

BILL ANALYSIS

Senate Research Center
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S.B. 870
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Last session's passage of tuition deregulation, which granted tuition-setting powers to the board of regents of public universities, has made it necessary to provide for student representation on the boards of regents. A student regent is needed to ensure that the boards act fairly and in the best interest of the students. A student regent would offer a student's perspective on the boards of regents.

As proposed, S.B. 870 places a voting student member on the board of regents of each state university or state university system and creates the position of student regent designate. The student regent would be a full voting member of the board, and the student regent designate would be a nonvoting member. The student regent designate would succeed the voting student regent. Student regents would be selected through a nominating process that begins with the student governments of universities nominating candidates and ends with the board of regents selecting a student regent from those nominated.

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 G, Chapter 51, Education Code, by adding Sections 51.355, 51.356, and 51.357, as follows:

Sec. 51.355. STUDENT REGENT DESIGNATE; UNIVERSITY SYSTEM BOARD OF REGENTS. (a) Defines "student government."

(b) Requires, except as provided by Subsection (e), not later than September 1 of each year, the student government of each general academic teaching institution (institution) in a university system to select one graduate student and one undergraduate student of the institution to serve as the institution's representatives on the university system's student regent nominating committee (committee). Requires, as soon as thereafter practicable, the committee to solicit applicants from each institution in the system for the position of student regent designate (designate). Requires, not later than December 1, from the applications received by the committee, the committee to select three applicants as the committee's recommendations for the position of designate for the university system and to send those applicants' applications to the system's board of regents. Requires, from those applicants, not later than February 1 or as soon as thereafter practicable, the university system's board of regents to select an applicant to serve as the designate for the system for a one-year term expiring on the next February 1.

(c) Requires a designate to be enrolled as an undergraduate or graduate student in an institution in a university system at the time of selection and throughout the designate's term. Provides that for the purposes of this subsection, a person is considered to be enrolled in an institution for a summer term if they meet certain requirements pertaining to enrollment.

(d) Provides that a designate for a university system has the same powers and duties as the members of the board of regents of the system, with certain exceptions.

(e) Prohibits the student government of the institution at which the designate was enrolled at the time of the designate's selection to solicit applicants for the position of student regent designate for the next regular term of the position.

(f) Requires, if the current student regent designate for a university system is an undergraduate student at the time of the designate's selection, the designate selected for the next regular term of the position to be a graduate student at the time of that designate's selection. Requires, if the current designate for a university system is a graduate student at the time of the designate's selection, the designate selected for the next regular term of the position to be an undergraduate student at the time of the designate's selection.

(g) Requires a vacancy in the position of student regent designate for a university system to be filled for the unexpired term by the board of regents in consultation with the student governments of the general academic teaching institutions in the system.

Sec. 51.356. STUDENT REGENT DESIGNATE; INSTITUTION BOARD OF REGENTS. (a) Provides that this section applies only to an institution that is not a part of a university system.

(b) Defines student government.

(c) Requires, not later than September 1 of each year, the student government of the general academic teaching institution to solicit applicants for the position of student regent designate for the institution. Requires the student government, not later than December 1, from among the applications received by the student government, to select three applicants as the student government's recommendations for designate position and to send the applications of those applicants to the institution's board of regents. Requires, from among those applicants, on February 1 or as soon thereafter as practicable, the board of regents to select an applicant to serve as the designate for the institution for a one-year term expiring on the next February 1.

(d) Requires a designate to be enrolled as an undergraduate or graduate student in an institution at the time of selection and throughout the designate's term. Provides that for the purposes of this subsection, a person is considered to be enrolled in an institution for a summer term if they meet certain requirements pertaining to enrollment.

(e) Provides that a designate for a university system has the same powers and duties as the members of the board of regents of the system, with certain exceptions.

(f) Requires, if the current designate for a general academic teaching institution is an undergraduate student at the time of the designate's selection, the designate selected for the next regular term of the position to be a graduate student at the time of that designate's selection. Requires, if the current designate for a general academic teaching institution is a graduate student at the time of the student regent designate's selection, the designate selected for the next regular term of the position to be an undergraduate student at the time of that designate's selection.

(g) Requires a vacancy in the position of designate for a general academic teaching institution to be filled for the unexpired term by the board of regents in consultation with the student government of the institution.

