

## **BILL ANALYSIS**

Senate Research Center

H.B. 746  
By: Brown, Fred et al. (Patrick, Dan)  
Higher Education  
5/25/2009  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Texas lacks the classroom capacity to serve all citizens seeking higher education. Classroom space is lacking at all levels of postsecondary education, including collegiate, continuing, technical, or vocational. Many municipal and regional community colleges must either levy local taxes or undertake costly bond proposals in order to build enough classroom facilities to meet the educational demands of their communities. At the same time, many prospective college students are denied admission to state universities due to the lack of available classroom space. Some of our largest and most prestigious universities, however, refuse to offer courses during evening or weekend hours and enable more students to take courses.

H.B. 746 amends current law relating to expanding the availability of classrooms and other facilities for use by public colleges and universities.

### **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 130.0103(a), Education Code, to authorize the board of trustees of a junior college district to enter into a cooperative agreement governing the operation and use of the complex with the governing bodies of one or more of certain entities, including another institution of higher education, rather than another institution of higher education with a campus or other educational facility located in the same state uniform service region as adopted by the coordinating board.

SECTION 2. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.975, as follows:

Sec. 51.975. SHARING OF UNDERUSED CLASSROOMS. (a) Requires a public institution of higher education to make the institution's classrooms not scheduled for use by the institution or by students, student organizations, or faculty of the institution between 5 p.m. and 10 p.m. on one or more weekdays or between 8 a.m. and 5 p.m. on one or more Saturdays available for that day to another public institution of higher education on request for teaching courses in the core curriculum, as defined by Section 61.821 (Definitions), or continuing education courses.

(b) Requires a public institution of higher education that under Subsection (a) makes a classroom available to another institution to continue to make that classroom, or a comparable classroom, available to the other institution for the duration of the semester or other academic term.

(c) Authorizes an institution of higher education to charge another institution for the use of a classroom under this section at a rate not to exceed the rate permitted for this purpose as determined by the Texas Higher Education Coordinating Board (THECB). Requires THECB to establish those rates in an amount to reimburse the host institution for utility costs and other costs, such as maintenance and custodial services, based on the infrastructure formula funding that the host institution would receive if teaching a course in that space itself for that time.

(d) Requires THECB to submit to the legislature a written report for each semester or summer session regarding each public institution of higher education's classroom utilization rates during the times and on the days specified by Subsection (a). Requires THECB to submit the report as soon as practicable after each semester or summer session and authorizes THECB to include the report in another report made by THECB.

SECTION 3. Effective date: upon passage or September 1, 2009.

**SUMMARY OF COMMITTEE CHANGES**

Amends H.B. 746, as follows:

- (1) Strikes SECTION 1 entirely.
- (2) Amends SECTION 2, on page 1, line 23, by striking "shall" and substituting "may".
- (3) Amends SECTION 2, on page 2, line 4, by striking "institution of higher education" and substituting "junior college".
- (4) Amends SECTION 2, by striking Subsection (d) entirely (page 2, line 21 through page 3, line 1).