

## **BILL ANALYSIS**

Senate Research Center  
76R439 JSA-D

H.B. 1056  
By: Dutton (Wentworth)  
Education  
5/11/1999  
Engrossed

### **DIGEST**

Current law establishes the role and responsibility of the governing boards of institutions of higher education (boards) to be one of setting policy, adopting rules, and enhancing the image of the institution. Such boards also have the legal responsibilities of a fiduciary in the management of funds under the control on the institution. The law provides for the board to manage its own affairs through its chosen administration and employees. Although the law gives the right to manage, it was not intended for the board to supervise the day-to-day operation of the institution. H.B. 1056 prohibits a board member from supervising or directing or participating in supervising or directing the day-to-day operations of the institution or system.

### **PURPOSE**

As proposed, H.B. 1056 prohibits a board member from supervising or directing or participating in supervising or directing the day-to-day operations of the institution or system.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 51G, Education Code, by adding Section 51.3522, as follows:

Sec. 51.3522. ROLE OF INDIVIDUAL BOARD MEMBER IN INSTITUTIONAL OPERATIONS. Prohibits an individual member of a governing board of an institution of higher education or university system from supervising or directing or participating in supervising or directing the day-to-day operations of the institution or system. Provides that this section does not affect the authority of a board member to participate as a member of the governing board in setting policy, adopting rules, or otherwise carrying out the governing board's official functions as a corporate body.

SECTION 2. Emergency clause.

Effective date: upon passage.