

By: Rose

H.B. No. 2141

A BILL TO BE ENTITLED

AN ACT

relating to student members of the board of regents of a state university or state university system.

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

SECTION 1. The heading to Section 51.355, Education Code, as added by Chapters 292 and 1181, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

Sec. 51.355. [~~NONVOTING~~] STUDENT REGENT; UNIVERSITY SYSTEM BOARD OF REGENTS.

SECTION 2. Section 51.355, Education Code, as added by Chapters 292 and 1181, Acts of the 79th Legislature, Regular Session, 2005, is amended by amending Subsections (c), (d), and (e) and adding Subsections (d-1), (e-1), (e-2), and (h) to read as follows:

(c) Except as provided by Subsection (f), not later than September 1 of each year, the student government of each general academic teaching institution and medical and dental unit in a university system shall solicit applicants for appointment to the next regular term of the position of student regent. Not later than November 1, from among the applications received by the student government, the student government shall select five applicants as the student government's recommendations for the position of student regent and send the applications of those applicants, with the name of each applicant and the name of the institution or unit

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

16 (d) To be eligible for appointment as student regent, a
17 person ~~[A student regent]~~ must be enrolled as an undergraduate or
18 graduate student in a general academic teaching institution or
19 medical and dental unit in the university system and be in good
20 academic standing as determined by the institution at the time of
21 appointment. The person must remain enrolled at the institution in
22 good academic standing as determined by the institution ~~[and]~~
23 throughout the person's term as a student regent ~~[regent's term]~~.
24 For purposes of this subsection, a person is considered to be
25 enrolled in an institution or unit for a summer term if the person
26 was enrolled in the institution or unit for the preceding semester
27 and:

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

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

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

9 (d-1) Throughout a student regent's term, the student
10 regent must maintain a grade point average of at least 2.5 on a
11 four-point scale and make satisfactory academic progress, as
12 determined by the president of the institution in which the student
13 is enrolled, toward a degree in the degree program in which the
14 student regent is enrolled. The president of the institution may
15 grant a student regent an exemption from the requirements of this
16 subsection for good cause as determined by the president.

17 (e) A student regent has the same powers and duties,
18 including voting privileges, as the other members of the board of
19 regents on which the student regent serves.

20 (e-1) This subsection applies only to a student regent
21 appointed for a term expiring on or before February 1, 2009.
22 Subsection (e) does not apply to a student regent to whom this
23 subsection applies. A student regent is not a member of the board
24 of regents of the system for which the student regent is appointed.
25 A student regent has the same powers and duties as the members of
26 the board of regents of the system, including the right to attend
27 and participate in meetings of the board of regents, except that the

1 student regent:

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

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

7 (e-2) Subsection (e-1) and this subsection expire September
8 1, 2010.

9 (h) If the one-year term of a student regent is held by a
10 final judgment of a court to violate the Texas Constitution, the
11 student regent holds office for a term of six years that expires in
12 the same year in which the terms of two of the other members of the
13 board of regents expire. This subsection applies only to the term
14 of a student regent expiring on or after February 1, 2010.

15 SECTION 3. The heading to Section 51.356, Education Code,
16 is amended to read as follows:

17 Sec. 51.356. [~~NONVOTING~~] STUDENT REGENT; INSTITUTION BOARD
18 OF REGENTS.

19 SECTION 4. Section 51.356, Education Code, is amended by
20 amending Subsections (d), (e), and (f) and adding Subsections
21 (e-1), (f-1), (f-2), and (h) to read as follows:

22 (d) Not later than September 1 of each year, the student
23 government of the general academic teaching institution shall
24 solicit applicants for appointment to the next regular term of the
25 position of student regent. Not later than November 1, from among
26 the applications received by the student government, the student
27 government shall select five applicants as the student government's

1 recommendations for the position of student regent and send the
2 applications of those applicants, with the name of each applicant
3 removed, to the president of the institution. From among those
4 applicants, the president shall select two or more applicants as
5 the institution's recommendations for the position of student
6 regent and shall send the applications of those applicants to the
7 governor not later than December 1. The governor may request to
8 review all applications for the position of student regent received
9 by the student government, ~~and~~ may request to review information
10 required to be removed from an application by the student
11 government under this subsection, and may request an applicant to
12 submit additional information to the governor. On February 1, or as
13 soon thereafter as practicable, the governor shall appoint one of
14 the applicants to serve as the student regent for the institution
15 for a one-year term expiring on the next February 1. The governor
16 is not required to appoint an applicant recommended by the
17 president.

