Except as provided by Subsection (e), not later than the
4 September 1 preceding the date on which the term of faculty regent
5 on the board of regents of a university system begins, the faculty
6 senate of each general academic teaching institution in the
7 university system shall solicit applicants for the position of
8 faculty regent. Not later than November 1, from among the
9 applications received by the faculty senate, the faculty senate
10 shall select one or more applicants as the faculty senate's
11 recommendations for the position of faculty regent and send the
12 applications of those applicants to the governor. The governor,
13 with the advice and consent of the senate, shall appoint one of the
14 applicants to serve as the faculty regent on the university
15 system's board of regents for a six-year term, with the term of the
16 initial faculty regent expiring February 1, 2013.

17 (c) A faculty regent must be employed full-time by a general
18 academic teaching institution in the university system as a faculty
19 member at the time of appointment and throughout the faculty
20 regent's term of office.

21 (d) A faculty regent has the same powers and duties,
22 including voting privileges, as the other members of the board to
23 which the faculty regent is appointed.

24 (e) The faculty senate of the general academic teaching
25 institution at which a faculty regent was employed at the time of
26 the faculty regent's appointment may not solicit applicants for the
27 position of faculty regent for the next regular term of the office.

1 (f) A vacancy in the position of faculty regent shall be
2 filled for the unexpired term by appointment of the governor in
3 consultation with the faculty senates of the component general
4 academic teaching institutions of the university system.

5 Sec. 51.358. FACULTY REGENT; UNIVERSITY BOARD OF REGENTS.

6 (a) This section applies only to a general academic teaching
7 institution that is not a part of a university system.

8 (b) The president of a general academic teaching
9 institution shall develop a uniform application form to be used to
10 solicit applicants for the position of faculty regent.

11 (c) Not later than the September 1 preceding the date on
12 which the term of faculty regent on the institution's board of
13 regents begins, the faculty senate of the general academic teaching
14 institution shall solicit applicants for the position of faculty
15 regent. Not later than November 1, from among the applications
16 received by the faculty senate, the faculty senate shall select one
17 or more applicants as the faculty senate's recommendations for the
18 position of faculty regent and send the applications of those
19 applicants to the governor. The governor, with the advice and
20 consent of the senate, shall appoint one of the applicants to serve
21 as the faculty regent on the institution's board of regents for a
22 six-year term, with the term of the initial faculty regent expiring
23 February 1, 2013.

24 (d) A faculty regent must be employed full-time by the
25 general academic teaching institution as a faculty member at the
26 time of appointment and throughout the faculty regent's term of
27 office.

1 (e) A faculty regent has the same powers and duties,
2 including voting privileges, as the other members of the board to
3 which the faculty regent is appointed.

4 (f) A vacancy in the position of faculty regent shall be
5 filled for the unexpired term by appointment of the governor in
6 consultation with the faculty senate of the general academic
7 teaching institution.

8 SECTION 2. Sections 65.11 and 65.12, Education Code, are
9 amended to read as follows:

10 Sec. 65.11. BOARD OF REGENTS. (a) The government of the
11 university system is vested in a board of nine regents appointed by
12 the governor with the advice and consent of the senate.

13 (b) One of the board members must be a student regent
14 appointed under Section 51.355. One of the board members must be a
15 faculty regent appointed under Section 51.357.

16 (c) The board may provide for the administration,
17 organization, and names of the institutions and entities in The
18 University of Texas System in such a way as will achieve the maximum
19 operating efficiency of such institutions and entities, provided,
20 however, that no institution or entity of The University of Texas
21 System not authorized by specific legislative act to offer a
22 four-year undergraduate program as of the effective date of this
23 Act shall offer any such four-year undergraduate program without
24 prior recommendation and approval by a two-thirds vote of the Texas
25 Higher Education Coordinating Board and a specific act of the
26 Legislature.