Sec. 51.357. VOTING STUDENT REGENT. (a) Provides that on the expiration of the term of a designate for a university system selected under Section 51.355 or for an institution under Section 51.356, the designate succeeds to the office of student regent on that board for a term of one year.

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

(c) Provides that the enrollment requirements described by Section 51.355(c) or 51.356(d), as applicable, for a student regent designate apply to a student regent serving under this section.

(d) Requires, if a vacancy in the position of student regent occurs, the person serving as designate under Section 51.355 or 51.356, as applicable, to fill the vacancy for the unexpired term. Requires the resulting vacancy in the designate position to be filled for the unexpired term as provided by Section 51.355 or 51.356, as applicable, except that the chancellor of the university system or president of the institution, as applicable, is required to prescribe expedited dates to fill the vacancy promptly.

(e) Requires, if the one-year term of the student regent is held by final judgment of a court to violate the Texas Constitution, the student regent in office at that time holds office for a term of six years, and a designate to be selected only for the last year of the six-year term or as necessary to fill a vacancy in the office of student regent.

SECTION 2. Amends Sections 65.11 and 65.12, Education Code, as follows:

Sec. 65.11. BOARD OF REGENTS. Includes that the members of the board of regents of The University of Texas System other than the student regent are appointed by the governor with the advice and consent of the senate. Requires one of the board members to be a student regent serving under Section 51.357. Makes nonsubstantive changes.

Sec. 65.12. QUALIFICATIONS; TERMS. Requires the members of the board of regents of The University of Texas System, other than the student regent, to be selected from different portions of the state. Provides that the board members, other than the student regent, hold office for staggered terms of six years, with terms of two or three regents, as applicable, expiring February 1 of odd-numbered years. 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, 2008.

SECTION 3. Amends Sections 85.11 and 85.12, Education Code, as follows:

Sec. 85.11. BOARD OF REGENTS. Includes that the members of the board of regents of The Texas A&M University System other than the student regent are appointed by the governor with the advice and consent of the senate. Requires one of the board members to be a student regent serving under Section 51.357. Makes nonsubstantive changes.

Sec. 85.12. QUALIFICATIONS; TERMS. Requires the members of the board of regents of The Texas A&M University System, other than the student regent, to be selected from different portions of the state. Provides that the board members, other than the student regent, hold office for staggered terms of six years, with terms of two or three regents, as applicable, expiring February 1 of odd-numbered years. 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, 2008.

SECTION 4. Amends Subchapter A, Chapter 95, Education Code, by amending Section 95.02 and adding Section 95.022, as follows:

Sec. 95.02. New heading: BOARD OF REGENTS. Includes that the members of the board of regents of regents of The Texas State University System, other than the student regent, are appointed by the governor with the advice and consent of the senate. Requires one of the members of the board to be a student regent serving under Section 51.357. Deletes text pertaining to membership terms and voting.

Sec. 95.022. QUALIFICATIONS; TERMS. (a) Requires each member of the board of regents of the Texas State University System, other than the student regent, to be a qualified voter.

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

(c) Provides that the board members, other than the student regent, hold office for 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, 2008.

SECTION 5. Amends Sections 101.11 and 101.12, Education Code, as follows:

Sec. 101.11. BOARD OF REGENTS. Includes that the members of the board of regents of the Stephen F. Austin State University, other than the student regent, are appointed by the governor with the advice and consent of the senate. Requires one of the members of the board to be a student regent serving under Section 51.357.

Sec. 101.12. TERM OF OFFICE. Provides that the members of the board of regents of Stephen F. Austin State University, other than the student regent, hold office for staggered terms of six years, with the terms of two or three regents, as applicable, expiring January 31 of odd-numbered years. Provides that the student regent serves a one-year term expiring February 1.

SECTION 6. Amends Sections 103.02 and 103.03, Education Code, as follows:

Sec. 103.02. BOARD OF REGENTS. Requires one of the members of the board of regents of Midwestern State University to be a student regent serving under Section 51.357.

Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. Includes that the members of the board of regents of Midwestern State University, other than the student regent, are appointed by the governor with the advice and consent of the senate. Provides that the board members, other than the student regent, hold office for staggered terms of six years. 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, 2008. Deletes text pertaining to vacancies being filled by the governor.

