

By: West

S.B. No. 226

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. The heading to Section 51.355, Education Code, is amended to read as follows:

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

SECTION 2. Section 51.355, Education Code, is amended by amending Subsections (c), (d-1), (e), and (i) and adding Subsections (e-1), (e-2), and (j) to read as follows:

(c) Except as provided by Subsection (f), not later than November 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 December ~~[January]~~ 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 to the chancellor of the university system. From among those applicants, the chancellor shall select two or more applicants as the university system's recommendations for the position of student regent and shall send the applications of those

1 applicants to the governor not later than January [~~February~~]  
2 1. The governor may request to review all applications for the  
3 position of student regent received by the student governments and  
4 may request an applicant to submit additional information to the  
5 governor. Not later than February 1 [~~On June 1, or as soon~~  
6 ~~thereafter as practicable~~], the governor with the advice and  
7 consent of the senate shall appoint one of the applicants to serve  
8 as the student regent for the system for a one-year term expiring on  
9 the next February 1 [~~May 31~~]. The governor is not required to  
10 appoint an applicant recommended by the chancellor.

11 (d-1) Throughout a student regent's term, the student  
12 regent must maintain a grade point average of at least 3.0 [~~2.5~~] on  
13 a four-point scale. The president of the institution in which the  
14 student regent is enrolled shall notify the governor if the student  
15 regent fails to maintain the qualifications required by this  
16 section.

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, 2011.  
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, 2012.

9 (i) A student regent serves without compensation but is  
10 entitled to be reimbursed for the actual expenses incurred by the  
11 student regent in attending the meetings of the board of regents,  
12 subject to the approval of the chairman of the board of regents.  
13 This subsection applies only to a student regent appointed for a  
14 term expiring on or before February 1, 2011. This subsection  
15 expires September 1, 2012.

16 (j) If the one-year term of a student regent is held by a  
17 final judgment of a court to violate Section 30a, Article XVI, Texas  
18 Constitution, the student regent holds office for a term of six  
19 years that expires in the same year in which the terms of two of the  
20 other members of the board of regents expire. This subsection  
21 applies only to the term of a student regent expiring on or after  
22 February 1, 2012.

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

25 Sec. 51.356. [~~NONVOTING~~] STUDENT REGENT; INSTITUTION BOARD  
26 OF REGENTS.

27 SECTION 4. Section 51.356, Education Code, is amended by

amending Subsections (d), (e-1), (f), and (i) and adding Subsections (f-1), (f-2), and (j) to read as follows:

(d) Not later than November 1 of each year, the student government of the general academic teaching institution shall solicit applicants for appointment to the next regular term of the position of student regent. Not later than December ~~[January]~~ 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 to the president of the institution. From among those applicants, the president shall select two or more applicants as the institution's recommendations for the position of student regent and shall send the applications of those applicants to the governor not later than January ~~[February]~~ 1. The governor may request to review all applications for the position of student regent received by the student government and may request an applicant to submit additional information to the governor. Not later than February 1 ~~[On June 1, or as soon thereafter as practicable]~~, the governor with the advice and consent of the senate shall appoint one of the applicants to serve as the student regent for the institution for a one-year term expiring on the next February 1 ~~[May 31]~~. The governor is not required to appoint an applicant recommended by the president.

(e-1) Throughout a student regent's term, the student regent must maintain a grade point average of at least 3.0 ~~[2.5]~~ on a four-point scale. The president of the institution in which the student regent is enrolled shall notify the governor if the student

1 regent fails to maintain the qualifications required by this  
2 section.

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

6 (f-1) This subsection applies only to a student regent  
7 appointed for a term expiring on or before February 1, 2011.  
8 Subsection (f) does not apply to a student regent to whom this  
9 subsection applies. A student regent is not a member of the board  
10 of regents of the institution for which the student regent is  
11 appointed. A student regent has the same powers and duties as the  
12 members of the board of regents of the institution, including the  
13 right to attend and participate in meetings of the board of regents,  
14 except that the student regent:

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

17 (2) is not counted in determining whether a quorum  
18 exists for a meeting of the board or in determining the outcome of  
19 any vote of the board.

20 (f-2) Subsection (f-1) and this subsection expire September  
21 1, 2012.

22 (i) A student regent serves without compensation but is  
23 entitled to be reimbursed for the actual expenses incurred by the  
24 student regent in attending the meetings of the board of regents,  
25 subject to the approval of the chairman of the board of regents.  
26 This subsection applies only to a student regent appointed for a  
27 term expiring on or before February 1, 2011. This subsection

1 expires September 1, 2012.

2 (j) If the one-year term of the student regent is held by a  
3 final judgment of a court to violate Section 30a, Article XVI, Texas  
4 Constitution, the student regent holds office for a term of six  
5 years that expires in the same year in which the terms of two of the  
6 other members of the board of regents expire. This subsection  
7 applies only to the term of a student regent expiring on or after  
8 February 1, 2012.

