

## **BILL ANALYSIS**

Senate Research Center

S.B. 192  
By: Ogden  
Education  
3/4/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Texas Constitution prohibits the granting of extra compensation to a state employee after service has been rendered. Some institutions of higher education have granted administrators long-term contracts that permit or require large cash settlements when the employee resigns or leaves. Additionally, some administrators have been granted tenure without the same scrutiny given to other faculty or have been given salaries substantially higher than their peers. This bill would provide restrictions on contracts with and compensation of administrators of public institutions of higher education.

### **PURPOSE**

As proposed, C.S.S.B. 192 establishes contracts with and compensation of administrators of public institutions of higher education.

### **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 51Z, Education Code, by adding Section 51.946, as follows:

Sec. 51.946. RESTRICTIONS ON CONTRACTS WITH ADMINISTRATORS. Authorizes the governing board of an institution of higher education to enter into an employment contract with an administrator to be paid from appropriated funds, only if the contract is in the best interest of the institution. Prohibits the contract from exceeding a three-year period, allowing for severance to exceed certain amounts, allowing for special development leave, and being awarded tenure that varies from the institution's policy concerning tenure. Prohibits the institution from paying a salary to a person who moves from an administrative position to a faculty or other position that exceeds the salary of others performing the same duties. Requires an administrator who takes development leave to compensate the institution, in time or salary, for time taken off. Provides that a record pertaining to a contract between an institution and an administrator is public information and may not be withheld from the public. Authorizes the governing board to allow for development leave at the member's full salary in cases involving a member holding an administrative position for more than four years, notwithstanding Subsection (b)(3). Defines "administrator," "governing board," "institution of higher education," and "contract."

SECTION 2. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 51.946, Education Code, to prohibit a contract entered into by the governing board from being inconsistent with Section 51.105, Education Code. Authorizes the governing board to allow for developmental leave for one year to a faculty member who has held an administrative position at the institution for more than four, rather than five, years.