18 (e) To be eligible for appointment as student regent, a
19 person ~~[A student regent]~~ must be enrolled as an undergraduate or
20 graduate student in the general academic teaching institution and
21 be in good academic standing as determined by the institution at the
22 time of appointment. The person must remain enrolled at the
23 institution in good academic standing as determined by the
24 institution ~~and~~ throughout the person's term as a student regent
25 ~~[regent's term]~~. For purposes of this subsection, a person is
26 considered to be enrolled in an institution for a summer term if the
27 person was enrolled in the institution for the preceding semester

and:

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

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

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

(e-1) Throughout a student regent's term, the student regent must maintain a grade point average of at least 2.5 on a four-point scale and make satisfactory academic progress, as determined by the president of the institution, toward a degree in the degree program in which the student regent is enrolled. The president of the institution may grant a student regent an exemption from the requirements of this subsection for good cause as determined by the president.

(f) A student regent has the same powers and duties, including voting privileges, as the other members of the board of regents on which the student regent serves.

(f-1) This subsection applies only to a student regent appointed for a term expiring on or before February 1, 2009. Subsection (f) does not apply to a student regent to whom this subsection applies. A student regent is not a member of the board of regents of the institution for which the student regent is appointed. A student regent has the same powers and duties as the members of the board of regents of the institution, including the

1 right to attend and participate in meetings of the board of regents,
2 except that the student regent:

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

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

8 (f-2) Subsection (f-1) and this subsection expire September
9 1, 2010.

10 (h) If the one-year term of the student regent is held by a
11 final judgment of a court to violate the Texas Constitution, the
12 student regent holds office for a term of six years that expires in
13 the same year in which the terms of two of the other members of the
14 board of regents expire. This subsection applies only to the term
15 of a student regent expiring on or after February 1, 2010.

16 SECTION 5. Sections 65.11 and 65.12, Education Code, are
17 amended to read as follows:

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

21 (b) One of the board members must be a student regent
22 serving under Section 51.355.

23 (c) The board may provide for the administration,
24 organization, and names of the institutions and entities in The
25 University of Texas System in such a way as will achieve the maximum
26 operating efficiency of such institutions and entities, provided,
27 however, that no institution or entity of The University of Texas

1 System not authorized by specific legislative act to offer a
2 four-year undergraduate program as of the effective date of this
3 Act shall offer any such four-year undergraduate program without
4 prior recommendation and approval by a two-thirds vote of the Texas
5 Higher Education Coordinating Board and a specific act of the
6 legislature [~~Legislature~~].

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

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

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

15 (d) The student regent holds office for a term of one year
16 expiring February 1, with the term of the initial student regent
17 expiring February 1, 2010.

18 SECTION 6. Sections 85.11 and 85.12, Education Code, are
19 amended to read as follows:

20 Sec. 85.11. BOARD OF REGENTS. (a) The government of the
21 university system is vested in a board of nine regents appointed by
22 the 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 51.355.

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

27 (b) The board[, and the] members other than the student

1 regent shall be selected from different portions of the state.

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

6 (d) The student regent holds office for a term of one year
7 expiring February 1, with the term of the initial student regent
8 expiring February 1, 2010.

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

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

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

21 Sec. 95.022. QUALIFICATIONS; TERMS. (a) Each member of the
22 board of regents other than the student regent must be a qualified
23 voter.

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

26 (c) The board members other than the student regent hold
27 office for terms of six years, with the terms of two or three

1 regents, as applicable, expiring February 1 of odd-numbered years.

2 (d) 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, 2010.

5 SECTION 8. Sections 101.11 and 101.12, Education Code, are
6 amended to read as follows:

7 Sec. 101.11. BOARD OF REGENTS. (a) The control and
8 management of the university are [~~is~~] vested in a board of nine
9 regents appointed by the governor with the advice and consent of the
10 senate.