27 Sec. 65.12. QUALIFICATIONS; TERMS. (a) Each member of the

1 board shall be a qualified voter.

2 (b) The board[~~, and the~~] members other than the student
3 regent and the faculty regent shall be selected from different
4 portions of the state.

5 (c) The board members other than the student regent hold
6 office for staggered terms of six years, with the terms of two or
7 three regents, as applicable, expiring February 1 of odd-numbered
8 years.

9 (d) The student regent holds office for a term of two years
10 expiring February 1 of an odd-numbered year, with the term of the
11 initial student regent expiring February 1, 2009.

12 SECTION 3. Sections 85.11 and 85.12, Education Code, are
13 amended to read as follows:

14 Sec. 85.11. BOARD OF REGENTS. (a) The government of the
15 university system is vested in a board of nine regents appointed by
16 the governor with the advice and consent of the senate.

17 (b) One of the board members must be a student regent
18 appointed under Section 51.355. One of the board members must be a
19 faculty regent appointed under Section 51.357.

20 Sec. 85.12. QUALIFICATIONS; TERMS. (a) Each member of the
21 board shall be a qualified voter.

22 (b) The board[~~, and the~~] members other than the student
23 regent and the faculty regent shall be selected from different
24 portions of the state.

25 (c) The board members other than the student regent hold
26 office for staggered terms of six years, with the terms of two or
27 three regents, as applicable, expiring February 1 of odd-numbered

1 years.

2 (d) The student regent holds office for a term of two years
3 expiring February 1 of an odd-numbered year, with the term of the
4 initial student regent expiring February 1, 2009.

5 SECTION 4. Subchapter A, Chapter 95, Education Code, is
6 amended by amending Section 95.02 and adding Section 95.022 to read
7 as follows:

8 Sec. 95.02. BOARD OF REGENTS [~~MEMBERS:— APPOINTMENT,~~
9 ~~QUALIFICATIONS, TERMS~~]. (a) The board is composed of nine members
10 appointed by the governor with the advice and consent of the senate.

11 (b) One of the board members must be a student regent
12 appointed under Section 51.355. One of the board members must be a
13 faculty regent appointed under Section 51.357 [~~The members hold~~
14 ~~office for terms of six years, with the terms of three members~~
15 ~~expiring February 1 of odd-numbered years. Each member of the board~~
16 ~~shall be a qualified voter, and the members shall be selected from~~
17 ~~different portions of the state~~].

18 Sec. 95.022. QUALIFICATIONS; TERMS. (a) Each member of the
19 board of regents other than the student regent must be a qualified
20 voter.

21 (b) The board members other than the student regent and the
22 faculty regent shall be selected from different portions of the
23 state.

24 (c) The board members other than the student regent hold
25 office for terms of six years, with the terms of two or three
26 regents, as applicable, expiring February 1 of odd-numbered years.

27 (d) The student regent holds office for a term of two years

1 expiring February 1 of an odd-numbered year, with the term of the
2 initial student regent expiring February 1, 2009.

3 SECTION 5. Sections 101.11 and 101.12, Education Code, are
4 amended to read as follows:

5 Sec. 101.11. BOARD OF REGENTS. (a) The control and
6 management of the university is vested in a board of nine regents
7 appointed by the governor with the advice and consent of the senate.

8 (b) One of the board members must be a student regent
9 appointed under Section 51.356. One of the board members must be a
10 faculty regent appointed under Section 51.358.

11 Sec. 101.12. TERM OF OFFICE. (a) Members of the board
12 other than the student regent hold office for staggered terms of six
13 years, with the terms of two or three members, as applicable,
14 expiring [~~on~~] January 31 of each odd-numbered year.

15 (b) The student regent holds office for a term of two years
16 expiring February 1 of an odd-numbered year, with the term of the
17 initial student regent expiring February 1, 2009.

18 (c) Any vacancy shall be filled by appointment for the
19 unexpired portion of the term.

