

By: Crockett

H.B. No. 3164

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to student members of the board of regents of a public  
3 university system or public university.

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

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

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

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

12 (c) Except as provided by Subsection (f), not later than  
13 November 1 of each year, the student government of each general  
14 academic teaching institution and medical and dental unit in a  
15 university system shall solicit applicants for appointment to the  
16 next regular term of the position of student regent. Not later than  
17 December [~~January~~] 1, from among the applications received by the  
18 student government, the student government shall select five  
19 applicants as the student government's recommendations for the  
20 position of student regent and send the applications of those  
21 applicants to the chancellor of the university system. From among  
22 those applicants, the chancellor shall select two or more  
23 applicants as the university system's recommendations for the  
24 position of student regent and shall send the applications of those

1 applicants to the governor not later than January [~~February~~] 1. The  
2 governor may request to review all applications for the position of  
3 student regent received by the student governments and may request  
4 an applicant to submit additional information to the governor. Not  
5 later than February 1 [~~On June 1, or as soon thereafter as~~  
6 ~~practicable~~], the governor with the advice and consent of the  
7 senate shall appoint one of the applicants to serve as the student  
8 regent for the system for a one-year term expiring on the next  
9 February 1 [~~May 31~~]. The governor is not required to appoint an  
10 applicant recommended by the chancellor, but may not appoint a  
11 student regent who did not submit an application to the student  
12 government of a general academic teaching institution or medical  
13 and dental unit in the system as described by this subsection.

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

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

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

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

4           (e-2) Subsection (e-1) and this subsection expire September  
5 1, 2024.

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

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

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

17           SECTION 4. Section 51.356, Education Code, is amended by  
18 amending Subsections (d), (f), and (i) and adding Subsections (f-1)  
19 and (f-2) to read as follows:

20           (d) Not later than November 1 of each year, the student  
21 government of the general academic teaching institution shall  
22 solicit applicants for appointment to the next regular term of the  
23 position of student regent. Not later than December [~~January~~] 1,  
24 from among the applications received by the student government, the  
25 student government shall select five applicants as the student  
26 government's recommendations for the position of student regent and  
27 send the applications of those applicants to the president of the

1 institution. From among those applicants, the president shall  
2 select two or more applicants as the institution's recommendations  
3 for the position of student regent and shall send the applications  
4 of those applicants to the governor not later than January  
5 ~~[February]~~ 1. The governor may request to review all applications  
6 for the position of student regent received by the student  
7 government and may request an applicant to submit additional  
8 information to the governor. Not later than February 1 ~~[On June 1,~~  
9 ~~or as soon thereafter as practicable]~~, the governor with the advice  
10 and consent of the senate shall appoint one of the applicants to  
11 serve as the student regent for the institution for a one-year term  
12 expiring on the next February 1 ~~[May 31]~~. The governor is not  
13 required to appoint an applicant recommended by the president, but  
14 may not appoint a student regent who did not submit an application  
15 to the student government of the institution as described by this  
16 subsection.

17 (f) 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 (f-1) This subsection applies only to a student regent  
21 appointed for a term expiring on or before February 1, 2023.  
22 Subsection (f) 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 institution for which the student regent is  
25 appointed. A student regent has the same powers and duties as the  
26 members of the board of regents of the institution, including the  
27 right to attend and participate in meetings of the board of regents,

1 except that the 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 (f-2) Subsection (f-1) and this subsection expire September  
8 1, 2024.

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, 2023. This subsection  
15 expires September 1, 2024.

16 SECTION 5. Sections [65.11](#) and [65.12](#), Education Code, are  
17 amended to read as follows:

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

21 (b) One of the board members must be a student regent  
22 serving under Section [51.355](#).

23 (c) The board may provide for the administration,  
24 organization, and names of the institutions and entities in The  
25 University of Texas System in such a way as will achieve the maximum  
26 operating efficiency of such institutions and entities, provided,  
27 however, that no institution or entity of The University of Texas

1 System not authorized by specific legislative act to offer a  
2 four-year undergraduate program as of the effective date of this  
3 Act shall offer any such four-year undergraduate program without  
4 prior recommendation and approval by a two-thirds vote of the Texas  
5 Higher Education Coordinating Board and a specific act of the  
6 legislature [~~Legislature~~].

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

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

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

15 (d) The student regent holds office for a term of one year  
16 expiring February 1, with the term of the initial student regent  
17 expiring February 1, 2024.

18 SECTION 6. Sections [85.11](#) and [85.12](#), Education Code, are  
19 amended to read as follows:

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

23 (b) One of the board members must be a student regent  
24 serving under Section [51.355](#).

