

AN ACT

relating to the governing board of a state university or state university system and to the tuition rebate program for certain undergraduates at certain state institutions of higher education.

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

SECTION 1. Subdivision (1), Section 51.351, Education Code, is amended to read as follows:

(1) "General academic teaching institution," "governing board," "institution of higher education," "medical and dental unit," "public junior college," and "university system" have the meanings assigned by Section 61.003 [~~of this code~~].

SECTION 2. Subchapter G, Chapter 51, Education Code, is amended by adding Sections 51.355 and 51.356 to read as follows:

Sec. 51.355. NONVOTING STUDENT REGENT; UNIVERSITY SYSTEM BOARD OF REGENTS. (a) In this section, "student government" means the representative student organization directly elected by the student body of a general academic teaching institution or medical and dental unit.

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

(c) Except as provided by Subsection (f), not later than September 1 of each year, the student government of each general

1 academic teaching institution and medical and dental unit in a
2 university system shall solicit applicants for the position of
3 student regent. Not later than November 1, from among the
4 applications received by the student government, the student
5 government shall select five applicants as the student government's
6 recommendations for the position of student regent and send the
7 applications of those applicants, with the name of each applicant
8 and the name of the institution or unit in which the applicant is
9 enrolled removed, to the chancellor of the university system. From
10 among those applicants, the chancellor shall select two or more
11 applicants as the university system's recommendations for the
12 position of student regent and shall send the applications of those
13 applicants to the governor not later than December 1. The governor
14 may request to review all applications for the position of student
15 regent received by the student governments and may request to
16 review information required to be removed from an application by a
17 student government under this subsection. On February 1, or as soon
18 thereafter as practicable, the governor shall appoint one of the
19 applicants to serve as the student regent for the system for a
20 one-year term expiring on the next February 1. The governor is not
21 required to appoint an applicant recommended by the chancellor.

22 (d) A student regent must be enrolled as an undergraduate or
23 graduate student in a general academic teaching institution or
24 medical and dental unit in the university system at the time of
25 appointment and throughout the student regent's term. For purposes
26 of this subsection, a person is considered to be enrolled in an
27 institution or unit for a summer term if the person was enrolled in

1 the institution or unit for the preceding semester and:

2 (1) is registered or preregistered at the institution
3 or unit for the following fall semester;

4 (2) if the person has not completed the person's degree
5 program, is eligible to continue the degree program at the
6 institution or unit in the following fall semester; or

7 (3) if the person completed a degree program in the
8 preceding semester, is admitted to another degree program at the
9 institution or unit for the following fall semester.

10 (e) A student regent is not a member of the board of regents
11 of the system for which the student regent is appointed. A student
12 regent has the same powers and duties as the members of the board of
13 regents of the system, including the right to attend and
14 participate in meetings of the board of regents, except that the
15 student regent:

16 (1) may not vote on any matter before the board or make
17 or second any motion before the board; and

18 (2) is not counted in determining whether a quorum
19 exists for a meeting of the board or in determining the outcome of
20 any vote of the board.

21 (f) The student government of the general academic teaching
22 institution or medical and dental unit at which a current student
23 regent was enrolled at the time of the student regent's appointment
24 may not solicit applicants for the position of student regent for
25 the next regular term of the position.

26 (g) A vacancy in the position of student regent for a
27 university system shall be filled for the unexpired term by

1 appointment by the governor in consultation with the chancellor of
2 the system.

3 Sec. 51.356. NONVOTING STUDENT REGENT; INSTITUTION BOARD OF
4 REGENTS. (a) This section applies only to a general academic
5 teaching institution that is not a part of a university system.

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

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

12 (d) Not later than September 1 of each year, the student
13 government of the general academic teaching institution shall
14 solicit applicants for the position of student regent. Not later
15 than November 1, from among the applications received by the
16 student government, the student government shall select five
17 applicants as the student government's recommendations for the
18 position of student regent and send the applications of those
19 applicants, with the name of each applicant removed, to the
20 president of the institution. From among those applicants, the
21 president shall select two or more applicants as the institution's
22 recommendations for the position of student regent and shall send
23 the applications of those applicants to the governor not later than
24 December 1. The governor may request to review all applications for
25 the position of student regent received by the student government
26 and may request to review information required to be removed from an
27 application by the student government under this subsection. On

1 February 1, or as soon thereafter as practicable, the governor
2 shall appoint one of the applicants to serve as the student regent
3 for the institution for a one-year term expiring on the next
4 February 1. The governor is not required to appoint an applicant
5 recommended by the president.