20 SECTION 6. Sections 103.02 and 103.03, Education Code, are
21 amended to read as follows:

22 Sec. 103.02. BOARD OF REGENTS. (a) The organization,
23 control, and management of the university is vested in a board of
24 nine regents.

25 (b) One of the board members must be a student regent
26 appointed under Section 51.356. One of the board members must be a
27 faculty regent appointed under Section 51.358.

1 Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. (a)
2 Members of the board shall be appointed by the governor and
3 confirmed by the senate.

4 (b) Members of the board other than the student regent hold
5 office for staggered terms of six years.

6 (c) The student regent holds office for a term of two years
7 expiring February 1 of an odd-numbered year, with the term of the
8 initial student regent expiring February 1, 2009.

9 (d) Any vacancy that occurs on the board shall be filled for
10 the unexpired term by appointment of the governor.

11 (e) Each member of the board shall take the constitutional
12 oath of office.

13 SECTION 7. Sections 105.051 and 105.052, Education Code,
14 are amended to read as follows:

15 Sec. 105.051. BOARD OF REGENTS. (a) The organization,
16 control, and management of the University of North Texas System and
17 each component institution of the system is vested in a board of
18 nine regents appointed by the governor and confirmed by the senate.

19 (b) One of the board members must be a student regent
20 appointed under Section 51.355. One of the board members must be a
21 faculty regent appointed under Section 51.357.

22 Sec. 105.052. TERM OF OFFICE; REMOVAL; VACANCY. (a) The
23 term of office of each regent other than the student regent is six
24 years, with the terms of two or three regents, as applicable,
25 expiring every two years.

26 (b) The student regent holds office for a term of two years
27 expiring February 1 of an odd-numbered year, with the term of the

1 initial student regent expiring February 1, 2009.

2 (c) A regent [~~Members of the board~~] may be removed from
3 office for inefficiency or malfeasance of office.

4 (d) Any vacancy that occurs on the board shall be filled by
5 the governor for the unexpired term.

6 SECTION 8. Sections 106.11 and 106.12, Education Code, are
7 amended to read as follows:

8 Sec. 106.11. BOARD OF REGENTS. (a) The government of the
9 university is vested in a board of nine regents appointed by the
10 governor with the advice and consent of the senate [~~Senate~~].

11 (b) One of the regents must be a student regent appointed
12 under Section 51.356. One of the board members must be a faculty
13 regent appointed under Section 51.358.

14 Sec. 106.12. TERMS OF OFFICE. (a) Members of the board
15 other than the student regent hold office for staggered terms of six
16 years, with the terms of two or three regents, as applicable,
17 [~~directors~~] expiring [~~on~~] February 1 of odd-numbered years.

18 (b) The student regent holds office for a term of two years
19 expiring February 1 of an odd-numbered year, with the term of the
20 initial student regent expiring February 1, 2009.

21 SECTION 9. Section 107.21, Education Code, is amended to
22 read as follows:

23 Sec. 107.21. BOARD OF REGENTS. (a) The board of regents of
24 the university is composed of nine persons [~~, four of whom shall be~~
25 ~~women,~~] appointed by the governor with the advice and consent of the
26 senate. Four of the regents must be women.

27 (b) One of the regents must be a student regent appointed

1 under Section 51.356. One of the regents must be a faculty regent
2 appointed under Section 51.358.

3 (c) Each regent other than the student regent must [~~Each~~
4 ~~member of the board shall~~] be a qualified voter.

5 (d) The regents other than the student regent and the
6 faculty regent [~~, and the members~~] shall be selected from different
7 portions of the state.

8 (e) Regents other than the student regent [~~The members~~] hold
9 office for staggered terms of six years, with the terms of two or
10 three regents, as applicable, expiring February 1 of odd-numbered
11 years.

12 (f) The student regent holds office for a term of two years
13 expiring February 1 of an odd-numbered year, with the term of the
14 initial student regent expiring February 1, 2009.

