

By: Shapleigh

S.B. No. 870

A BILL TO BE ENTITLED

AN ACT

relating to student representation on the board of regents of each state university or state university system.

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

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

Sec. 51.355. STUDENT REGENT DESIGNATE; 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.

(b) Except as provided by Subsection (e), not later than September 1 of each year, the student government of each general academic teaching institution in a university system shall select one graduate student and one undergraduate student of the institution to serve as the institution's representatives on the university system's student regent nominating committee. As soon thereafter as practicable, the student regent nominating committee shall solicit applicants from each institution in the system for the position of student regent designate. Not later than December 1, from among the applications received by the student regent nominating committee, the committee shall select three applicants as the committee's recommendations for the position of student regent designate for the university system and shall send the

1 applications of those applicants to the system's board of regents.
2 From among those applicants, not later than February 1 or as soon
3 thereafter as practicable, the university system's board of regents
4 shall select an applicant to serve as the student regent designate
5 for the system for a one-year term expiring on the next February 1.

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

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

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

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

21 (d) A student regent designate for a university system has
22 the same powers and duties as the members of the board of regents of
23 the system, except that the student regent designate:

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

26 (2) is not counted in determining whether a quorum
27 exists for a meeting of the board or in determining the outcome of

1 any vote of the board.

2 (e) The student government of the general academic teaching
3 institution at which a current student regent designate was
4 enrolled at the time of the student regent designate's selection
5 may not solicit applicants for the position of student regent
6 designate for the next regular term of the position.

7 (f) If the current student regent designate for a university
8 system is an undergraduate student at the time of the student regent
9 designate's selection, the student regent designate selected for
10 the next regular term of the position must be a graduate student at
11 the time of that student regent designate's selection. If the
12 current student regent designate for a university system is a
13 graduate student at the time of the student regent designate's
14 selection, the student regent designate selected for the next
15 regular term of the position must be an undergraduate student at the
16 time of the student regent designate's selection.

17 (g) A vacancy in the position of student regent designate
18 for a university system shall be filled for the unexpired term by
19 the board of regents in consultation with the student governments
20 of the general academic teaching institutions in the system.

21 Sec. 51.356. STUDENT REGENT DESIGNATE; INSTITUTION BOARD OF
22 REGENTS. (a) This section applies only to a general academic
23 teaching institution that is not a part of a university system.

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

27 (c) Not later than September 1 of each year, the student

1 government of the general academic teaching institution shall
2 solicit applicants for the position of student regent designate for
3 the institution. Not later than December 1, from among the
4 applications received by the student government, the student
5 government shall select three applicants as the student
6 government's recommendations for the position of student regent
7 designate and shall send the applications of those applicants to
8 the institution's board of regents. From among those applicants,
9 on February 1 or as soon thereafter as practicable, the board of
10 regents shall select an applicant to serve as the student regent
11 designate for the institution for a one-year term expiring on the
12 next February 1.

13 (d) A student regent designate must be enrolled as an
14 undergraduate or graduate student in the general academic teaching
15 institution at the time of selection and throughout the student
16 regent designate's term. For purposes of this subsection, a person
17 is considered to be enrolled in an institution for a summer term if
18 the person was enrolled in the institution for the preceding
19 semester and:

20 (1) is registered or preregistered at the institution
21 for the following fall semester;

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

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

1 (e) A student regent designate for a general academic
2 teaching institution has the same powers and duties as the members
3 of the board of regents of the institution, except that the student
4 regent designate:

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

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

10 (f) If the current student regent designate for a general
11 academic teaching institution is an undergraduate student at the
12 time of the student regent designate's selection, the student
13 regent designate selected for the next regular term of the position
14 must be a graduate student at the time of that student designate's
15 selection. If the current student regent designate for a general
16 academic teaching institution is a graduate student at the time of
17 the student regent designate's selection, the student regent
18 designate selected for the next regular term of the position must be
19 an undergraduate student at the time of that student regent
20 designate's selection.

21 (g) A vacancy in the position of student regent designate
22 for a general academic teaching institution shall be filled for the
23 unexpired term by the board of regents in consultation with the
24 student government of the institution.

25 Sec. 51.357. VOTING STUDENT REGENT. (a) On the expiration
26 of the term of a student regent designate for a university system
27 selected under Section 51.355 or for a general academic teaching

1 institution under Section 51.356, the student regent designate
2 succeeds to the office of student regent on that board for a term of
3 one year.

