

BILL ANALYSIS

Senate Research Center
81R26853 CAS-D

C.S.S.B. 1895
By: Gallegos
State Affairs
4/23/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1895 amends current law relating to the terms of members of the governing board of junior college districts.

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 Section 130.082(e), Education Code, to provide that members of the governing board of a junior college district (board) serve staggered terms of four years, with the terms of as close to one-half of the members as possible expiring in each even-numbered year. Requires the members of the board, except as otherwise specifically provided by this subchapter, on the creation of a new board, or in any other situation where necessary, to choose by lot the terms for which they are required to serve, so as to comply with the foregoing provisions. Requires one of the members, if a board is increased from seven to nine members, to be appointed to serve a two-year term and the other is required to be appointed to serve a four-year term. Deletes existing text requiring the basic term of office of a member of the board to be six years, and requiring one-third of the members of the board to be elected at large in the district at regular elections to be held on the first Saturday in April in each even-numbered year, provided that with a seven-member board two members are required to be elected in two consecutive even-numbered years and three members are required to be elected in the following even-numbered year. Deletes existing text requiring the members of each board in office at the effective date of this act, and all subsequent members of the board, to remain in office until the expiration of the terms for which they were elected or appointed, and until their successors are required to have been elected and qualified; provided that where any existing board has held its regular elections for members of the board in odd-numbered years prior to the effective date of this act, the board is required to nevertheless hold its next regular election on the first Saturday in April of the next even-numbered year following the effective date of this act, and the term of office of each incumbent member of the board is required, in effect, to be lengthened by one year so as to comply with the foregoing provisions of this act. Deletes existing text requiring one of the members, if a board is increased from seven to nine members, to be appointed to serve until the first election at which two members otherwise would have been elected, and requires the other to be appointed to serve until the second election at which two members otherwise would have been elected, and requires three members to be elected for six-year terms at each election.

SECTION 2. Amends Section 130.0821(e), Education Code, to require each trustee district, at the next district election following the redistricting of the district under this subsection, to elect a member of the board of trustees of a junior college district (board)(member) unless the board determines that trustees are required to be elected from the new trustee districts as provided by Section 130.0826 (Option to Continue in Office Following Redistricting), and the members elected are required to draw lots for the appropriate number of two-year and four-year terms, rather than two-year, four-year, and six-year terms, as needed to establish staggered terms of four years as required by Section 130.082(e), rather than Subsection (c).

SECTION 3. Amends Sections 130.083(d) and (e), Education Code, as follows:

(d) Requires the terms of office of the regents of the junior college district (regents) authorized by this section, rather than this act, to be four years, rather than six years. Requires that as close to one-half of the number of regents as possible, in each even-numbered year, be elected from the area originally forming the junior college district to succeed those regents whose terms are expiring, but if the number of regents becomes less than nine, the method set out in Subsection (e) of this section is required to be followed. Requires that all new regents added to the board of regents be appointed by the board of regents which orders the enlargement of the membership of such board, and are required to serve terms as provided under Subsection (e), rather than serve until election specified in Subsection (e) of this section. Deletes existing text requiring those regents serving as regents on May 22, 1969, to continue in office for the remainder of their respective terms and then until such time as their successors shall have been elected and qualified, and thereafter in each even-numbered year, three regents are required to be elected from the area originally forming the junior college district to succeed those regents whose terms are expiring, but if the number of regents becomes less than nine, the formula set out in Subsection (e) of this section is required to be followed.

(e) Requires the board of regents at the time of such authorization, where additional regent positions are provided under the terms of this section, to designate by resolution duly recorded in the minutes of such board the term to be served by each such additional regent to maintain staggered terms of four years. Deletes existing text requiring the board of regents at the time of such authorization, where additional regent positions are provided under the terms of this section, to designate by resolution duly recorded in the minutes of such board the term to be served by each such additional regent, provided that the first regent authorized and appointed is required to serve only until the next regular regent election, the second such regent is required to serve until the regent election two years after the next regular regent election, the third regent is required to serve until the regent election four years after the next regular regent election, with additional regents which may be authorized to follow the same rotation of terms until all terms of additional regents provided under the terms of this section have been fixed to expire at the next regular regent election, or at the regent election two years after the next regular regent election, or at the regent election four years after the next regular regent election. Deletes existing text providing that additional regents appointed to such terms and until such times as their successors have been elected and qualified, and thereafter the terms of such regents are required to be for six years.

SECTION 4. Amends Section 130.088(c), Education Code, to require four members, for the initial board members of the junior college district appointed by the independent school district board of trustees, to serve terms of two years and requires five members to serve terms of four years. Deletes existing text requiring three members, for the initial board members of the junior college district appointed by the independent school district board of trustees, to serve terms of two years, three members to serve terms of four years, and three members to serve terms of six years. Deletes existing text requiring that the terms of the initial board members expire on the last day of December of the odd-numbered year that does not exceed their terms.

SECTION 5. Repealers: Sections 130.0821(c) (relating to requiring the members of the board of trustees of the district to serve for staggered terms of six years) and 130.088(m) (relating to trustees serving for six-year staggered terms), Education Code.

SECTION 6. (a) Makes application of this Act prospective.

(b) Requires the board, to the extent necessary to implement staggered four-year terms of office for members of the board, as provided by this Act, to adopt a transition plan so that as nearly as possible half of the members of the board are elected to four-year terms in even-numbered years. Authorizes the governing board to provide for establishing shortened terms of persons elected at the first election of governing board members held after the effective date of this Act or drawing lots as part of a transition plan. Requires the secretary of state, on request of the presiding officer of a governing board, to assist the board in developing a transition plan under this subsection.

SECTION 7. Effective date: upon passage or September 1, 2009.