

By: Dutton

H.B. No. 3639

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the State Board of Education.

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

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

Sec. 7.101. COMPOSITION. (a) The State Board of Education is composed of 15 members appointed by the governor with the advice and consent of the senate [~~elected from districts. Each district from which a board member is elected is composed as provided by former Sections 11.2101(b)-(t), as enacted by Chapter 2, Acts of the 72nd Legislature, 2nd Called Session, 1991~~].

(b) An appointment to the board shall be made without regard to the race, creed, sex, religion, or national origin of the appointed member [~~Members of the board are elected at biennial general elections held in compliance with the Election Code~~].

SECTION 2. Subchapter D, Chapter 7, Education Code, is amended by adding Section 7.1011 to read as follows:

Sec. 7.1011. TRANSITIONAL BOARD. (a) An elected member of the board serving on September 1, 2009, continues to serve until the expiration of the member's term. If the member's position becomes vacant before the expiration of the member's term, the governor shall fill the vacancy as provided by Section 7.104(c).

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

1 four-year terms.

2 (c) This section expires September 1, 2013.

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

5 (a) A person is not eligible for appointment [~~election~~] to
6 or service on the board if the person holds an office with this
7 state or any political subdivision of this state.

8 (b) [~~A person may not be elected from or serve in a district~~
9 ~~who is not a bona fide resident of the district with one year's~~
10 ~~continuous residence before election.~~] A person is not eligible
11 for appointment [~~election~~] to or service on the board unless the
12 person has resided in this state for not less than one year, is a
13 qualified voter of the state, [~~district in which the person~~
14 ~~resides~~] and is at least 26 years of age.

15 SECTION 4. Sections 7.104(a) and (c), Education Code, are
16 amended to read as follows:

17 (a) Members [~~At each general election immediately following~~
18 ~~a decennial reapportionment of districts, one member shall be~~
19 ~~elected to the board from each district. Except as provided by~~
20 ~~Subsection (b), members~~] of the board serve staggered terms of four
21 years, with the terms of eight members expiring on February
22 [~~January~~] 1 of one odd-numbered year and the terms of seven members
23 expiring on February [~~January~~] 1 of the next odd-numbered year.

24 (c) If a position on the board becomes vacant, the governor
25 shall fill the vacancy as soon as possible by appointing a qualified
26 person [~~from the affected district~~] with the advice and consent of
27 the senate. A person appointed to fill a vacancy serves only for

1 the remainder of the unexpired term.

2 SECTION 5. Sections 7.107(a) and (b), Education Code, are
3 amended to read as follows:

4 (a) The governor, with the advice and consent of the senate,
5 shall appoint the chair and vice chair from among the membership of
6 the board. The chair and vice chair serve terms [~~serves a term~~] of
7 two years.

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

12 SECTION 6. Section 42.005(a), Election Code, is amended to
13 read as follows:

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

- 17 (1) a commissioners precinct;
- 18 (2) a justice precinct;
- 19 (3) a congressional district;
- 20 (4) a state representative district;
- 21 (5) a state senatorial district; or
- 22 (6) a ward in a city with a population of 10,000 or
23 more [~~, or~~
24 [~~(7) a State Board of Education district~~].

25 SECTION 7. Section 42.010(c), Election Code, is amended to
26 read as follows:

27 (c) After each redistricting of a territorial unit

1 described by Section 42.005(a)(3), (4), or (5) [~~, or (7)~~], the
2 commissioners court may submit recommendations to the secretary of
3 state on changes to the territorial units to allow the county to
4 eliminate county election precincts with no population or a
5 substantially small population.

6 SECTION 8. Section 52.092(d), Election Code, is amended to
7 read as follows:

8 (d) District offices of the state government shall be listed
9 in the following order:

- 10 (1) [~~member, State Board of Education,~~
11 [~~(2)~~] state senator;
- 12 (2) [(3)] state representative;
- 13 (3) [(4)] chief justice, court of appeals;
- 14 (4) [(5)] justice, court of appeals;
- 15 (5) [(6)] district judge;
- 16 (6) [(7)] criminal district judge;
- 17 (7) [(8)] family district judge;
- 18 (8) [(9)] district attorney;
- 19 (9) [(10)] criminal district attorney.

