

BILL ANALYSIS

C.S.H.B. 330
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Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 79th Texas Legislature, Regular Session, 2005, added a nonvoting student regent position to the board of regents of each university system and each general academic teaching institution that is not part of a university system to allow student perspectives to have bearing on the business of the board. Currently, there are no provisions allowing professors to attend the meetings of such boards and to offer their perspective on issues facing the component institutions of such systems or the general academic teaching institutions that are not part of a system, as applicable.

C.S.H.B. 330 creates a faculty position on the board of regents of each university system and each general academic teaching institution.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 330 amends the Education Code to require the chancellor of each university system to 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 faculty regent.

C.S.H.B. 330 requires the faculty senate of each general academic teaching institution and medical and dental unit in a university system, not later than November 1 of each year, to solicit applicants from the faculty of the institution or unit for appointment to the next regular term of the position of faculty regent. The bill requires the faculty senate, not later than January 1, to select from among the applications received five applicants as the faculty senate's recommendations for the position of faculty regent and to send those applicants' applications to the chancellor of the university system. The bill requires the chancellor to select two or more applicants from among such applicants as the university system's recommendations for the position of faculty regent and to send those applicants' applications to the governor not later than February 1. The bill authorizes the governor to request to review all applications for the position of faculty regent received by any of the faculty senates and to request an applicant to submit additional information to the governor. The bill requires the governor, on June 1 or as soon thereafter as practicable, to appoint one of the applicants to serve as the faculty regent for the system for a one-year term expiring on the next May 31. The bill establishes that the governor is not required to appoint an applicant recommended by the chancellor.

C.S.H.B. 330 requires as a condition of eligibility for appointment as faculty regent that a person be a tenured faculty member of a general academic teaching institution or medical and dental unit in the university system and be in good standing as determined by the institution at the time of appointment. The bill requires the person to remain employed as a faculty member of the

institution throughout the person's term as a faculty regent.

C.S.H.B. 330 establishes that a faculty regent is not a member of the board of regents of the system for which the faculty regent is appointed. The bill establishes that a faculty regent has the same powers and duties as the members of the board of regents of the system, including the right to attend and participate in board meetings, except that the faculty regent is prohibited from voting on any matter before the board or from making or seconding any motion before the board and is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

C.S.H.B. 330 prohibits the faculty senate of the general academic teaching institution or medical and dental unit at which a current faculty regent was employed at the time of appointment as faculty regent from soliciting applicants for the position of faculty regent for the next regular term of the position. The bill requires a vacancy in the position of faculty regent for a university system to be filled for the unexpired term by appointment by the governor in consultation with the chancellor of the system. The bill establishes that a faculty regent serves without compensation but is entitled to reimbursement for the actual expenses incurred in attending the meetings of the board of regents, subject to the approval of the chairman of the board of regents. The bill defines "faculty senate" for purposes of the above provisions.

C.S.H.B. 330 sets forth provisions for the appointment of a nonvoting faculty regent similar to those above but applicable only to a general academic teaching institution that is not a part of a university system. The bill requires the president of a general academic teaching institution to develop a uniform application form to be used to solicit applicants for the position of faculty regent.

C.S.H.B. 330 requires the faculty senate of the general academic teaching institution, not later than November 1 of each year, to solicit applicants from the institution's faculty for appointment to the next regular term of the position of faculty regent. The bill requires the faculty senate, not later than January 1, to select from among the applications received five applicants as the faculty senate's recommendations for the position of faculty regent and to send those applicants' applications to the president of the institution. The bill requires the president to select two or more applicants from among such applicants as the institution's recommendations for the position of faculty regent and to send those applicants' applications to the governor not later than February 1. The bill authorizes the governor to request to review all applications for the position of faculty regent received by the faculty senate and to request an applicant to submit additional information to the governor. The bill requires the governor, on June 1 or as soon thereafter as practicable, to appoint one of the applicants to serve as the institution's faculty regent for a one-year term expiring on the next May 31. The bill establishes that the governor is not required to appoint an applicant recommended by the president.

C.S.H.B. 330 requires as a condition of eligibility for appointment as faculty regent that a person be a tenured faculty member at the general academic teaching institution and be in good standing as determined by the institution at the time of appointment. The bill requires the person to remain employed as a faculty member of the institution throughout the person's term as a faculty regent.

C.S.H.B. 330 establishes that a faculty regent is not a member of the institution's board of regents but has the same powers and duties as the members of the board of regents, including the right to attend and participate in meetings of the board of regents, except that the faculty regent is prohibited from voting on any matter before the board or from making or seconding any motion before the board and is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

C.S.H.B. 330 requires a vacancy in the position of faculty regent for an institution to be filled for the unexpired term by appointment by the governor in consultation with the president of the

institution. The bill establishes that a faculty regent serves without compensation but is entitled to reimbursement for the actual expenses incurred in attending the meetings of the board of regents, subject to the approval of the chairman of the board of regents. The bill defines "faculty senate" for purposes of the provisions above relating to the appointment of a faculty regent for an institution that is not part of a university system.

C.S.H.B. 330 establishes that the initial term of a faculty regent appointed for a state university system or for a state university expires May 31, 2011. The bill requires the appropriate faculty senates, the chancellor of each state university system, the president of each state university that is not a part of a university system, and the governor to take the actions required by this bill to select a faculty regent for each state university or state university system for that initial term as soon as practicable after this bill's effective date.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 330 differs from the original by stating that the substitute relates to the appointment of a nonvoting faculty regent to the board of regents of each state university or state university system, whereas the original states that the bill relates to creation of a faculty position on the board of regents of The University of Texas System.

C.S.H.B. 330 removes provisions in the original requiring one member of the board of regents of The University of Texas System to be a member of the faculty of a component institution of the university system, and instead sets forth general provisions for the application process and appointment of a faculty regent for each university system and general academic teaching institution.

C.S.H.B. 330 removes provisions in the original requiring one of the vacancies resulting from the expiration of the terms of members of the board of regents of The University of Texas System on February 1, 2011, to be filled by a faculty member of a component institution of the university system and establishing that the bill's provisions do not affect the term of a member of The University of Texas System board of regents serving on the bill's effective date.

C.S.H.B. 330 differs from the original by providing for immediate effect contingent on the bill's receiving the necessary two-thirds vote in each house or a September 1, 2009, effective date, whereas the original provides for a September 1, 2009, effective date.