

BILL ANALYSIS

Senate Research Center
85R19571 JRJ-D

H.B. 2194
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Natural Resources & Economic Development
5/2/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties suggest that each county in which a branch campus of the Weatherford Junior College District (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. H.B. 2194 modifies the membership of the district's board of trustees to include one representative from each campus that imposed a branch campus maintenance tax on September 1, 2017.

H.B. 2194 amends current law relating to the board of trustees of the Weatherford Junior College District.

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 Subchapter E, Chapter 130, Education Code, by adding Section 130.0828, as follows:

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

(b) Provides that board members serve two-year terms and authorizes them to be appointed to serve successive terms. Requires the commissioners court to appoint initial members to serve a term beginning December 1, 2017.

(c) Authorizes a board member, except as provided by Subsection (d), to participate in the decision-making of the board to the same extent as any other board member, including by voting on any budget that affects the entire district.

(d) Prohibits a board member from participating 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 district. Provides that a board member is not counted for purposes of determining whether a quorum of the board is present for the purpose of Subdivision (1). Prohibits a board member from serving as an officer of the board.

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

SECTION 2. Requires the commissioners court of each county to which Section 130.0828, Education Code, as added by this Act, applies to appoint the initial board members of the district under that section not later than November 30, 2017.

SECTION 3. SEVERABILITY. (a) Provides that 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. Requires that all constitutionally valid and lawful applications of this Act 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) Prohibits a court from declining to enforce the severability requirements in this Act on the ground that the enforcement of the severability requirements would be contrary to legislative intent. Provides that the legislature hereby declares that it intends for the severability requirements of this Act to be enforced as written, without any exceptions.

(c) Prohibits a court from declining to enforce the severability requirements of this Act on the ground that the Act's provisions or applications are essentially and inseparably connected. Provides that 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) Requires that the court-ordered remedy, if a final court order or judgment finds that the composition of the district's board as composed under this Act is invalid, require the appointment of members of the board 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 complies with applicable law.

(e) Provides that Section 311.032(a) (relating to any statute containing a severability provision), Government Code, applies to this Act.

SECTION 4. Effective date: September 1, 2017.