

BILL ANALYSIS

Senate Research Center
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S.B. 226
By: West
Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is limited student input on the boards of regents of the state's institutions of higher education, the governing, supervising, and coordinating body that oversees the welfare and conduct of all students attending their respective universities. Currently, a student regent, appointed by the Texas governor, has a non-voting presence on the board of participating universities and systems.

As proposed, S.B. 226 amends current law relating to student members of the board of regents of a state university system or a state university.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 51.355, Education Code, to read as follows:

Sec. 51.355. STUDENT REGENT; UNIVERSITY SYSTEM BOARD OF REGENTS.

SECTION 2. Amends Section 51.355, Education Code, by amending Subsections (c), (d-1), (e), and (i) and adding Subsections (e-1), (e-2), and (j), as follows:

(c) Requires the student government of each general academic teaching institution and medical and dental unit in a university system, not later than December 1, rather than January 1, from among the applications received by the student government, is to 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. Requires the chancellor, from among those applicants, to select two or more applicants as the university system's recommendations for the position of student regent and send the applications of those applicants to the governor not later than January 1, rather than February 1. Requires the governor, not later than February 1, rather than on June 1 or as soon thereafter as practicable, with the advice and consent of the senate, to appoint one of the applicants to serve as the regent for the system for a one-year term expiring on the next February 1, rather than May 31.

(d-1) Requires, throughout a student regent's term, the student to maintain a grade point average of at least 3.0, rather than 2.5, on a four-point scale.

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

(e-1) Provides that this subsection (relating to the powers and duties of a student regent) applies only to a student regent appointed for a term expiring on or before February 1, 2011. Provides that Subsection (e) does not apply to a student regent to whom this subsection applies.

(e-2) Provides that Subsection (e-1) and this subsection expire September 1, 2012.

(i) Provides that this subsection (relating to compensation for a student regent) applies only to a student regent appointed for a term expiring on or before February 1, 2011. Provides that this subsection expires September 1, 2012.

(j) Provides that if the one-year term of a student regent is held by a final judgment of a court to violate Section 30(a), Article XVI, Texas Constitution, the student regent holds office for a term of six years that expires in the same year in which the terms of two of the other members of the board of expire. Provides that this subsection applies only to the term of a student regent expiring on or after February 1, 2012.

SECTION 3. Amends the heading to Section 51.356, Education Code, to read as follows:

Sec. 51.356. STUDENT REGENT; INSTITUTION BOARD OF REGENTS.

SECTION 4. Amends Section 51.356, Education Code, by amending Subsections (d), (e-1), (f), and (i) and adding Subsections (f-1), (f-2), and (j), as follows:

(d) Requires the student government of the general academic teaching institution, not later than December 1, rather than January 1, from among the applications received by the student government, to 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. Requires the president, from among those applicants, to select two or more applicants as the institution's recommendations for the position of student regent and send the applications of those applicants to the governor not later than January 1, rather than February 1. Requires the governor, not later than February 1, rather than on June 1 or as soon thereafter as practicable, with the advice and consent of the senate, to appoint one of the applicants to serve as the regent for the system for a one-year term expiring on the next February 1, rather than May 31.

(e-1) Requires, throughout a student regent's term, the student to maintain a grade point average of at least 3.0, rather than 2.5, on a four-point scale.

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

(f-1) Provides that this subsection (relating to the powers and duties of a student regent) applies only to a student regent appointed for a term expiring on or before February 1, 2011. Provides that Subsection (f) does not apply to a student regent to whom this subsection applies.

(f-2) Provides that Subsection (f-1) and this subsection expire September 1, 2012.

(i) Provides that this subsection (relating to compensation for a student regent) applies only to a student regent appointed for a term expiring on or before February 1, 2011. Provides that this subsection expires September 1, 2012.

(j) Provides that if the one-year term of a student regent is held by a final judgment of a court to violate Section 30(a), Article XVI, Texas Constitution, the student regent holds office for a term of six years that expires in the same year in which the terms of two of the other members of the board expire. Provides that this subsection applies only to the term of a student regent expiring on or after February 1, 2012.

SECTION 5. Amends Sections 65.11 and 65.12, Education Code, as follows:

Sec. 65.11. BOARD OF REGENTS. (a) Creates this subsection from existing text.

(b) Requires one of the board members to be a student regent serving under Section 51.355.

(c) Creates this subsection from existing text. Makes nonsubstantive changes.

Sec. 65.12. QUALIFICATIONS; TERMS. (a) Creates this subsection from existing text. Makes nonsubstantive changes.

(b) Requires the board members other than the student regent to be selected from different portions of the state. Makes a nonsubstantive change.

(c) Provides that 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) Provides that 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, 2012.

SECTION 6. Amends Sections 85.11 and 85.12, Education Code, as follows:

Sec. 85.11. BOARD OF REGENTS. (a) Creates this subsection from existing text.

(b) Requires one of the board members to be a student regent serving under Section 51.355.

Sec. 85.12. QUALIFICATION; TERMS. (a) Creates this subsection from existing text.

(b) Requires the board members other than the student regent to be selected from different portions of the state. Makes a nonsubstantive change.

(c) Provides that 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) Provides that 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, 2012.

SECTION 7. Amends Subchapter, Chapter 95, Education Code, by amending Section 95.02 and adding Section 95.022, as follows:

Sec. 95.02. New heading: BOARD OF REGENTS. (a) Creates this subsection from existing text.

(b) Requires one of the board members to be a student regent serving under Section 51.355. Deletes existing text providing that that the board members hold office for terms of six years, with the terms of three members expiring February 1 of odd-numbered years. Deletes existing text requiring each member of the board to be a qualified voter; and the members are required to be selected from different portions of the state.