20 SECTION 9. Section 68.001(a), Election Code, is amended to
21 read as follows:

22 (a) The secretary of state shall tabulate the unofficial
23 results as provided by this subchapter in each primary election and
24 general election for state and county officers on each proposed
25 amendment to the state constitution and for each contested race for
26 nomination or election to:

- 27 (1) a federal office or statewide office of the state

1 government;

2 (2) the office of state senator; and

3 (3) the office of state representative [~~and~~

4 [~~(4) the office of member, State Board of Education~~].

5 SECTION 10. Section 172.024(a), Election Code, is amended
6 to read as follows:

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

9	(1) United States senator	\$5,000
10	(2) office elected statewide, except United States	
11	senator	3,750
12	(3) United States representative	3,125
13	(4) state senator	1,250
14	(5) state representative	750
15	(6) [member, State Board of Education]	300
16	(7) chief justice or justice, court of appeals,	
17	other than a justice specified by Subdivision <u>(7)</u> [(8)]	1,875
18	<u>(7)</u> [(8)] chief justice or justice of a court of	
19	appeals that serves a court of appeals district in which a county	
20	with a population of more than 750,000 is wholly or partly	
21	situated	2,500
22	<u>(8)</u> [(9)] district judge or judge specified by Section	
23	52.092(d) for which this schedule does not otherwise prescribe a	
24	fee	1,500
25	<u>(9)</u> [(10)] district or criminal district judge of a	
26	court in a judicial district wholly contained in a county with a	
27	population of more than 850,000	2,500

1 justice of the peace in a county with a population of more than
2 850,000, who chooses to pay the filing fee must also accompany the
3 application with a petition for a place on the primary ballot as a
4 candidate for judicial office that complies with the requirements
5 prescribed for the petition authorized by Subsection (b), except
6 that the minimum number of signatures that must appear on the
7 petition required by this subsection is 250. If the candidate
8 chooses to file the petition authorized by Subsection (b) in lieu of
9 the filing fee, the minimum number of signatures required for that
10 petition is increased by 250. Signatures on a petition filed under
11 this subsection or Subsection (b) by a candidate covered by this
12 subsection may not be obtained on the grounds of a county courthouse
13 or courthouse annex.

14 SECTION 12. Section 252.005, Election Code, is amended to
15 read as follows:

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

19 (1) the commission, if the appointment is made for
20 candidacy for:

21 (A) a statewide office;
22 (B) a district office filled by voters of more
23 than one county;

24 (C) a judicial district office filled by voters
25 of only one county;

26 (D) state senator; or

27 (E) state representative[~~, or~~

1 [~~(F) the State Board of Education~~];

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

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

10 (4) the county clerk if:

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

13 (B) the governing body for the political
14 subdivision has not been formed; and

15 (C) no boundary of the political subdivision
16 crosses a boundary of the county; or

17 (5) the commission if:

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

20 (B) the governing body for the political
21 subdivision has not been formed; and

22 (C) the political subdivision is situated in more
23 than one county.

24 SECTION 13. Section 323.0145(a)(2), Government Code, is
25 amended to read as follows:

26 (2) "Legislative information" means:

27 (A) a list of all the members of each house of the

1 legislature;

2 (B) a list of the committees of the legislature
3 and their members;

4 (C) the full text of each bill as filed and as
5 subsequently amended, substituted, engrossed, or enrolled in
6 either house of the legislature;

7 (D) the full text of each amendment or substitute
8 adopted by a legislative committee for each bill filed in either
9 house of the legislature;

10 (E) the calendar of each house of the
11 legislature, the schedule of legislative committee hearings, and a
12 list of the matters pending on the floor of each house of the
13 legislature;

14 (F) detailed procedural information about how a
15 bill filed in either house of the legislature becomes law,
16 including detailed timetable information concerning the times
17 under the constitution or the rules of either house when the
18 legislature may take certain actions on a bill;

19 (G) the district boundaries or other identifying
20 information for the following districts in Texas:

21 (i) house of representatives;

22 (ii) senate; and

23 (iii) [~~State Board of Education; and~~

24 [~~iv~~] United States Congress; and

25 (H) other information related to the legislative
26 process that in the council's opinion should be made available
27 through the Internet.