11 (b) One of the board members must be a student regent
12 serving under Section 51.356.

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

17 (b) The student regent holds office for a term of one year
18 expiring February 1, with the term of the initial student regent
19 expiring February 1, 2010.

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

22 SECTION 9. Sections 103.02 and 103.03, Education Code, are
23 amended to read as follows:

24 Sec. 103.02. BOARD OF REGENTS. (a) The organization,
25 control, and management of the university are [~~is~~] vested in a board
26 of nine regents.

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

1 serving under Section 51.356.

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

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

7 (c) The student regent holds office for a term of one year
8 expiring February 1, with the term of the initial student regent
9 expiring February 1, 2010.

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

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

14 SECTION 10. Sections 105.051 and 105.052, Education Code,
15 are amended to read as follows:

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

21 (b) One of the board members must be a student regent
22 serving under Section 51.355.

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

27 (b) The student regent holds office for a term of one year

1 expiring February 1, with the term of the initial student regent
2 expiring February 1, 2010.

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

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

7 SECTION 11. Sections 106.11 and 106.12, Education Code, are
8 amended to read as follows:

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

12 (b) One of the regents must be a student regent serving
13 under Section 51.356.

14 Sec. 106.12. TERMS OF OFFICE. (a) Regents appointed under
15 Section 106.11(a) [~~Members of the board~~] hold office for staggered
16 terms of six years, with the terms of two or three regents, as
17 applicable, [~~directors~~] expiring [~~on~~] February 1 of odd-numbered
18 years.

19 (b) 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, 2010.

22 SECTION 12. Section 107.21, Education Code, is amended to
23 read as follows:

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

1 (b) One of the regents must be a student regent serving
2 under Section 51.356.

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 [~~, and the members~~] shall be selected from
6 different portions of the state.

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

11 (f) The student regent holds office for a term of one year
12 expiring February 1, with the term of the initial student regent
13 expiring February 1, 2010.

14 SECTION 13. Sections 109.21 and 109.22, Education Code, are
15 amended to read as follows:

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

20 (b) One of the regents must be a student regent serving
21 under Section 51.355.

22 Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. (a) Except
23 for the initial appointees, regents appointed under Section
24 109.21(a) [~~members~~] hold office for [~~of~~] terms of six years
25 expiring [~~on~~] January 31 of odd-numbered years[~~. In making the~~
26 ~~initial appointments, the governor shall designate three for terms~~
27 ~~expiring in 1971, three for terms expiring in 1973, and three for~~

1 ~~terms expiring in 1975]~~.

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, 2010.**

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

8 SECTION 14. Section 111.12, Education Code, is amended to
9 read as follows:

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

13 **(b) One of the regents must be a student regent serving**
14 **under Section 51.355.**

15 **(c)** The term of office of each regent **appointed under**
16 **Subsection (a)** shall be six years, except that in making the first
17 appointments the governor shall appoint three members for six
18 years, three members for four years, and three members for two
19 years.

20 **(d) The student regent holds office for a term of one year**
21 **expiring February 1, with the term of the initial student regent**
22 **expiring February 1, 2010.**

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

25 SECTION 15. (a) Of the terms on the board of regents of a
26 university system that expire February 1, 2009, one of the terms is
27 filled by a student regent as provided by Section 51.355, Education

1 Code, as added by Chapters 292 and 1181, Acts of the 79th
2 Legislature, Regular Session, 2005, and as amended by this Act, and
3 the other two terms shall be filled for six-year terms as otherwise
4 provided by law.

5 (b) Of the terms on the board of regents of a state
6 university that expire February 1, 2009, one of the terms is filled
7 by a student regent as provided by Section 51.356, Education Code,
8 as amended by this Act, and the other two terms shall be filled for
9 six-year terms as otherwise provided by law.

10 SECTION 16. This Act does not affect the term of a member of
11 a board of regents of a state university or state university system
12 serving on the effective date of this Act.

13 SECTION 17. This Act takes effect September 1, 2007.