4 (b) A student regent serving under this section has the same
5 powers and duties, including voting privileges, as the other
6 members of the board on which the student regent serves.

7 (c) The enrollment requirements described by Section
8 51.355(c) or 51.356(d), as applicable, for a student regent
9 designate apply to a student regent serving under this section.

10 (d) If a vacancy in the position of student regent occurs,
11 the person serving as student regent designate under Section 51.355
12 or 51.356, as applicable, shall fill the vacancy for the unexpired
13 term. The resulting vacancy in the position of student regent
14 designate shall be filled for the unexpired term as provided by
15 Section 51.355 or 51.356, as applicable, except that the chancellor
16 of the university system or president of the general academic
17 teaching institution, as applicable, shall prescribe expedited
18 dates to fill the vacancy promptly.

19 (e) If the one-year term of the student regent is held by
20 final judgment of a court to violate the Texas Constitution, the
21 student regent in office at that time holds office for a term of six
22 years, and a student regent designate shall be selected only for the
23 last year of the six-year term or as necessary to fill a vacancy in
24 the office of student regent.

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

27 Sec. 65.11. BOARD OF REGENTS. (a) The government of the

1 university system is vested in a board of nine regents. The board
2 members other than the student regent are appointed by the governor
3 with the advice and consent of the senate.

4 (b) One of the board members must be a student regent
5 serving under Section 51.357.

6 (c) The board may provide for the administration,
7 organization, and names of the institutions and entities in The
8 University of Texas System in such a way as will achieve the maximum
9 operating efficiency of such institutions and entities, provided,
10 however, that no institution or entity of The University of Texas
11 System not authorized by specific legislative act to offer a
12 four-year undergraduate program as of the effective date of this
13 Act shall offer any such four-year undergraduate program without
14 prior recommendation and approval by a two-thirds vote of the Texas
15 Higher Education Coordinating Board and a specific act of the
16 Legislature.

17 Sec. 65.12. QUALIFICATIONS; TERMS. (a) Each member of the
18 board shall be a qualified voter.

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

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

25 (d) The student regent holds office for a term of one year
26 expiring February 1, with the term of the initial student regent
27 expiring February 1, 2008.

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

Sec. 85.11. BOARD OF REGENTS. (a) The government of the university system is vested in a board of nine regents. The board members other than the student regent are appointed by the governor with the advice and consent of the senate.

(b) One of the board members must be a student regent serving under Section 51.357.

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

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

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

(d) The student regent holds office for a term of one year expiring February 1, with the term of the initial student regent expiring February 1, 2008.

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

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

(b) One of the board members must be a student regent

1 serving under Section 51.357 [~~The members hold office for terms of~~
2 ~~six years, with the terms of three members expiring February 1 of~~
3 ~~odd-numbered years. Each member of the board shall be a qualified~~
4 ~~voter, and the members shall be selected from different portions of~~
5 ~~the state~~].

6 Sec. 95.022. QUALIFICATIONS; TERMS. (a) Each member of the
7 board of regents other than the student regent must be a qualified
8 voter.

9 (b) The board members other than the student regent shall be
10 selected from different portions of the state.

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

14 (d) The student regent holds office for a term of one year
15 expiring February 1, with the term of the initial student regent
16 expiring February 1, 2008.

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

19 Sec. 101.11. BOARD OF REGENTS. (a) The control and
20 management of the university is vested in a board of nine regents.
21 The board members other than the student regent are appointed by the
22 governor with the advice and consent of the senate.

23 (b) One of the board members must be a student regent
24 serving under Section 51.357.

25 Sec. 101.12. TERM OF OFFICE. (a) Members of the board
26 other than the student regent hold office for staggered terms of six
27 years, with the terms of two or three members, as applicable,

1 expiring ~~on~~ January 31 of each odd-numbered year.

2 (b) The student regent holds office for a term of one year
3 expiring February 1, with the term of the initial student regent
4 expiring February 1, 2008.

5 (c) A [Any] vacancy shall be filled ~~[by appointment]~~ for the
6 unexpired portion of the term.

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

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

12 (b) One of the board members must be a student regent
13 serving under Section 51.357.

14 Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. (a)
15 Members of the board other than the student regent shall be
16 appointed by the governor and confirmed by the senate.

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

19 (c) The student regent holds office for a term of one year
20 expiring February 1, with the term of the initial student regent
21 expiring February 1, 2008.

22 (d) A [Any] vacancy that occurs on the board shall be filled
23 for the unexpired term ~~[by appointment of the governor]~~.

24 (e) Each member of the board shall take the constitutional
25 oath of office.

