

BILL ANALYSIS

Senate Research Center
85R30318 MM-F

C.S.H.B. 2432
By: Raney (Seliger)
Higher Education
5/15/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties report that the board of regents of The Texas A&M University System would like to bring a new campus in Brazos County into the university system. H.B. 2432 seeks to provide for the establishment of a university system center in Brazos County as part of The Texas A&M University System. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2432 amends current law relating to certain academic programs and projects undertaken by public institutions of higher education at a location other than the institution's main campus.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 3 (Section 61.058, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.0512(a), Education Code, to provide that a degree or certificate program offered at an off-campus academic or research site is considered a new degree or certificate program if not previously offered at the off-campus academic or research site.

SECTION 2. Amends Section 61.0572(d), Education Code, to authorize the Texas Higher Education Coordinating Board (THECB) to review purchases of improved real property added to an institution of higher education's (IHE) educational and general buildings and facilities inventory to determine whether the property meets the standards adopted by THECB for cost, efficiency, space need, and space use, but provides that subject to Section 61.0584, which is added by this Act, the purchase of the improved real property is not contingent on THECB review or approval, rather than but the purchase of the improved real property is not contingent on THECB review.

SECTION 3. Amends Section 61.058(b), Education Code, to authorize THECB to review all construction, repair, or rehabilitation of buildings and facilities at IHEs to determine whether the construction, rehabilitation, or repair meets the standards adopted by THECB rule for cost, efficiency, space need, and space use, but provides that subject to Section 61.0584 the construction, rehabilitation, or repair is not contingent on THECB review or approval, rather than the construction, rehabilitation, or repair is not contingent on THECB review.

SECTION 4. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.0584, as follows:

Sec. 61.0584. OFF-CAMPUS ACADEMIC OR RESEARCH SITE. (a) Provides that this section does not apply to buildings and facilities that are located on an off-campus academic or research site, that are to be used exclusively for auxiliary enterprises, and that will not require appropriations from the legislature for operation, maintenance, or repair.

(b) Requires THECB, based on criteria established under Subsection (d), to review and approve or disapprove an action taken by the governing board of an IHE or university system, through purchase, lease, or otherwise, to:

(1) acquire improved or unimproved real property for use at a new or existing off-campus academic or research site; or

(2) acquire or construct a building or facility for use at a site described by Subdivision (1).

(c) Requires THECB, using the negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, to develop a procedure for each IHE or university system to use to identify, for purposes of THECB review required by this section, the scope and character of projects that are proposed for:

(1) an off-campus academic or research site, including projects relating to certain facilities; and

(2) any other location that is separate from the main campus of an IHE and that is to be used for academic or research purposes.

(d) Requires THECB, using the negotiated rulemaking procedures under Chapter 2008, Government Code, to establish criteria for reviewing and for approving or disapproving an action taken by the governing board of an IHE or university system as described by Subsection (b). Requires that criteria adopted under this subsection prioritize the academic and research needs of IHEs while preventing unnecessary duplication in program offerings, faculties, and physical plants.

(e) Provides that information related to THECB's findings and determinations is not subject to the required disclosure under Chapter 552 (Public Information), Government Code.

(f) Authorizes THECB to conduct a closed meeting pursuant to Section 551.072 (Deliberation Regarding Real Property; Closed Meeting), Government Code, to deliberate the approval or disapproval of any action subject to that section and taken by the governing board of an IHE or university system as described by Subsection (b). Authorizes THECB, as necessary and appropriate, to hold its closed meeting as an emergency meeting under Section 551.045 (Exception to General Rule: Notice of Emergency Meeting or Emergency Addition to Agenda), Government Code.

(g) Requires THECB to report its findings and determinations to the governor, lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the governing boards of the applicable IHEs or university systems.

SECTION 5. Amends Chapter 87, Education Code, by adding Subchapter M, as follows:

SUBCHAPTER M. UNIVERSITY SYSTEM CENTERS

Sec. 87.881. UNIVERSITY SYSTEM CENTER IN BRAZOS COUNTY. (a) Authorizes the board of regents of The Texas A&M University System (board of regents) to establish and operate a university system center in Brazos County.

(b) Requires that the programs offered at the university system center be authorized in accordance with the rules of THECB.

(c) Provides that the board of regents has the sole authority to name the university system center authorized by this section.

SECTION 6. Makes application of Subchapter C, Chapter 61, Education Code, as amended by this Act, prospective.

SECTION 7. Effective date: upon passage or September 1, 2017.