

1-1 By: Gallegos S.B. No. 1895
1-2 (In the Senate - Filed March 11, 2009; March 24, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 24, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 24, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1895 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the terms of members of the governing board of junior
1-11 college districts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (e), Section 130.082, Education Code,
1-14 is amended to read as follows:

1-15 (e) Members [~~The basic term of office of a member~~] of the
1-16 board serve staggered terms of four years, with the terms of as
1-17 close to one-half of the members as possible expiring in each
1-18 even-numbered year [~~shall be six years, and one-third of the~~
1-19 ~~members of the board shall be elected at large in the district at~~
1-20 ~~regular elections to be held on the first Saturday in April in each~~
1-21 ~~even-numbered year, provided that with a seven-member board two~~
1-22 ~~members shall be elected in two consecutive even-numbered years and~~
1-23 ~~three members shall be elected in the following even-numbered~~
1-24 ~~year]. The members of each board in office [at the effective date~~
1-25 ~~of this act, and all subsequent members of the board, shall] remain~~
1-26 in office until the expiration of the terms for which they were
1-27 elected or appointed, and until their successors shall have been
1-28 elected and qualified[, ~~provided that where any existing board has~~
1-29 ~~held its regular elections for members of the board in odd-numbered~~
1-30 ~~years prior to the effective date of this act, the board shall~~
1-31 ~~nevertheless hold its next regular election on the first Saturday~~
1-32 ~~in April of the next even-numbered year following the effective~~
1-33 ~~date of this act, and the term of office of each incumbent member of~~
1-34 ~~the board shall, in effect, be lengthened by one year so as to~~
1-35 ~~comply with the foregoing provisions of this act]. Except as
1-36 otherwise specifically provided by this subchapter, on [Upon] the
1-37 creation of a new board, or in any other situation where necessary,
1-38 the members of the board shall choose by lot the terms for which
1-39 they shall serve, so as to comply with the foregoing provisions. If
1-40 a board is increased from seven to nine members, one of the members
1-41 shall be appointed to serve a two-year term [until the first
1-42 election at which two members otherwise would have been elected,]
1-43 and the other shall be appointed to serve a four-year term [until
1-44 the second election at which two members otherwise would have been
1-45 elected, and three members shall be elected for six-year terms at
1-46 each election].~~

1-47 SECTION 2. Subsection (e), Section 130.0821, Education
1-48 Code, is amended to read as follows:

1-49 (e) Not later than the 90th day after the earliest date on
1-50 which the board of trustees may recognize and act on the publication
1-51 of the federal decennial census under Section 2058.001, Government
1-52 Code, the board of trustees shall redivide the district into the
1-53 appropriate number of trustee districts if the census data
1-54 indicates that the population of the most populous trustee district
1-55 exceeds the population of the least populous district by more than
1-56 10 percent. Within 90 days following the effective date of an order
1-57 or resolution of the board of trustees to increase the number of
1-58 board members, the board of trustees shall redivide the district
1-59 into the appropriate number of trustee districts as increased. At
1-60 the next district election following the redistricting of the
1-61 district under this subsection, each trustee district shall elect a
1-62 member of the board unless the board of trustees determines that
1-63 trustees shall be elected from the new trustee districts as

2-1 provided by Section 130.0826, and the members elected shall draw
 2-2 lots for the appropriate number of two-year and[~~7~~] four-year[~~, and~~
 2-3 ~~six-year~~] terms as needed to establish staggered terms of four
 2-4 years as required by Section 130.082(e) [~~Subsection (e)~~].

2-5 SECTION 3. Subsections (d) and (e), Section 130.083,
 2-6 Education Code, are amended to read as follows:

