

BILL ANALYSIS

Senate Research Center

S.J.R. 24
By: Ogden
Education
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As Filed

DIGEST

Currently, the governor has the responsibility of appointing members to governing boards of the state's public institutions of higher education. However, the governor has no real authority to remove appointees for good cause. The procedures provided for removal of public officers are in Article XV, Section 9 of the Texas Constitution and apply only to appointments made by the governor in office. This bill provides the governor a method of removing members of public institution governing boards for good cause.

PURPOSE

As proposed, S.J.R. 24 requires the submission to the voters of a constitutional amendment authorizing the removal of a member of the governing body of a public institution of higher education.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the governor in SECTION 1 (Sec. 10(a), Article XV, Texas Constitution) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article XV, Texas Constitution, by adding Section 10, as follows:

Sec. 10. (a) Authorizes the governor, by order, to remove a member of the governing board of a public institution of higher education for good cause if the position is regularly filled by appointment of the governor.

(b) Requires an order to remove a board member under this section to state the good cause for which the board member is to be removed. Provides that the order is effective on the 15th day after the date the order is issued under certain conditions. Provides that an appeal is to the district court in Travis County, unless the legislature by general law provides an alternative method of appeal. Requires a court or other appellate entity to uphold the governor's order if reasonable evidence exists supporting the good cause stated in the order.

(c) Defines "good cause."

(d) Provides that failure to attend all meetings of the governing board over a period of six months, if more than one meeting is held during that period, constitutes persistent failure to perform the board member's duties as a member of the board.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language for the ballot.