Sec. 95.022. QUALIFICATION; TERMS. (a) Requires each member of the board, other than the student regent, to be a qualified voter.

(b) Requires the board members, other than the student regent, to be selected from different portions of the state.

(c) Provides that 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) Provides that 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, 2012.

SECTION 8. Amends Sections 101.11 and 101.12, Education Code, as follows:

Sec. 101.11. BOARD OF REGENTS. (a) Creates this subsection from existing text and makes nonsubstantive changes.

(b) Requires one of the board members to be a student regent serving under Section 51.356.

Sec. 101.12. TERM OF OFFICE. (a) Creates this subsection from existing text. Provides that 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 January 31 of each odd-numbered year.

(b) Provides that 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, 2012.

(c) Creates this subsection from existing text.

SECTION 9. Amends Sections 103.02 and 103.03, Education Code, as follows:

Sec. 103.02. BOARD OF REGENTS. (a) Creates this subsection from existing text. Makes a nonsubstantive change.

(b) Requires one of the board members to be a student regent serving under Section 51.356.

Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. (a) Creates this subsection from existing text.

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

(c) Provides that 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, 2012.

(d) Creates this subsection from existing text.

(e) Creates this subsection from existing text.

SECTION 10. Amends Sections 105.051 and 105.052, Education Code, as follows:

Sec. 105.051. BOARD OF REGENTS. (a) Creates this subsection from existing text. Makes a nonsubstantive change.

(b) Requires one of the board members to be a student regent serving under Section 51.355.

Sec. 105.052. TERM OF OFFICE; REMOVAL; VACANCY. (a) Provides that 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) Provides that 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, 2012.

(c) Authorizes a regent, rather than members of the board, to be removed from office for inefficiency or malfeasance of office.

(d) Creates this subsection from existing text.

SECTION 11. Amends Section 106.11 and 106.12, Education Code, as follows:

Sec. 106.11. BOARD OF REGENTS. (a) Creates this subsection from existing text. Makes a nonsubstantive change.

(b) Requires one of the regents to be a student regent serving under Section 51.356.

Sec. 106.12. TERMS OF OFFICE. (a) Creates this subsection from existing text. Provides that the 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, expiring February 1, of off-numbered years.

(b) Provides that the student regent holds office for a term of one year expiring February 1, with the term of the initial student regent expiring 1, 2012.

SECTION 12. Amends Section 107.21, Education Code, as follows:

Section 107.21 BOARD OF REGENTS. (a) Creates this subsection from existing text. Provides that the board of regents of the university is composed of nine persons, appointed by the governor with the advice and consent of the senate. Requires four of the regents to be women.

(b) Requires one of the regents to be a student regent serving under Section 51.356.

(c) Creates this subsection from existing text. Requires each regent other than the student regent, rather than each member of the board, to be a qualified voter.

(d) Creates this subsection from existing text. Makes nonsubstantive changes.

(e) Creates this subsection from existing text. Provides that the regents other than the student regent, rather than members, hold office for staggered terms of six years, with the terms of two or three regents, as applicable, expiring February 1, of off-numbered years.

(f) Provides that the student regent holds office for a term of one year expiring February 1, with the term of the initial student regent expiring 1, 2012.

SECTION 13. Amends Section 109.21 and 109.22, Education Code, as follows:

Sec. 109.21. BOARD OF REGENTS. (a) Creates this subsection from existing text. Makes a nonsubstantive change.

(b) Requires one of the regents to be a student regent serving under Section 51.355.

Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. (a) Creates this subsection from existing text. Provides that the regents other than the student regent hold office for terms of six years expiring January 31 of odd-numbered years. Deletes existing text making an exception for the initial appointees and text requiring the governor, in making the initial appointments, to designate three for terms expiring in 1971, three for terms expiring 1973, and three for terms expiring in 1975.

(b) Provides that the student regent holds office for term of one year expiring February 1, with the term of the initial student regent expiring February 1, 2012.

(c) Creates this subsection from existing text.

SECTION 14. Amends Section 111.12, Education Code, as follows:

Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. (a) Creates this subsection from existing text. Provides that the regents, rather than members of the board, are appointed by the governor with the advice and consent of the senate.

(b) Requires one of the regents to be a student regent serving under Section 51.355.

(c) Creates this subsection from existing text. Requires that the term of office of each regent other than the student regent be six years. Deletes existing text requiring the governor, except in making the first appointments, to appoint three members for six years, three members for four years, and three member for two years.

(d) Provides that 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, 2012.

(e) Creates this subsection from existing text.

SECTION 15. (a) Requires that when the terms of members of the board of a state university system expire February 1, 2011, one of the resulting vacancies on that board is to 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, 2012, and the other two vacancies are to be filled for six-year terms as otherwise provided by law.

(b) Requires one of the resulting vacancies on the board, when the terms of members of the board of a state university expire February 1, 2011, to 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, 2012, and the other two vacancies to be filled for six-year terms as otherwise provided by law.

SECTION 16. Provides that the term of a nonvoting student regent appointed before the effective date of the Act to serve for a state university system or a state university for a term expiring May 1, 2011, 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 the system or university, as applicable.

SECTION 17. Provides that the Act does not affect the term of a member of a board of a state university system or a state university serving on the effective date of this act.

SECTION 18. Makes application of the changes in law made by this Act to Sections 51.355(d-1) and 51.356(e-1), Education Code, prospective.

SECTION 19. Effective date: September 1, 2010.