2-7 (d) The terms of office of the regents authorized by this
 2-8 section [~~act~~] shall be four [~~six~~] years. In [~~Those regents serving~~
 2-9 ~~as regents on May 22, 1969, shall continue in office for the~~
 2-10 ~~remainder of their respective terms and then until such time as~~
 2-11 ~~their successors shall have been elected and qualified, and~~
 2-12 ~~thereafter in~~] each even-numbered year, as close to one-half of the
 2-13 number of [~~three~~] regents as possible shall be elected from the area
 2-14 originally forming the junior college district to succeed those
 2-15 regents whose terms are expiring, but if the number of regents
 2-16 becomes more or less than nine, the method [~~formula~~] set out in
 2-17 Subsection (e) of this section shall be followed. All new regents
 2-18 added to the board of regents under the provisions of this section
 2-19 shall be appointed by the board of regents which orders the
 2-20 enlargement of the membership of such board, and shall serve terms
 2-21 as provided under [~~until election specified in~~] Subsection (e) [~~of~~
 2-22 ~~this section~~]. All vacancies on the board of regents shall be
 2-23 filled at once for the unexpired term only by appointments made by
 2-24 the remaining members of such board.

2-25 (e) Where additional regent positions are provided under
 2-26 the terms of this section, the board of regents at the time of such
 2-27 authorization shall designate by resolution duly recorded in the
 2-28 minutes of such board the term to be served by each such additional
 2-29 regent to maintain staggered terms of four years[~~, provided that~~
 2-30 ~~the first regent authorized and appointed shall serve only until~~
 2-31 ~~the next regular regent election, the second such regent shall~~
 2-32 ~~serve until the regent election two years after the next regular~~
 2-33 ~~regent election, and the third regent shall serve until the regent~~
 2-34 ~~election four years after the next regular regent election, with~~
 2-35 ~~additional regents which may be authorized to follow the same~~
 2-36 ~~rotation of terms until all terms of additional regents provided~~
 2-37 ~~under the terms of this section have been fixed to expire at the~~
 2-38 ~~next regular regent election, or at the regent election two years~~
 2-39 ~~after the next regular regent election, or at the regent election~~
 2-40 ~~four years after the next regular election. Additional regents~~
 2-41 ~~appointed to such terms and until such times as their successors~~
 2-42 ~~shall have been elected and qualified, and thereafter the terms of~~
 2-43 ~~such regents shall be for six years~~].

2-44 SECTION 4. Subsection (c), Section 130.088, Education Code,
 2-45 is amended to read as follows:

2-46 (c) If the board of trustees of the independent school
 2-47 district that divests itself of management and control of the
 2-48 junior college district is elected from nine single-member
 2-49 districts, the trustees appointed for the junior college district
 2-50 shall have the same initial single-member district boundaries. For
 2-51 the initial board members of the junior college district appointed
 2-52 by the independent school district board of trustees, four [~~three~~]
 2-53 members shall serve terms of two years and five[~~, three~~] members
 2-54 shall serve terms of four years[~~, and three members shall serve~~
 2-55 ~~terms of six years~~]. The trustees shall draw lots to determine the
 2-56 length of their terms. [~~The terms of the initial board members~~
 2-57 ~~shall expire on the last day of December of the odd-numbered year~~
 2-58 ~~that does not exceed their terms.~~]

2-59 SECTION 5. The following provisions of the Education Code
 2-60 are repealed:

2-61 (1) Subsection (c), Section 130.0821; and

2-62 (2) Subsection (m), Section 130.088.

2-63 SECTION 6. (a) The change in law made by this Act applies
 2-64 only to the term of a member of a governing board of a junior college
 2-65 district who is appointed or elected on or after the effective date
 2-66 of this Act.

2-67 (b) The governing board of a junior college district shall,
 2-68 to the extent necessary to implement staggered four-year terms of
 2-69 office for members of the governing board, as provided by this Act,

3-1 adopt a transition plan so that as nearly as possible half of the
3-2 members of the board are elected to four-year terms in each
3-3 even-numbered year. The governing board may provide for
3-4 establishing shortened terms for persons elected at the first
3-5 election of governing board members held after the effective date
3-6 of this Act or drawing lots as part of the transition plan. The
3-7 secretary of state shall, on request of the presiding officer of a
3-8 governing board, assist the board in developing a transition plan
3-9 under this subsection.

3-10 SECTION 7. This Act takes effect immediately if it receives
3-11 a vote of two-thirds of all the members elected to each house, as
3-12 provided by Section 39, Article III, Texas Constitution. If this
3-13 Act does not receive the vote necessary for immediate effect, this
3-14 Act takes effect September 1, 2009.

3-15

* * * * *