

## **BILL ANALYSIS**

C.S.H.B. 2194  
By: King, Phil  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties suggest that each county in which a branch campus of the Weatherford Junior College District is located and that imposed a branch campus maintenance tax on a certain date should have greater representation on the district board of trustees. C.S.H.B. 2194 seeks to address the membership of the board of trustees of the Weatherford Junior College District.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2194 amends the Education Code to require the commissioners court of each county in which a branch campus of the Weatherford Junior College District is located and that imposed a branch campus maintenance tax on September 1, 2017, to appoint one member to serve on the district's board of trustees, in addition to members of the board otherwise elected or appointed. These additional board members serve two-year terms and may be appointed to serve successive terms. The bill requires the applicable commissioners courts to appoint the initial members not later than November 30, 2017, to serve a term beginning December 1, 2017.

C.S.H.B. 2194 authorizes the additional members to participate in the decision-making of the board to the same extent as any other member of the board, including by voting on any budget that affects the entire district, but not in the decision-making of the board in matters related to the imposition of a tax or an issue that only affects a campus located in the junior college district. The bill establishes that an additional member is not counted for purposes of determining whether a quorum of the board is present for such matters and prohibits an additional member from serving as an officer of the board. The bill provides for the severability of its provisions, which expire on December 1, 2027.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2194 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Subchapter E, Chapter 130, Education Code, is amended by adding Section 130.0828 to read as follows:

Sec. 130.0828. ADDITIONAL TRUSTEES FOR WEATHERFORD JUNIOR COLLEGE DISTRICT. (a) Notwithstanding any other law, in addition to the members of the board of trustees of the Weatherford Junior College District elected or appointed under other provisions of this subchapter, the commissioners court of each county in which a branch campus of the district is located and that imposes a branch campus maintenance tax under Section 130.253 shall appoint two members to serve on the district's board of trustees.

(b) Members of the board of trustees appointed under this section serve two-year terms and may be appointed to serve successive terms. The commissioners court shall appoint initial members to serve a term beginning December 1, 2017.

(c) Except as provided by Subsection (d), a member of the board of trustees appointed under this section may participate in the decision-making of the board to the same extent as any other member of the board, including by voting on any budget that affects the entire district.

(d) A member of the board of trustees appointed under this section:

(1) may not participate in the decision-making of the board in matters related to:

(A) the imposition of a tax; or

(B) an issue that only affects a campus located in the junior college district;

(2) is not counted for purposes of determining whether a quorum of the board is present for the purpose of Subdivision (1); and

(3) may not serve as an officer of the board of trustees.

(e) Unless this section is continued in effect by the legislature, this section expires on December 1, 2027.

SECTION 2. The commissioners court of each county to which Section 130.0828, Education Code, as added by this Act, applies shall appoint the initial members of

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 130, Education Code, is amended by adding Section 130.0828 to read as follows:

Sec. 130.0828. ADDITIONAL TRUSTEES FOR WEATHERFORD JUNIOR COLLEGE DISTRICT. (a) Notwithstanding any other law, in addition to the members of the board of trustees of the Weatherford Junior College District elected or appointed under other provisions of this subchapter, the commissioners court of each county in which a branch campus of the district is located and that imposed a branch campus maintenance tax under Section 130.253 on September 1, 2017, shall appoint one member to serve on the district's board of trustees.

(b) Members of the board of trustees appointed under this section serve two-year terms and may be appointed to serve successive terms. The commissioners court shall appoint initial members to serve a term beginning December 1, 2017.

(c) Except as provided by Subsection (d), a member of the board of trustees appointed under this section may participate in the decision-making of the board to the same extent as any other member of the board, including by voting on any budget that affects the entire district.

(d) A member of the board of trustees appointed under this section:

(1) may not participate in the decision-making of the board in matters related to:

(A) the imposition of a tax; or

(B) an issue that only affects a campus located in the junior college district;

(2) is not counted for purposes of determining whether a quorum of the board is present for the purpose of Subdivision (1); and

(3) may not serve as an officer of the board of trustees.

(e) Unless this section is continued in effect by the legislature, this section expires on December 1, 2027.

SECTION 2. Same as introduced version.

the board of trustees of the Weatherford Junior College District under that section not later than November 30, 2017.

No equivalent provision.

SECTION 3. SEVERABILITY. (a) It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, and word in this Act, and every application of the provisions in this Act to each local law, are severable from each other. All constitutionally valid and lawful applications of this Act shall be severed from an application that a court finds to be invalid, leaving the valid applications in force because it is the legislature's intent and priority that the valid applications be allowed to stand alone.

(b) A court may not decline to enforce the severability requirements in this Act on the ground that the enforcement of the severability requirements would be contrary to legislative intent. The legislature hereby declares that it intends for the severability requirements of this Act to be enforced as written, without any exceptions.

(c) A court may not decline to enforce the severability requirements of this Act on the ground that the Act's provisions or applications are essentially and inseparably connected. The legislature hereby declares that it intends for the severability requirements of this Act to be enforced without regard to whether this Act's provisions or applications are essentially and inseparably connected.

(d) If a final court order or judgment finds that the composition of the board of trustees of the Weatherford Junior College District as composed under this Act is invalid, the court-ordered remedy shall require the appointment of members of the board of trustees by the commissioners court of each county in which a branch campus of the district is located in the manner described by Section 130.0828, Education Code, as added by this Act, so that the composition of the board of trustees complies with applicable law.

(e) Section 311.032(a), Government Code, applies to this Act.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 4. Same as introduced version.