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

27 (b) The board [~~, and the~~] members other than the student

1 regent shall be selected from different portions of the state.

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

6 (d) The student regent holds office for a term of one year  
7 expiring February 1, with the term of the initial student regent  
8 expiring February 1, 2024.

9 SECTION 7. Subchapter A, Chapter 95, Education Code, is  
10 amended by amending Section 95.02 and adding Section 95.021 to read  
11 as follows:

12 Sec. 95.02. BOARD OF REGENTS [~~MEMBERS:— APPOINTMENT,~~  
13 ~~QUALIFICATIONS, TERMS~~]. (a) The board is composed of nine members  
14 appointed by the governor with the advice and consent of the senate.

15 (b) One of the board members must be a student regent  
16 serving under Section 51.355 [~~The members hold office for terms of~~  
17 ~~six years, with the terms of three members expiring February 1 of~~  
18 ~~odd-numbered years. Each member of the board shall be a qualified~~  
19 ~~voter, and the members shall be selected from different portions of~~  
20 ~~the state~~].

21 Sec. 95.021. QUALIFICATIONS; TERMS. (a) Each member of the  
22 board of regents other than the student regent must be a qualified  
23 voter.

24 (b) The board members other than the student regent shall be  
25 selected from different portions of the state.

26 (c) The board members other than the student regent hold  
27 office for terms of six years, with the terms of two or three

1 regents, as applicable, expiring February 1 of odd-numbered years.

2 (d) The student regent holds office for a term of one year  
3 expiring February 1, with the term of the initial student regent  
4 expiring February 1, 2024.

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

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

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

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

17 (b) The student regent holds office for a term of one year  
18 expiring February 1, with the term of the initial student regent  
19 expiring February 1, 2024.

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

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

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

27 (b) One of the board members must be a student regent



1 servicing under Section 51.356.

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

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

7           (c) The student regent holds office for a term of one year  
8 expiring February 1, with the term of the initial student regent  
9 expiring February 1, 2024.

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

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

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

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

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

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

27           (b) The student regent holds office for a term of one year

1 expiring February 1, with the term of the initial student regent  
2 expiring February 1, 2024.

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

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

7 SECTION 11. Sections [106.11](#) and [106.12](#), Education Code, are  
8 amended to read as follows:

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

12 (b) One of the regents must be a student regent serving  
13 under Section [51.356](#).

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

18 (b) The student regent holds office for a term of one year  
19 expiring February 1, with the term of the initial student regent  
20 expiring February 1, 2024.

21 SECTION 12. Section [107.21](#), Education Code, is amended to  
22 read as follows:

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

27 (b) One of the regents must be a student regent serving

1 under Section 51.356.

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

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

6 (e) The regents other than the student regent [~~members~~] hold  
7 office for staggered terms of six years, with the terms of two or  
8 three regents, as applicable, expiring February 1 of odd-numbered  
9 years.

10 (f) The student regent holds office for a term of one year  
11 expiring February 1, with the term of the initial student regent  
12 expiring February 1, 2024.

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

15 Sec. 109.002. BOARD OF REGENTS. (a) The government,  
16 control, and direction of the policies of the university system and  
17 the component institutions are vested in a board of nine regents[~~7~~  
18 ~~who shall be~~] appointed by the governor with the advice and consent  
19 of the senate.

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

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

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

1 expiring February 1, 2024.

2       (c) Any vacancy shall be filled for the unexpired portion of  
3 the term by appointment by the governor with the advice and consent  
4 of the senate.

5       SECTION 14. Section [111.12](#), Education Code, is amended to  
6 read as follows:

7       Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. (a) The regents  
8 ~~[Members of the board]~~ are appointed by the governor with the advice  
9 and consent of the senate.

10       (b) One of the regents must be a student regent serving  
11 under Section [51.355](#).

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

17       (d) The student regent holds office for a term of one year  
18 expiring February 1, with the term of the initial student regent  
19 expiring February 1, 2024.

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

22       SECTION 15. (a) When the terms of members of the board of  
23 regents of a public university system expire February 1, 2023, one  
24 of the resulting vacancies on that board shall be filled by a  
25 student regent as provided by Section [51.355](#), Education Code, as  
26 amended by this Act, for a term expiring February 1, 2024, and the  
27 other two vacancies shall be filled for six-year terms as otherwise

1 provided by law.

2 (b) When the terms of members of the board of regents of a  
3 public university expire February 1, 2023, one of the resulting  
4 vacancies on that board shall be filled by a student regent as  
5 provided by Section 51.356, Education Code, as amended by this Act,  
6 for a term expiring February 1, 2024, and the other two vacancies  
7 shall be filled for six-year terms as otherwise provided by law.

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

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

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