6 (e) A student regent must be enrolled as an undergraduate or
7 graduate student in the general academic teaching institution at
8 the time of appointment and throughout the student regent's term.
9 For purposes of this subsection, a person is considered to be
10 enrolled in an institution for a summer term if the person was
11 enrolled in the institution for the preceding 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 (f) A student regent is not a member of the board of regents
21 of the institution for which the student regent is appointed. A
22 student regent has the same powers and duties as the members of the
23 board of regents of the institution, including the right to attend
24 and participate in meetings of the board of regents, except that the
25 student regent:

26 (1) may not vote on any matter before the board or make
27 or second any motion before the board; and

1 (2) is not counted in determining whether a quorum
2 exists for a meeting of the board or in determining the outcome of
3 any vote of the board.

4 (g) A vacancy in the position of student regent for an
5 institution shall be filled for the unexpired term by appointment
6 by the governor in consultation with the president of the
7 institution.

8 SECTION 3. Subsections (a), (c), and (i), Section 54.0065,
9 Education Code, are amended to read as follows:

10 (a) A qualified student is eligible for a rebate of a
11 portion of the undergraduate tuition the student has paid if the
12 student:

13 (1) is awarded a baccalaureate degree from a general
14 academic teaching institution within the period prescribed by
15 Section 56.462(1)(A) or (B), as applicable, to qualify for
16 forgiveness of a Texas B-On-time loan; and

17 (2) has attempted no more than three hours in excess of
18 the minimum number of semester credit hours required to complete
19 the degree, including:

20 (A) transfer credits; and

21 (B) course credit earned exclusively by
22 examination, except that, for purposes of this subsection, only the
23 number of semester credit hours earned exclusively by examination
24 in excess of nine semester credit hours is treated as hours
25 attempted.

26 (c) A student who has transferred from another institution
27 of higher education shall provide the institution awarding the

1 degree an official transcript from each institution attended by the
2 student in order that the period during which the student has been
3 enrolled in a general academic teaching institution and the total
4 number of hours attempted by the student can be verified.

5 (i) The coordinating board, in consultation with the
6 institutions of higher education, shall adopt rules for the
7 administration of this section, including a rule to allow an
8 otherwise eligible student to receive a rebate under this section
9 if the student is not awarded a baccalaureate degree within the
10 period required by Subsection (a)(1) solely as a result of a
11 hardship or other good cause. The performance of active duty
12 military service by a student shall be recognized as "good cause"
13 for purposes of this section.

14 SECTION 4. The initial term of a student regent appointed
15 for a state university system under Section 51.355, Education Code,
16 as added by this Act, or for a state university under Section
17 51.356, Education Code, as added by this Act, expires February 1,
18 2007. The appropriate student governments, the chancellor of each
19 state university system, the president of each state university
20 that is not a part of a university system, and the governor shall
21 take the actions required by Sections 51.355 and 51.356, Education
22 Code, as added by this Act, as soon as practicable after this Act
23 takes effect to select a student regent for each state university or
24 state university system for that initial term.

25 SECTION 5. (a) The changes in law made by this Act to
26 Subsections (a), (c), and (i), Section 54.0065, Education Code,
27 apply only to a student who enters a general academic teaching

1 institution for the first time on or after the effective date of
2 this Act.

3 (b) The Texas Higher Education Coordinating Board shall
4 adopt the rule required by Subsection (i), Section 54.0065,
5 Education Code, as amended by this Act, relating to students who do
6 not graduate within the required time as a result of hardship or
7 other good cause, as soon as practicable after this Act takes
8 effect. For that purpose, the coordinating board may adopt the
9 initial rule in the manner provided by law for emergency rules.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 34 passed the Senate on March 31, 2005, by the following vote: Yeas 28, Nays 0; May 26, 2005, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 34 passed the House, with amendments, on May 25, 2005, by the following vote: Yeas 143, Nays 0, two present not voting; May 27, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor