87R11921 KJE-D

By:  Crockett H.B. No. 3164

A BILL TO BE ENTITLED

AN ACT

relating to student members of the board of regents of a public university system or public 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), (e), and (i) and adding Subsections (e-1) and (e-2) 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 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 governments 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 system 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 chancellor, but may not appoint a student regent who did not submit an application to the student government of a general academic teaching institution or medical and dental unit in the system as described by this subsection.

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

(e-1)  This subsection applies only to a student regent appointed for a term expiring on or before February 1, 2023. Subsection (e) does not apply to a student regent to whom this subsection applies. A student regent is not a member of the board of regents of the system for which the student regent is appointed. A student 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 meetings of the board of regents, except that the student regent:

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

(2)  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.

(e-2)  Subsection (e-1) and this subsection expire September 1, 2024.

(i)  A student regent serves without compensation but is entitled to be reimbursed for the actual expenses incurred by the student regent in attending the meetings of the board of regents, subject to the approval of the chairman of the board of regents. This subsection applies only to a student regent appointed for a term expiring on or before February 1, 2023. This subsection expires September 1, 2024.

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

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

SECTION 4.  Section 51.356, Education Code, is amended by amending Subsections (d), (f), and (i) and adding Subsections (f-1) and (f-2) 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, but may not appoint a student regent who did not submit an application to the student government of the institution as described by this subsection.

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

(f-1)  This subsection applies only to a student regent appointed for a term expiring on or before February 1, 2023. Subsection (f) does not apply to a student regent to whom this subsection applies. A student regent is not a member of the board of regents of the institution for which the student regent is appointed. A student regent has the same powers and duties as the members of the board of regents of the institution, including the right to attend and participate in meetings of the board of regents, except that the student regent:

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

(2)  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.

(f-2)  Subsection (f-1) and this subsection expire September 1, 2024.

(i)  A student regent serves without compensation but is entitled to be reimbursed for the actual expenses incurred by the student regent in attending the meetings of the board of regents, subject to the approval of the chairman of the board of regents. This subsection applies only to a student regent appointed for a term expiring on or before February 1, 2023. This subsection expires September 1, 2024.

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

Sec. 65.11.  BOARD OF REGENTS. (a) The government of the university system is vested in a board of nine regents 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.

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

Sec. 65.12.  QUALIFICATIONS; TERMS. (a) Each member of the board shall be a qualified voter.

(b)  The board[~~; and the~~] 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 staggered 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, 2024.

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

Sec. 85.11.  BOARD OF REGENTS. (a) The government of the university system is vested in a board of nine regents 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.

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

(b)  The board[~~; and the~~] 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 staggered 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, 2024.

SECTION 7.  Subchapter A, Chapter 95, Education Code, is amended by amending Section 95.02 and adding Section 95.021 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. 95.021.  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, 2024.

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

Sec. 101.11.  BOARD OF REGENTS. (a) The control and management of the university are [~~is~~] vested in a board of nine regents 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 51.356.

Sec. 101.12.  TERM 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 members, as applicable, expiring [~~on~~] January 31 of each odd-numbered year.

(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, 2024.

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

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

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

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

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

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

(c)  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, 2024.

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

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

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

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

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

Sec. 105.052.  TERM OF OFFICE; REMOVAL; VACANCY. (a) The term of office of each regent other than the student regent is six years, with the terms of two or three regents, as applicable, expiring every two 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, 2024.

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

(d)  Any vacancy that occurs on the board shall be filled by 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, 2024.

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

(f)  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, 2024.

SECTION 13.  Sections 109.002 and 109.003, Education Code, are amended to read as follows:

Sec. 109.002.  BOARD OF REGENTS. (a) The government, control, and direction of the policies of the university system and the component institutions are vested in a board of nine regents[~~, who shall be~~] 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.

Sec. 109.003.  BOARD MEMBERS: TERMS, VACANCIES. (a) The regents other than the student regent [~~Members of the board will~~] hold office for staggered terms of six years, with the terms of three members expiring [~~on~~] January 31 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, 2024.

(c)  Any vacancy shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent 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, 2024.

(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 public university system expire February 1, 2023, 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, 2024, 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 public university expire February 1, 2023, one of the resulting vacancies on that board shall be filled by a student regent as provided by Section 51.356, Education Code, as amended by this Act, for a term expiring February 1, 2024, and the other two vacancies shall be filled for six-year terms as otherwise provided by law.

SECTION 16.  The term of a nonvoting student regent appointed before the effective date of this Act to serve for a public university system or a public university for a term expiring May 1, 2023, expires on the date a voting student regent is appointed under Section 51.355 or 51.356, Education Code, as amended by this Act, to the board of regents of the system or university, as applicable.

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

SECTION 18.  This Act takes effect September 1, 2022, but only if the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, authorizing a student member of the board of regents of a public institution of higher education or public university system to serve a term that differs from the terms served by the other members of the board is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.