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

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

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

16 (c) The board may provide for the administration,  
17 organization, and names of the institutions and entities in The  
18 University of Texas System in such a way as will achieve the maximum  
19 operating efficiency of such institutions and entities, provided,  
20 however, that no institution or entity of The University of Texas  
21 System not authorized by specific legislative act to offer a  
22 four-year undergraduate program as of the effective date of this  
23 Act shall offer any such four-year undergraduate program without  
24 prior recommendation and approval by a two-thirds vote of the Texas  
25 Higher Education Coordinating Board and a specific act of the  
26 legislature [~~Legislature~~].

27 Sec. 65.12. QUALIFICATIONS; TERMS. (a) Each member of

1 the board shall be a qualified voter.

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

4 (c) The board members other than the student regent hold  
5 office for staggered terms of six years, with the terms of two or  
6 three regents, as applicable, expiring February 1 of odd-numbered  
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, 2012.

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

13 Sec. 85.11. BOARD OF REGENTS. (a) The government of the  
14 university system is vested in a board of nine regents appointed by  
15 the governor with the advice and consent of the senate.

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

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

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

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

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

expiring February 1, 2012.

SECTION 7. 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 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 51.355 [~~The members hold office for terms of six years, with the terms of three members expiring February 1 of odd-numbered years. Each member of the board shall be a qualified voter, and the members shall be selected from different portions of the state~~].

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

(b) The board 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 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, 2012.

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



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

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

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

11           (b) 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, 2012.

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

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

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

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

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

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

1        (c) The student regent holds office for a term of one year  
2 expiring February 1, with the term of the initial student regent  
3 expiring February 1, 2012.

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

6        (e) Each member of the board shall take the constitutional  
7 oath of office.

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

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

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

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

21        (b) The student regent holds office for a term of one year  
22 expiring February 1, with the term of the initial student regent  
23 expiring February 1, 2012.

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

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

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

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

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

Sec. 106.12. TERMS OF OFFICE. (a) Members of the board other than the student regent hold office for staggered terms of six years, with the terms of two or three regents, as applicable, [~~directors~~] expiring [~~on~~] February 1 of odd-numbered years.

(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, 2012.

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

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

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

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

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

(e) The regents other than the student regent [~~members~~] hold

1 office for staggered terms of six years, with the terms of two or  
2 three regents, as applicable, expiring February 1 of odd-numbered  
3 years.

4 (f) The student regent holds office for a term of one year  
5 expiring February 1, with the term of the initial student regent  
6 expiring February 1, 2012.

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

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

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

15 Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. (a) The  
16 regents other than the student regent ~~[Except for the initial~~  
17 ~~appointees, members]~~ hold office for ~~[of]~~ terms of six years  
18 expiring ~~[on]~~ January 31 of odd-numbered years~~[. In making the~~  
19 ~~initial appointments, the governor shall designate three for terms~~  
20 ~~expiring in 1971, three for terms expiring in 1973, and three for~~  
21 ~~terms expiring in 1975].~~

22 (b) The student regent holds office for a term of one year  
23 expiring February 1, with the term of the initial student regent  
24 expiring February 1, 2012.

25 (c) Any vacancy shall be filled for the unexpired portion of  
26 the term by appointment by the governor with the advice and consent  
27 of the senate.

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

Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. (a) The regents ~~[Members of the board]~~ are 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 51.355.

(c) The term of office of each regent other than the student regent shall be six years~~[, except that in making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two 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, 2012.

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

SECTION 15. (a) When the terms of members of the board of regents of a state university system expire February 1, 2011, one of the resulting vacancies on that board shall be filled by a student regent as provided by Section 51.355, Education Code, as amended by this Act, for a term expiring February 1, 2012, and the other two vacancies shall be filled for six-year terms as otherwise provided by law.

(b) When the terms of members of the board of regents of a state university expire February 1, 2011, one of the resulting vacancies on that board shall be filled by a student regent as

1 provided by Section 51.356, Education Code, as amended by this Act,  
2 for a term expiring February 1, 2012, and the other two vacancies  
3 shall be filled for six-year terms as otherwise provided by law.

4       SECTION 16. The term of a nonvoting student regent  
5 appointed before the effective date of this Act to serve for a state  
6 university system or a state university for a term expiring May 1,  
7 2011, expires on the date a voting student regent is appointed under  
8 Section 51.355 or 51.356, Education Code, as amended by this Act, to  
9 the board of regents of the system or university, as applicable.

10       SECTION 17. This Act does not affect the term of a member of  
11 a board of regents of a state university system or a state  
12 university serving on the effective date of this Act.

13       SECTION 18. The changes in law made by this Act to Sections  
14 51.355(d-1) and 51.356(e-1), Education Code, apply only to a  
15 student regent appointed to the board of regents of a state  
16 university system or a state university on or after the effective  
17 date of this Act.

18       SECTION 19. This Act takes effect September 1, 2010.