15 SECTION 10. Sections 109.21 and 109.22, Education Code, are
16 amended to read as follows:

17 Sec. 109.21. BOARD OF REGENTS. (a) The government,
18 control, and direction of the policies of the university are vested
19 in a board of nine regents [~~, who shall be~~] appointed by the governor
20 with the advice and consent of the senate.

21 (b) One of the regents must be a student regent appointed
22 under Section 51.355. One of the regents must be a faculty regent
23 appointed under Section 51.357.

24 Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. (a) Except
25 for the initial appointees, regents other than the student regent
26 [~~members~~] hold office for [~~of~~] terms of six years expiring [~~on~~]
27 January 31 of odd-numbered years [~~. In making the initial~~

1 ~~appointments, the governor shall designate three for terms expiring~~
2 ~~in 1971, three for terms expiring in 1973, and three for terms~~
3 ~~expiring in 1975].~~

4 (b) The student regent holds office for a term of two years
5 expiring February 1 of an odd-numbered year, with the term of the
6 initial student regent expiring February 1, 2009.

7 (c) Any vacancy shall be filled for the unexpired portion of
8 the term by appointment by the governor with the advice and consent
9 of the senate.

10 SECTION 11. Section 111.12, Education Code, is amended to
11 read as follows:

12 Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. (a) The regents
13 ~~[Members of the board]~~ are appointed by the governor with the advice
14 and consent of the senate.

15 (b) One of the regents must be a student regent appointed
16 under Section 51.355. One of the regents must be a faculty regent
17 appointed under Section 51.357.

18 (c) The term of office of each regent other than the student
19 regent shall be six years, except that in making the first
20 appointments the governor shall appoint three members for six
21 years, three members for four years, and three members for two
22 years.

23 (d) The student regent holds office for a term of two years
24 expiring February 1 of an odd-numbered year, with the term of the
25 initial student regent expiring February 1, 2009.

26 (e) Any vacancy that occurs on the board shall be filled for
27 the unexpired term by appointment of the governor.

1 SECTION 12. The initial term of a student regent appointed
2 to serve on the board of regents of a state university system under
3 Section 51.355, Education Code, as added by this Act, or on the
4 board of regents of a state university under Section 51.356,
5 Education Code, as added by this Act, expires February 1, 2009. The
6 appropriate student governments, the chancellor of each state
7 university system, the president of each state university that is
8 not a part of a university system, and the governor shall take the
9 actions required by Sections 51.355 and 51.356, Education Code, as
10 added by this Act, beginning in 2006 to select a student regent to
11 serve on the board of regents of each state university or state
12 university system for that initial term.

13 SECTION 13. The initial term of a faculty regent appointed
14 to serve on the board of regents of a state university system under
15 Section 51.357, Education Code, as added by this Act, or on the
16 board of regents of a state university under Section 51.358,
17 Education Code, as added by this Act, expires February 1, 2013. The
18 appropriate faculty senates, the chancellor of each state
19 university system, the president of each state university that is
20 not a part of a university system, and the governor shall take the
21 actions required by Sections 51.357 and 51.358, Education Code, as
22 added by this Act, beginning in 2006 to select a faculty regent to
23 serve on the board of regents of each state university or state
24 university system for that initial term.

25 SECTION 14. Of the terms on the board of regents of a state
26 university or state university system that expire February 1, 2007,
27 one of the terms shall be filled by the initial student regent as

1 provided by Section 51.355 or 51.356, Education Code, as added by
2 this Act, as applicable, and one of the terms shall be filled by the
3 initial faculty regent as provided by Section 51.357 or 51.358,
4 Education Code, as added by this Act, as applicable. The remaining
5 term shall be filled as provided by law.

6 SECTION 15. This Act does not affect the term of a member of
7 a board of regents of a state university or state university system
8 serving on the effective date of this Act.

9 SECTION 16. This Act takes effect September 1, 2005.