

By: Howard of Travis

H.B. No. 3394

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appointment of members of the State Board of  
3 Education and to the establishment of regional education service  
4 centers.

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

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

8 Sec. 7.101. COMPOSITION. (a) The State Board of Education  
9 is composed of 11 [~~15~~] members appointed, as provided by this  
10 section, by the governor with the advice and consent of the senate.

11 (b) Not later than October 1 of each even-numbered year, the  
12 board of directors of each regional education service center shall  
13 recommend to the governor one person for the board. From among the  
14 recommended persons, the governor shall select the appropriate  
15 number of nominees.

16 (c) A recommendation for or appointment to the board shall  
17 be made without regard to the person's race, creed, sex, religion,  
18 or national origin. [~~elected from districts. Each district from~~  
19 which a board member is elected is composed as provided by former  
20 Sections 11.2101(b)-(t), as enacted by Chapter 2, Acts of the 72nd  
21 Legislature, 2nd Called Session, 1991.

22 [(b) Members of the board are elected at biennial general  
23 elections held in compliance with the Election Code.]

24 SECTION 2. Subchapter D, Chapter 7, Education Code, is

1 amended by adding Sections 7.1011 and 7.1012 to read as follows:

2 Sec. 7.1011. TERMS; VACANCIES. (a) Members of the board  
3 serve staggered terms of four years with the terms of eight members  
4 expiring on January 1 of one odd-numbered year and the terms of  
5 seven members expiring on January 1 of the next odd-numbered year.

6 (b) If a position on the board becomes vacant, the governor  
7 shall fill the vacancy as soon as practicable by appointing a  
8 qualified person with the advice and consent of the senate. In  
9 selecting a person to fill the vacancy, the governor is not required  
10 to obtain recommendations from the boards of directors of the  
11 regional education service centers.

12 Sec. 7.1012. TRANSITIONAL BOARD. (a) An elected member of  
13 the board serving on September 1, 2007, continues to serve until the  
14 expiration of the member's term. If the member's position becomes  
15 vacant before the expiration of the member's term, the governor  
16 shall fill the vacancy as provided by Section 7.104(c), as that  
17 section existed on January 1, 2007.

18 (b) In the manner provided by Section 7.101, as the elected  
19 members' terms expire, the governor shall appoint:

20 (1) four members to terms expiring January 1, 2013;  
21 and

22 (2) seven members to terms expiring January 1, 2015.

23 (c) This section expires January 2, 2015.

24 SECTION 3. Sections 7.103(a) and (b), Education Code, are  
25 amended to read as follows:

26 (a) A person is not eligible for appointment [~~election~~] to  
27 or service on the board if the person holds an office with this

1 state or any political subdivision of this state.

2 (b) [~~A person may not be elected from or serve in a district~~  
3 ~~who is not a bona fide resident of the district with one year's~~  
4 ~~continuous residence before election.~~] A person is not eligible  
5 for appointment [~~election~~] to or service on the board unless the  
6 person is a qualified voter [~~of the district in which the person~~  
7 ~~resides~~] and is at least 26 years of age.

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

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

14 SECTION 5. Section 7.108(a), Education Code, is amended to  
15 read as follows:

16 (a) A person interested in selling bonds of any type or a  
17 person engaged in manufacturing, shipping, selling, or advertising  
18 textbooks or otherwise connected with the textbook business commits  
19 an offense if the person makes or authorizes a political  
20 contribution to or takes part in, directly or indirectly, a [~~the~~  
21 campaign for public office of any person [~~seeking election to or~~  
22 serving on the board.

23 SECTION 6. Section 8.001(a), Education Code, is amended to  
24 read as follows:

25 (a) The commissioner shall provide for the establishment  
26 and operation of [~~not more than~~] 20 regional education service  
27 centers.

1 SECTION 7. Section 42.005(a), Election Code, is amended to  
2 read as follows:

3 (a) A county election precinct, including a consolidated  
4 precinct, may not contain territory from more than one of each of  
5 the following types of territorial units:

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

14 SECTION 8. Section 68.001(a), Election Code, is amended to  
15 read as follows:

16 (a) The secretary of state shall tabulate the unofficial  
17 results as provided by this subchapter in each primary election and  
18 general election for state and county officers on each proposed  
19 amendment to the state constitution and for each contested race for  
20 nomination or election to:

- 21 (1) a federal office or statewide office of the state  
22 government;
- 23 (2) the office of state senator; and
- 24 (3) the office of state representative [~~, and~~
- 25 [~~(4) the office of member, State Board of Education~~].