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

1 Sec. 105.051. BOARD OF REGENTS. (a) The organization,
2 control, and management of the University of North Texas System and
3 each component institution of the system is vested in a board of
4 nine regents. The board members other than the student regent are
5 appointed by the governor and confirmed by the senate.

6 (b) One of the board members must be a student regent
7 serving under Section 51.357.

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

12 (b) The student regent holds office for a term of one year
13 expiring February 1, with the term of the initial student regent
14 expiring February 1, 2008.

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

17 (d) A ~~[Any]~~ vacancy that occurs on the board shall be filled
18 ~~[by the governor]~~ for the unexpired term.

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

21 Sec. 106.11. BOARD OF REGENTS. (a) The government of the
22 university is vested in a board of nine regents. The board members
23 other than the student regent are appointed by the governor with the
24 advice and consent of the senate ~~[Senate]~~.

25 (b) One of the regents must be a student regent serving
26 under Section 51.357.

27 Sec. 106.12. TERMS OF OFFICE. (a) Regents appointed under

1 Section 106.11(a) ~~[Members of the board]~~ hold office for staggered
 2 terms of six years, with the terms of two or three regents, as
 3 applicable, [directors] expiring ~~[on]~~ February 1 of odd-numbered
 4 years.

5 (b) The student regent holds office for a term of one year
 6 expiring February 1, with the term of the initial student regent
 7 expiring February 1, 2008.

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

10 Sec. 107.21. BOARD OF REGENTS. (a) The board of regents of
 11 the university is composed of nine persons. The board members other
 12 than the student regent are [~~four of whom shall be women,~~
 13 appointed by the governor with the advice and consent of the senate.
 14 Four of the regents must be women.

15 (b) One of the regents must be a student regent serving
 16 under Section 51.357.

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

19 (d) The regents [~~and the members]~~ shall be selected from
 20 different portions of the state.

21 (e) Regents appointed under Subsection (a) ~~[The members]~~
 22 hold office for staggered terms of six years, with the terms of two
 23 or three regents, as applicable, expiring February 1 of
 24 odd-numbered years.

25 (f) The student regent holds office for a term of one year
 26 expiring February 1, with the term of the initial student regent
 27 expiring February 1, 2008.

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

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

(b) One of the regents must be a student regent serving under Section 51.357.

Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. (a) Except for the initial appointees, regents appointed under Section 109.21(a) ~~[members]~~ hold office for ~~[of]~~ terms of six years expiring ~~[on]~~ January 31 of odd-numbered years~~[. In making the initial appointments, the governor shall designate three for terms expiring in 1971, three for terms expiring in 1973, and three for terms expiring in 1975].~~

(b) The student regent holds office for a term of one year expiring February 1, with the term of the initial student regent expiring February 1, 2008.

(c) A ~~[Any]~~ vacancy that occurs on the board shall be filled for the unexpired portion of the term ~~[by appointment by the governor with the advice and consent of the senate].~~

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

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

1 (b) One of the regents must be a student regent serving
2 under Section 51.357.

3 (c) The term of office of each regent appointed under
4 Subsection (a) shall be six years, except that in making the first
5 appointments the governor shall appoint three members for six
6 years, three members for four years, and three members for two
7 years.

8 (d) The student regent holds office for a term of one year
9 expiring February 1, with the term of the initial student regent
10 expiring February 1, 2008.

11 (e) A [~~Any~~] vacancy that occurs on the board shall be filled
12 for the unexpired term [~~by appointment of the governor~~].

13 SECTION 12. The initial term of a student regent designate
14 selected for a state university system under Section 51.355,
15 Education Code, as added by this Act, or for a state university
16 under Section 51.356, Education Code, as added by this Act, expires
17 February 1, 2007. The appropriate student governments, system
18 regent nominating committees, and boards of regents shall take the
19 actions required by Sections 51.355 and 51.356, Education Code, as
20 added by this Act, as soon as practicable after this Act takes
21 effect to select a student regent designate for each state
22 university or state university system for that initial term.

23 SECTION 13. The initial term of a student regent on a board
24 of regents of a state university or state university system begins
25 on the expiration of the initial term of the student regent
26 designate serving on that board.

27 SECTION 14. Of the terms on the board of regents of a state

1 university or state university system that expire February 1, 2007,
2 one of the terms is filled by the initial student regent as provided
3 by Section 51.357, Education Code, as added by this Act, and two of
4 the terms shall be filled for six-year terms as provided by law.

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

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