

1-1 By: Wentworth S.B. No. 1046
1-2 (In the Senate - Filed March 1, 2007; March 14, 2007, read
1-3 first time and referred to Subcommittee on Higher Education;
1-4 April 11, 2007, reported adversely, with favorable Committee
1-5 Substitute from Committee on Education by the following vote:
1-6 Yeas 7, Nays 0; April 11, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1046 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the provision of notice to institutions of higher
1-11 education of meetings of the Texas Higher Education Coordinating
1-12 Board and to certain telephone conference meetings of the board and
1-13 other boards of institutions of higher education.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subsections (c) and (e), Section 61.025,
1-16 Education Code, are amended to read as follows:

1-17 (c) An ~~[Except as provided by Subsection (e), an]~~ agenda for
1-18 the meetings in sufficient detail to indicate the items on which
1-19 final action is contemplated shall be mailed to the chairman of each
1-20 governing board and to the chief administrative officer of each
1-21 state institution of higher education at least seven ~~[30]~~ days
1-22 prior to the meeting.

1-23 (e) The board may hold a meeting to consider a higher
1-24 education impact statement, if a higher education impact statement
1-25 by the board is to be provided under the rules of either the house of
1-26 representatives or the senate. The meeting shall be called by the
1-27 chair and the board shall provide notice of the meeting in
1-28 accordance with Chapter 551, Government Code. ~~[The board is not
1-29 required to mail an agenda 30 days in advance to the governing
1-30 boards and institutions as provided in Subsection (c), for a
1-31 meeting to consider a higher education impact statement.]~~

1-32 SECTION 2. The heading to Section 551.121, Government Code,
1-33 is amended to read as follows:

1-34 Sec. 551.121. GOVERNING BOARD OF INSTITUTION OF HIGHER
1-35 EDUCATION; BOARD FOR LEASE OF UNIVERSITY LANDS; TEXAS HIGHER
1-36 EDUCATION COORDINATING BOARD.

1-37 SECTION 3. Subsections (b), (c), and (e), Section 551.121,
1-38 Government Code, are amended to read as follows:

1-39 (b) This chapter does not prohibit the governing board of an
1-40 institution of higher education, ~~[or]~~ the Board for Lease of
1-41 University Lands, or the Texas Higher Education Coordinating Board
1-42 from holding an open or closed meeting by telephone conference
1-43 call.

1-44 (c) A meeting held by telephone conference call may be held
1-45 only if:

1-46 (1) the meeting is a special called meeting and
1-47 immediate action is required; and

1-48 (2) the convening at one location of a quorum of the
1-49 governing board, the ~~[or]~~ Board for Lease of University Lands, or
1-50 the Texas Higher Education Coordinating Board, as applicable, is
1-51 difficult or impossible.

1-52 (e) The notice of a telephone conference call meeting of a
1-53 governing board must specify as the location of the meeting the
1-54 location where meetings of the governing board are usually held.
1-55 For a meeting of the governing board of a university system, the
1-56 notice must specify as the location of the meeting the board's
1-57 conference room at the university system office. For a meeting of
1-58 the Board for Lease of University Lands, the notice must specify as
1-59 the location of the meeting a suitable conference or meeting room at
1-60 The University of Texas System office. For a meeting of the Texas
1-61 Higher Education Coordinating Board, the notice must specify as the
1-62 location of the meeting a suitable conference or meeting room at the
1-63 offices of the Texas Higher Education Coordinating Board or at an

2-1 institution of higher education.

2-2 SECTION 4. Section 551.129, Government Code, is amended by
2-3 adding Subsection (f) to read as follows:

2-4 (f) Subsection (d) does not apply to:

2-5 (1) the governing board of an institution of higher
2-6 education as defined by Section 61.003, Education Code; or

2-7 (2) the Texas Higher Education Coordinating Board.

2-8 SECTION 5. The change in law made by this Act to Section
2-9 61.025, Education Code, applies only to a meeting or telephone
2-10 conference call meeting held on or after the effective date of this
2-11 Act for which all notices required by law were not provided before
2-12 the effective date. A meeting or telephone conference call meeting
2-13 for which all notices required by law were provided before the
2-14 effective date of this Act is governed by the law in effect
2-15 immediately before the effective date, and the former law is
2-16 continued in effect for that purpose.

2-17 SECTION 6. This Act takes effect September 1, 2007.

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