1 SECTION 14. 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 15. 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 Facilities Commission;

25 (6) [~~(7)~~] the Texas Board of Criminal Justice;

26 (7) [~~(8)~~] the board of trustees of the Employees

27 Retirement System of Texas;

1 (8) [~~(9)~~] the Texas Transportation Commission;
2 (9) [~~(10)~~] ~~the Texas Workers' Compensation Commission;~~
3 [~~(11)~~] the Texas Department of Insurance;
4 (10) [~~(12)~~] the Parks and Wildlife Commission;
5 (11) [~~(13)~~] the Public Safety Commission;
6 (12) [~~(14)~~] the Texas Ethics Commission;
7 (13) [~~(15)~~] the State Securities Board;
8 (14) [~~(16)~~] the Texas Water Development Board;
9 (15) [~~(17)~~] the governing board of a public senior
10 college or university as defined by Section 61.003, Education Code,
11 or of The University of Texas Southwestern Medical Center at
12 Dallas, The University of Texas Medical Branch at Galveston, The
13 University of Texas Health Science Center at Houston, The
14 University of Texas Health Science Center at San Antonio, The
15 University of Texas M. D. Anderson [~~System~~] Cancer Center, The
16 University of Texas Health [~~Science~~] Center at Tyler, University of
17 North Texas Health Science Center at Fort Worth, Texas Tech
18 University Health Sciences Center, Texas State Technical
19 College--Harlingen, Texas State Technical College--Marshall, Texas
20 State Technical College--West Texas [~~Sweetwater~~], or Texas State
21 Technical College--Waco;
22 (16) [~~(18)~~] the Texas Higher Education Coordinating
23 Board;
24 (17) [~~(19)~~] the Texas Workforce Commission;
25 (18) [~~(20)~~] ~~the State Banking Board;~~
26 [~~(21)~~] the board of trustees of the Teacher Retirement
27 System of Texas;

- 1 (19) [~~(22)~~] the Credit Union Commission;
- 2 (20) [~~(23)~~] the School Land Board;
- 3 (21) [~~(24)~~] the board of the Texas Department of
4 Housing and Community Affairs;
- 5 (22) [~~(25)~~] the Texas Racing Commission;
- 6 (23) [~~(26)~~] the State Board of Dental Examiners;
- 7 (24) [~~(27)~~] the Texas Medical [~~State~~] Board [~~of~~
8 ~~Medical Examiners~~];
- 9 (25) [~~(28)~~] the Board of Pardons and Paroles;
- 10 (26) [~~(29)~~] the Texas State Board of Pharmacy;
- 11 (27) [~~(30)~~] the Department of Information Resources
12 governing board;
- 13 (28) [~~(31)~~] the Motor Vehicle Board;
- 14 (29) [~~(32)~~] the Texas Real Estate Commission;
- 15 (30) [~~(33)~~] the board of directors of the State Bar of
16 Texas;
- 17 (31) [~~(34)~~] the bond review board;
- 18 (32) [~~(35)~~] ~~the Texas Board of Health,~~
- 19 ~~[(36) the Texas Board of Mental Health and Mental~~
20 ~~Retardation,~~
- 21 ~~[(37) the Texas Board on Aging,~~
- 22 ~~[(38)]~~ the Texas Board of Human Services;
- 23 (33) [~~(39)~~] the Texas Funeral Service Commission;
- 24 (34) [~~(40)~~] the board of directors of a river
25 authority created under the Texas Constitution or a statute of this
26 state; [~~or~~]
- 27 (35) [~~(41)~~] the Texas Lottery Commission; or

1 (36) the State Board of Education.

2 SECTION 16. (a) Sections 7.104(b), (d), and (e) and 7.108,
3 Education Code, are repealed.

4 (b) Chapter 2 (S.B. 2), Acts of the 72nd Legislature, 2nd
5 Called Session, 1991, is repealed.

6 SECTION 17. The repeal by this Act of Section 7.108,
7 Education Code, does not apply to an offense committed under that
8 section before September 1, 2009. An offense committed before that
9 date is covered by that section as it existed on the date the
10 offense was committed, and the former law is continued in effect for
11 that purpose.

12 SECTION 18. 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 19. This Act takes effect September 1, 2009.