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

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

- (1) United States . . . . . \$5,000
- (2) office elected statewide, except United States . . . . . 3,750
- (3) United States representative . . . . . 3,125
- (4) state senator . . . . . 1,250
- (5) state representative . . . . . 750
- (6) ~~[member, State Board of Education . . . . . 300~~
- ~~[(7)]~~ chief justice or justice, court of appeals, other than a justice specified by Subdivision (8) . . . . . 1,875
- (7) ~~[(8)]~~ chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than 750,000 is wholly or partly situated . . . . . 2,500
- (8) ~~[(9)]~~ district judge or judge specified by Section 52.092(d) for which this schedule does not otherwise prescribe a fee . . . . . 1,500
- (9) ~~[(10)]~~ district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 850,000 . . . . . 2,500
- (10) ~~[(11)]~~ judge, statutory county court, other than a judge specified by Subdivision (12) . . . . . 1,500
- (11) ~~[(12)]~~ judge of a statutory county court in a county with a population of more than 850,000 . . . . . 2,500
- (12) ~~[(13)]~~ district attorney, criminal district attorney, or county attorney performing the duties of a district

1 attorney . . . . . 1,250

2 (13) [~~(14)~~] county commissioner, district clerk,  
3 county clerk, sheriff, county tax assessor-collector, county  
4 treasurer, or judge, constitutional county court:

5 (A) county with a population of 200,000 or  
6 more . . . . . 1,250

7 (B) county with a population of under  
8 200,000 . . . . . 750

9 (14) [~~(15)~~] justice of the peace or constable:

10 (A) county with a population of 200,000 or  
11 more . . . . . 1,000

12 (B) county with a population of under  
13 200,000 . . . . . 375

14 (15) [~~(16)~~] county surveyor, inspector of hides and  
15 animals, or public weigher . . . . . 75

16 (16) [~~(17)~~] office of the county government for which  
17 this schedule does not otherwise prescribe a fee . . . . . 750

18 SECTION 10. Section 252.005, Election Code, is amended to  
19 read as follows:

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

23 (1) the commission, if the appointment is made for  
24 candidacy for:

25 (A) a statewide office;

26 (B) a district office filled by voters of more  
27 than one county;

1 (C) a judicial district office filled by voters  
2 of only one county;

3 (D) state senator; or

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

5 [~~(F) the State Board of Education,~~]

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

9 (3) the clerk or secretary of the governing body of the  
10 political subdivision or, if the political subdivision has no clerk  
11 or secretary, with the governing body's presiding officer, if the  
12 appointment is made for candidacy for an office of a political  
13 subdivision other than a county;

14 (4) the county clerk if:

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

17 (B) the governing body for the political  
18 subdivision has not been formed; and

19 (C) no boundary of the political subdivision  
20 crosses a boundary of the county; or

21 (5) the commission if:

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

24 (B) the governing body for the political  
25 subdivision has not been formed; and

26 (C) the political subdivision is situated in more  
27 than one county.

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

3 (4) "Elected officer" means:

4 (A) a member of the legislature;

5 (B) an executive or judicial officer elected in a  
6 statewide election;

7 (C) a judge of a court of appeals or of a district  
8 court;

9 (D) ~~[a member of the State Board of Education,~~

10 ~~[(E)]~~ a district attorney or criminal district  
11 attorney; or

12 (E) ~~[(F)]~~ an individual appointed to fill a  
13 vacancy in an office or appointed to a newly created office who, if  
14 elected to the office instead of appointed, would be an elected  
15 officer under this subdivision.

