By:  Paxton, et al. S.B. No. 702

(In the Senate - Filed February 22, 2021; March 11, 2021, read first time and referred to Committee on Higher Education; March 29, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; March 29, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Creighton       X

West            X

Birdwell        X

Blanco          X

Miles                     X

Paxton          X

Springer        X

Taylor          X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 702 By:  Springer

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Prepaid Higher Education Tuition Board.

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

SECTION 1.  Section 54.603, Education Code, is amended to read as follows:

Sec. 54.603.  SUNSET PROVISION. The Prepaid Higher Education Tuition Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished [~~and the programs established under this subchapter and under Subchapters G and H terminate~~] September 1, 2033 [~~2021~~].

SECTION 2.  Section 54.610, Education Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b)  The [~~A~~] training program must [~~established under this section shall~~] provide the person with information [~~to the member~~] regarding:

(1)  the law governing [~~enabling legislation that created the~~] board operations;

(2)  the programs, functions, rules, and budget of [~~operated by~~] the board;

(3)  the scope of and limitations on the rulemaking authority [~~role and functions~~] of the board;

(4)  [~~the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

[~~(5)  the current budget for the board;~~

[~~(6)~~]  the results of the most recent formal audit of the board;

(5) [~~(7)~~]  the requirements of [~~the~~]:

(A)  laws relating to open meetings, public information, [~~law, Chapter 551, Government Code;~~

[~~(B)  open records law, Chapter 552, Government Code; and~~

[~~(C)~~]  administrative procedure, and disclosing conflicts [~~law, Chapter 2001, Government Code;~~

[~~(8)  the requirements of the conflict~~] of interest; [~~laws~~] and

(B)  other laws applicable to members of a state policy-making body in performing their duties [~~relating to public officials~~]; and

(6) [~~(9)~~]  any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d)  The executive director of the board shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. Each board member shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 3.  Section 54.617(e), Education Code, is amended to read as follows:

(e)  The board shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 4.  Subchapter F, Chapter 54, Education Code, is amended by adding Section 54.6181 to read as follows:

Sec. 54.6181.  ADVISORY COMMITTEES. (a) The board by rule may establish advisory committees to make recommendations to the board on programs, rules, and policies administered by the board.

(b)  In establishing an advisory committee under this section, the board shall adopt rules, including rules regarding:

(1)  the purpose, role, responsibility, goals, and duration of the committee;

(2)  the size of and quorum requirement for the committee;

(3)  qualifications for committee membership;

(4)  appointment procedures for members;

(5)  terms of service for members;

(6)  training requirements for members;

(7)  policies to avoid conflicts of interest by members;

(8)  a periodic review process to evaluate the continuing need for the committee; and

(9)  policies to ensure the committee does not violate any provision of Chapter 551, Government Code, applicable to the board or the committee.

(c)  Chapter 2110, Government Code, does not apply to an advisory committee created by the board.

SECTION 5.  (a)  Except as provided by Subsection (b) of this section, Section 54.610, Education Code, as amended by this Act, applies to a member of the Prepaid Higher Education Tuition Board appointed before, on, or after the effective date of this Act.

(b)  A member of the Prepaid Higher Education Tuition Board who, before the effective date of this Act, completed the training program required by Section 54.610, Education Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program required by Section 54.610, Education Code. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2021, until the member completes the additional training.

SECTION 6.  This Act takes effect September 1, 2021.

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