SECTION 7. Amends Section 105.051 and 105.052, Education Code, as follows:

Sec. 105.051. BOARD OF REGENTS. Includes that the members of the board of regents of the University of North Texas System, other than the student regent, are appointed by the governor with the advice and consent of the senate. Requires one of the members of the board to be a student regent serving under Section 51.357.

Sec. 105.052. TERMS OF OFFICE; REMOVAL; VACANCY. Provides that the board members, other than the student regent, hold office for staggered terms of six years. Provides that the student regent hold office for a term of one year expiring February 1, with the term of the initial student regent expiring February 1, 2008. Provides that a regent, rather than member of the board, may be removed from office of inefficiency or malfeasance of office. Deletes text pertaining to vacancies being filled by the governor.

SECTION 8. Amends Sections 106.11 and 106.12, Education Code, as follows:

Sec. 106.11. BOARD OF REGENTS. Includes that the members of the board of regents of Texas Southern University, other than the student regent, are appointed by the governor with the advice and consent of the senate. Requires one of the members of the board to be a student regent serving under Section 51.357.

Sec. 106.12. TERMS OF OFFICE. Provides that the members of the board of regents of Texas Southern University hold office for staggered terms of six years, with terms of two or three regents, as applicable, expiring February 1 of odd-numbered years. 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, 2008.

SECTION 9. Amends Section 107.21, Education Code, as follows:

Sec. 107.21. BOARD OF REGENTS. (a) Includes that the members of the board of regents of Texas Women's University, other than the student regent, are 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 members of the board to be a student regent serving under Section 51.357.

(c) Requires each regent other than the student regent, rather than each member of the board, to be a qualified voter.

(d) Requires the regents to be selected from different portions of the state.

(e) Provides that the members of the board of regents of Texas Women's University hold office for staggered terms of six years, with terms of two or three regents, as applicable, expiring February 1 of odd-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 February 1, 2008.

SECTION 10. Amends Sections 109.21 and 109.22, Education Code, as follows:

Sec. 109.21. BOARD OF REGENTS. Includes that the members of the board of regents of the Texas Tech University System, other than the student regent, are appointed by the governor with the advice and consent of the senate. Requires one of the members of the board to be a student regent serving under Section 51.357.

Sec. 109.22. BOARD MEMBERS; TERMS, VACANCIES. (a) Provides that the members of the board of regents of the Texas Tech University System, except for the initial appointees, hold office for staggered terms of six years, with the terms of two or three regents, as applicable, expiring January 31 of odd-numbered years. Deletes text pertaining to terms in the 1970s.

(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, 2008.

(c) Requires a vacancy that occurs on the board to be filled for the unexpired portion of the term, rather than by appointment by the governor with the advice and consent of the senate.

SECTION 11. Amends Section 111.12, Education Code, to provide that members of the board of regents of the University of Houston, other than the student regent, are appointed by the governor with the advice and consent of the senate. Requires one of the members of the board to be a student regent serving under Section 51.357. Sets forth the terms of office for each appointed regent. 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, 2008. Deletes text pertaining to vacancies being filled by the governor.

SECTION 12. Provides that the initial term of a student regent designate selected for a state university system under Section 51.355, Education Code, as added by this Act, or for a state university under Section 51.356, Education Code, as added by this Act, expires February 1, 2007. Requires the appropriate student governments, system regent nominating committees, and boards of regents to take the actions required by Sections 51.355 and 51.356, Education Code, as added by this Act, as soon as practicable after this Act takes effect to select a student regent designate for each state university or state university system for that initial term.

SECTION 13. Provides that the initial term of a student regent on a board of regents of a state university or state university system begins on the expiration of the initial term of the student regent designate serving on that board.

SECTION 14. Requires, of the terms on the board of regents of a state university or state university system that expire February 1, 2007, one of the terms to be filled by the initial student regent as provided by Section 51.357, Education Code, as added by this Act, and two of the terms to be filled for six-year terms as provided by law.

SECTION 15. Provides that this Act does not affect the term of a member of a board of regents of a state university or state university system serving on the effective date of this Act.

SECTION 16. Effective date: September 1, 2005.