16 SECTION 12. Section 572.003(c), Government Code, is amended  
17 to read as follows:

18 (c) The term means a member of:

19 (1) the Public Utility Commission of Texas;

20 (2) ~~[the Texas Department of Economic Development,~~

21 ~~[(3)]~~ the Texas Commission on Environmental Quality;

22 (3) ~~[(4)]~~ the Texas Alcoholic Beverage Commission;

23 (4) ~~[(5)]~~ The Finance Commission of Texas;

24 (5) ~~[(6)]~~ the Texas Building and Procurement  
25 Commission;

26 (6) ~~[(7)]~~ the Texas Board of Criminal Justice;

27 (7) ~~[(8)]~~ the board of trustees of the Employees



1 Retirement System of Texas;

2           (8) [~~(9)~~] the Texas Transportation Commission;

3           (9) [~~(10)~~] ~~the Texas Workers' Compensation Commission;~~

4           ~~[(11)]~~ the Texas Department of Insurance;

5           (10) [~~(12)~~] the Parks and Wildlife Commission;

6           (11) [~~(13)~~] the Public Safety Commission;

7           (12) [~~(14)~~] the Texas Ethics Commission;

8           (13) [~~(15)~~] the State Securities Board;

9           (14) [~~(16)~~] the Texas Water Development Board;

10           (15) [~~(17)~~] the governing board of a public senior

11 college or university as defined by Section 61.003, Education Code,

12 or of The University of Texas Southwestern Medical Center at

13 Dallas, The University of Texas Medical Branch at Galveston, The

14 University of Texas Health Science Center at Houston, The

15 University of Texas Health Science Center at San Antonio, The

16 University of Texas M. D. Anderson [~~System~~] Cancer Center, The

17 University of Texas Health [~~Science~~] Center at Tyler, University of

18 North Texas Health Science Center at Fort Worth, Texas Tech

19 University Health Sciences Center, Texas State Technical

20 College--Harlingen, Texas State Technical College--Marshall, Texas

21 State Technical College--West Texas [~~Sweetwater~~], or Texas State

22 Technical College--Waco;

23           (16) [~~(18)~~] the Texas Higher Education Coordinating

24 Board;

25           (17) [~~(19)~~] the Texas Workforce Commission;

26           (18) [~~(20)~~] ~~the State Banking Board;~~

27           ~~[(21)]~~ the board of trustees of the Teacher Retirement

1 System of Texas;  
2           (19) [~~(22)~~] the Credit Union Commission;  
3           (20) [~~(23)~~] the School Land Board;  
4           (21) [~~(24)~~] the board of the Texas Department of  
5 Housing and Community Affairs;  
6           (22) [~~(25)~~] the Texas Racing Commission;  
7           (23) [~~(26)~~] the State Board of Dental Examiners;  
8           (24) [~~(27)~~] the Texas Medical [~~State~~] Board [~~of~~  
9 ~~Medical Examiners~~];  
10          (25) [~~(28)~~] the Board of Pardons and Paroles;  
11          (26) [~~(29)~~] the Texas State Board of Pharmacy;  
12          (27) [~~(30)~~] the Department of Information Resources  
13 governing board;  
14          (28) [~~(31)~~] the Motor Vehicle Board;  
15          (29) [~~(32)~~] the Texas Real Estate Commission;  
16          (30) [~~(33)~~] the board of directors of the State Bar of  
17 Texas;  
18          (31) [~~(34)~~] the bond review board;  
19          (32) [~~(35)~~] ~~the Texas Board of Health,~~  
20          ~~[(36) the Texas Board of Mental Health and Mental~~  
21 ~~Retardation,~~  
22          ~~[(37) the Texas Board on Aging,~~  
23          ~~[(38)]~~ the Texas Board of Human Services;  
24          (33) [~~(39)~~] the Texas Funeral Service Commission;  
25          (34) [~~(40)~~] the board of directors of a river  
26 authority created under the Texas Constitution or a statute of this  
27 state; [~~or~~]

1           (35) [~~41~~] the Texas Lottery Commission; or

2           (36) the State Board of Education.

3           SECTION 13. Section 7.104, Education Code, is repealed.

4           SECTION 14. (a) Section 7.108, Education Code, as amended  
5 by this Act, applies only to an offense committed on or after the  
6 effective date of this Act. For purposes of this section, an offense  
7 is committed before the effective date of this Act if any element of  
8 the offense occurs before that date.

9           (b) An offense committed before the effective date of this  
10 Act is covered by the law in effect when the offense was committed,  
11 and the former law is continued in effect for that purpose.

12           SECTION 15. Chapter 572, Government Code, applies to an  
13 elected member of the State Board of Education in the same manner as  
14 that chapter applied to the person before the amendment of Section  
15 572.002(4), Government Code, by this Act.

16           SECTION 16. This Act takes effect September 1, 2007.