

By: Gallegos

S.B. No. 1895

A BILL TO BE ENTITLED

AN ACT

relating to the terms of members of the governing board of junior college districts.

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

SECTION 1. Subsection (e), Section 130.082, Education Code, is amended to read as follows:

(e) Members [~~The basic term of office of a member~~] of the board serve staggered terms of four years, with the terms of as close to one-half of the members as possible expiring in each even-numbered year [~~shall be six years, and one-third of the members of the board shall be elected at large in the district at regular elections to be held on the first Saturday in April in each even-numbered year; provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year~~]. The members of each board in office [~~at the effective date of this act, and all subsequent members of the board, shall~~] remain in office until the expiration of the terms for which they were elected or appointed, and until their successors shall have been elected and qualified[~~, provided that where any existing board has held its regular elections for members of the board in odd-numbered years prior to the effective date of this act, the board shall nevertheless hold its next regular election on the first Saturday in April of the next even-numbered year following the effective~~

1 ~~date of this act, and the term of office of each incumbent member of~~  
2 ~~the board shall, in effect, be lengthened by one year so as to~~  
3 ~~comply with the foregoing provisions of this act]. Except as~~  
4 ~~otherwise specifically provided by this subchapter, on [Upon] the~~  
5 ~~creation of a new board, or in any other situation where necessary,~~  
6 ~~the members of the board shall choose by lot the terms for which~~  
7 ~~they shall serve, so as to comply with the foregoing provisions. If~~  
8 ~~a board is increased from seven to nine members, one of the members~~  
9 ~~shall be appointed to serve a two-year term [until the first~~  
10 ~~election at which two members otherwise would have been elected,]~~  
11 ~~and the other shall be appointed to serve a four-year term [until~~  
12 ~~the second election at which two members otherwise would have been~~  
13 ~~elected, and three members shall be elected for six-year terms at~~  
14 ~~each election].~~

15 SECTION 2. Subsection (e), Section 130.0821, Education  
16 Code, is amended to read as follows:

17 (e) Not later than the 90th day after the earliest date on  
18 which the board of trustees may recognize and act on the publication  
19 of the federal decennial census under Section 2058.001, Government  
20 Code, the board of trustees shall redivide the district into the  
21 appropriate number of trustee districts if the census data  
22 indicates that the population of the most populous trustee district  
23 exceeds the population of the least populous district by more than  
24 10 percent. Within 90 days following the effective date of an order  
25 or resolution of the board of trustees to increase the number of  
26 board members, the board of trustees shall redivide the district  
27 into the appropriate number of trustee districts as increased. At

1 the next district election following the redistricting of the  
2 district under this subsection, each trustee district shall elect a  
3 member of the board unless the board of trustees determines that  
4 trustees shall be elected from the new trustee districts as  
5 provided by Section 130.0826, and the members elected shall draw  
6 lots for the appropriate number of two-year and[7] four-year[7, ~~and~~  
7 ~~six-year~~] terms as needed to establish staggered terms of four  
8 years as required by Section 130.082(e) [~~Subsection (e)~~].

9 SECTION 3. Subsections (d) and (e), Section 130.083,  
10 Education Code, are amended to read as follows:

11 (d) The terms of office of the regents authorized by this  
12 section [~~act~~] shall be four [~~six~~] years. In [~~Those regents serving~~  
13 ~~as regents on May 22, 1969, shall continue in office for the~~  
14 ~~remainder of their respective terms and then until such time as~~  
15 ~~their successors shall have been elected and qualified, and~~  
16 ~~thereafter in~~] each even-numbered year, as close to one-half of the  
17 number of [~~three~~] regents as possible shall be elected from the area  
18 originally forming the junior college district to succeed those  
19 regents whose terms are expiring, but if the number of regents  
20 becomes more or less than nine, the method [~~formula~~] set out in  
21 Subsection (e) of this section shall be followed. All new regents  
22 added to the board of regents under the provisions of this section  
23 shall be appointed by the board of regents which orders the  
24 enlargement of the membership of such board, and shall serve terms  
25 as provided under [~~until election specified in~~] Subsection (e) [~~of~~  
26 ~~this section~~]. All vacancies on the board of regents shall be  
27 filled at once for the unexpired term only by appointments made by

1 the remaining members of such board.

2 (e) Where additional regent positions are provided under  
3 the terms of this section, the board of regents at the time of such  
4 authorization shall designate by resolution duly recorded in the  
5 minutes of such board the term to be served by each such additional  
6 regent to maintain staggered terms of four years~~[, provided that  
7 the first regent authorized and appointed shall serve only until  
8 the next regular regent election, the second such regent shall  
9 serve until the regent election two years after the next regular  
10 regent election, and the third regent shall serve until the regent  
11 election four years after the next regular regent election, with  
12 additional regents which may be authorized to follow the same  
13 rotation of terms until all terms of additional regents provided  
14 under the terms of this section have been fixed to expire at the  
15 next regular regent election, or at the regent election two years  
16 after the next regular regent election, or at the regent election  
17 four years after the next regular election. Additional regents  
18 appointed to such terms and until such times as their successors  
19 shall have been elected and qualified, and thereafter the terms of  
20 such regents shall be for six years].~~

21 SECTION 4. Subsection (c), Section 130.088, Education Code,  
22 is amended to read as follows:

23 (c) If the board of trustees of the independent school  
24 district that divests itself of management and control of the  
25 junior college district is elected from nine single-member  
26 districts, the trustees appointed for the junior college district  
27 shall have the same initial single-member district boundaries. For

1 the initial board members of the junior college district appointed  
2 by the independent school district board of trustees, four [~~three~~]  
3 members shall serve terms of two years and five [~~three~~] members  
4 shall serve terms of four years [~~and three members shall serve~~  
5 ~~terms of six years~~]. The trustees shall draw lots to determine the  
6 length of their terms. [~~The terms of the initial board members~~  
7 ~~shall expire on the last day of December of the odd-numbered year~~  
8 ~~that does not exceed their terms.~~]

9 SECTION 5. The following provisions of the Education Code  
10 are repealed:

11 (1) Subsection (c), Section 130.0821; and

12 (2) Subsection (m), Section 130.088.

13 SECTION 6. (a) The change in law made by this Act applies  
14 only to the term of a member of a governing board of a junior college  
15 district who is appointed or elected on or after the effective date  
16 of this Act.

17 (b) The governing board of a junior college district shall,  
18 to the extent necessary to implement staggered four-year terms of  
19 office for members of the governing board, as provided by this Act,  
20 adopt a transition plan so that as nearly as possible half of the  
21 members of the board are elected to four-year terms in each  
22 even-numbered year. The governing board may provide for  
23 establishing shortened terms for persons elected at the first  
24 election of governing board members held after the effective date  
25 of this Act or drawing lots as part of the transition plan. The  
26 secretary of state shall, on request of the presiding officer of a  
27 governing board, assist the board in developing a transition plan

1 under this subsection.

2           SECTION 7. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.