

## **BILL ANALYSIS**

Senate Research Center

S.B. 1651  
By: Jackson  
Education  
4/22/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Texas Chiropractic College is operated by a nonprofit corporation. S.B. 1651 would establish the Texas Chiropractic College as a public institution of higher education.

### **PURPOSE**

As proposed, S.B. 1651 establishes the Texas Chiropractic College as a public institution of higher education.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the governing board of the institution of higher education to which Texas Chiropractic College is transferred in SECTION 3(c) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. DEFINITIONS. Defines “governing board” and “new institution.”

SECTION 2. TRANSFER OF GOVERNANCE. Requires the Texas Higher Education Coordinating (coordinating board) to assist Texas Chiropractic College (TCC) and the institution of higher education in the transition process. Provides that TCC, including the organization, management, control, and property of that institution, is transferred to the governing board of the institution of higher education selected by the board under Subsection (b) of this section, if the board of trustees of TCC and the governing board of the institution of higher education both agree to the transfer. Sets forth certain requirements if both boards agree to the transfer. Requires the name of the new institution to be determined by the governing board of the institution of higher education subject to the approval of the board, if the transfer takes place under Subsection (c) of this section.

SECTION 3. POWERS AND DUTIES; RULES AND POLICIES. Sets forth certain powers and duties of the governing board of the institution of higher education to which TCC is transferred. Authorizes the new institution to continue to award degrees in the same discipline and of the same academic standing as TCC, subject to the continuing review of the coordinating board. Provides that a proposal for a new degree program at the institution is subject to the same approval process that applies to other state-supported institutions. Provides that the rules and policies adopted by the board of trustees of the Texas Chiropractic College to govern that institutions that are in effect when the transfer takes effect are continued in effect until adopted, repealed, or superseded by the governing board of the institution of higher education to which the institution is transferred by or under this Act. Authorizes the governing board of the institution of higher education to adopt rules and policies applicable to the new institution in anticipation of the transfer authorized under this Act.

SECTION 4. CONTRACTS AND WRITTEN OBLIGATIONS. Provides that a contract entered into by the board of trustees of TCC for the benefit of or on behalf of the college is ratified, confirmed, and validated. Provides that in each contract entered into by the board of trustees of TCC, the governing board of the institution of higher education to which the institution is transferred under this Act is submitted for and stands in the place of the board of trustees to the extent allowed under the law or under the contract.

SECTION 5. EFFECT ON EMPLOYEES. Requires an employee of TCC on the date of the transfer to be treated in the same manner as any other new employee of the institution of higher education except that the employee shall be given credit for any years of service at TCC for the purpose of accruing annual leave as a state employee.

SECTION 6. TRANSFER OF FUNDING. Requires any funds that, on the effective date of the transfer, have been dedicated to or held for transfer to the governing board of the institution of higher education to which the institution is transferred under this Act to be used for the benefit of the institution.

SECTION 7. EFFECT ON STUDENTS. Provides that the transfer of the governance, operation, management, and control of TCC to the institution to which it is transferred under this Act does not affect the credit hours earned by a student enrolled at TCC before the effective date of the transfer under this Act. Provides that the tuition rate charged by TCC during the academic year of the transfer remains in effect following the transfer of the institution under SECTION 2 of this Act. Provides that the tuition rate may not be decreased and is subject to annual increases by the governing board of the institution of higher education.

SECTION 8. LEGISLATIVE INTENT. Sets forth the intent of the legislature.

SECTION 9. AMENDMENT. Amends Title 3F, Education Code, by adding Chapter 114, as follows:

#### CHAPTER 114. CHIROPRACTIC COLLEGE

Sec. 114.001. CHIROPRACTIC COLLEGE. Provides that the chiropractic college formerly constituting TCC is now a component of the higher education institution to which TCC was transferred and is under the management and control of the governing board of that institution of higher education. Provides that the governing board has the same powers and duties concerning the institution as conferred on it by law concerning any component institution of the institution of higher education.

Sec. 114.002. POWERS OF THE BOARD. Authorizes the governing board to take certain actions. Requires the salary of a person who received a joint appointment under Subsection (a)(5) to be apportioned among the institutions to which the individual is appointed on the basis of the services rendered.

SECTION 10. NOTICE. Requires the governing board of an institution of higher education to publish notice of the transfer in the Texas Register by a certain date.

SECTION 11. CONTINGENT EFFECT. Effective date for SECTION 9 of this Act: on the September 1 date next following the date of the approval, if a transfer of TCC to an institution of higher education is agreed to and approved under SECTION 2 of this Act. Provides that if a transfer of TCC to an institution of higher education is not agreed to and approved under SECTION 2 of this Act, SECTION 9 of this Act has no effect.

SECTION 12. Effective date for SECTION 1 and 8 and SECTION 10 of this Act: immediately.

SECTION 13. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 2.

Deletes Subsection (a), requiring the coordinating board to determine, in discussion with the institutions of higher education, whether one of the institutions of higher education is sufficiently interested in establishing the TCC, currently a Texas nonprofit corporation, as an integral part of the institution of higher education's governance structure.