

By: Clardy

H.B. No. 2639

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of a new university in Nacogdoches, Texas,
3 within The University of Texas System; abolishing Stephen F. Austin
4 State University.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. AMENDMENT TO EDUCATION CODE. Subtitle C, Title
7 3, Education Code, is amended by adding Chapter 80 to read as
8 follows:

9 CHAPTER 80. STEPHEN F. AUSTIN STATE UNIVERSITY, A MEMBER OF THE
10 UNIVERSITY OF TEXAS SYSTEM

11 Sec. 80.01. DEFINITIONS. In this chapter:

12 (1) "Board" means the board of regents of The
13 University of Texas System.

14 (2) "University" means the university established
15 under this chapter as Stephen F. Austin State University, a member
16 of The University of Texas System.

17 Sec. 80.02. REFERENCE TO STEPHEN F. AUSTIN STATE
18 UNIVERSITY. A reference in law to Stephen F. Austin State
19 University means Stephen F. Austin State University, a member of
20 The University of Texas System.

21 Sec. 80.03. ESTABLISHMENT; SCOPE. (a) Stephen F. Austin
22 State University, a member of The University of Texas System, is a
23 general academic teaching institution in Nacogdoches, Texas, under
24 the governance, management, and control of the board of regents of

1 The University of Texas System.

2 (b) As necessary to achieve the maximum operating
3 efficiency of the university, the board shall provide for the
4 organization, administration, and location of the university and of
5 the colleges, schools, and other institutions and entities of the
6 university.

7 (c) The authority of the board under this section to achieve
8 the maximum operating efficiency of the university and to provide
9 for the organization, administration, and location of the
10 university and of the colleges, schools, and other institutions and
11 entities of the university prevails over other law.

12 Sec. 80.04. COURSES AND DEGREES. (a) The board may
13 prescribe courses leading to customary degrees offered at leading
14 American universities and may award those degrees, including
15 bachelor's, master's, and doctoral degrees and their equivalents.

16 (b) The board shall award degrees in the name of the
17 university.

18 (c) A department, school, or degree program may not be
19 instituted without the prior approval of the Texas Higher Education
20 Coordinating Board, except that the university may include any
21 department or school or offer any degree program previously
22 approved for Stephen F. Austin State University or expressly
23 authorized by this chapter or other law.

24 Sec. 80.05. UNIVERSITY OF THE FIRST CLASS. The board shall
25 make any other rules and regulations for the operation, control,
26 and management of the university as may be necessary for the conduct
27 of the university as a university of the first class.

1 Sec. 80.06. FACILITIES. The board shall provide for
2 adequate physical facilities for use by the university.

3 Sec. 80.07. GIFTS AND GRANTS. The board may solicit,
4 accept, and administer, on terms and conditions acceptable to the
5 board, gifts, grants, or donations of any kind and from any source
6 for use by the university.

7 Sec. 80.08. JOINT APPOINTMENTS. The board may make joint
8 faculty appointments to positions in the university and to
9 positions in other institutions under the governance of the board.

10 Sec. 80.09. PARTICIPATION IN PERMANENT UNIVERSITY FUND.
11 The legislature finds that the university is an institution of
12 higher education "created at a later date" for purposes of Section
13 18(c), Article VII, Texas Constitution. Accordingly, the
14 university is entitled to participate in the funding provided by
15 Section 18, Article VII, Texas Constitution, to the same extent as
16 similar component institutions of The University of Texas System.

17 SECTION 2. STEPHEN F. AUSTIN STATE UNIVERSITY ABOLISHED.

18 (a) Stephen F. Austin State University is abolished on a date the
19 board of regents of The University of Texas System determines
20 appropriate to achieve the maximum operating efficiency of the
21 system. The designated date must be entered into the minutes of the
22 board.

23 (b) The board of regents of The University of Texas System
24 shall provide to the secretary of state written notice of its action
25 under Subsection (a) of this section. Effective on the date the
26 board designates for the abolition of Stephen F. Austin State
27 University, Chapter 101, Education Code, is repealed.

1 (c) The board of regents of The University of Texas System
2 may not act under Subsection (a) of this section to abolish Stephen
3 F. Austin State University earlier than the date on which Stephen F.
4 Austin State University, a member of The University of Texas
5 System, begins operation.

6 (d) The board of regents of Stephen F. Austin State
7 University shall take all actions necessary to facilitate the
8 operation of Stephen F. Austin State University, a member of The
9 University of Texas System, and the winding up of the affairs of
10 Stephen F. Austin State University. For that purpose, the board of
11 regents of Stephen F. Austin State University may transfer
12 management and control of Stephen F. Austin State University to the
13 board of regents of The University of Texas System.

14 (e) On the date Stephen F. Austin State University is
15 abolished as provided by this Act, the terms of office of members of
16 the board of regents of Stephen F. Austin State University expire.

17 SECTION 3. UNIVERSITY CREATED; TRANSITION PROVISIONS. (a)
18 Stephen F. Austin State University, a member of The University of
19 Texas System, is created within The University of Texas System. As
20 provided by Chapter 80, Education Code, as added by this Act, the
21 board of regents of the system shall establish the university as a
22 general academic teaching institution offering the degrees
23 authorized by that chapter.

24 (b) Stephen F. Austin State University, a member of The
25 University of Texas System, shall begin operating on a date the
26 board of regents determines appropriate to achieve the maximum
27 operating efficiency of the system. The designated date must be

1 entered into the minutes of the board.

2 (c) In recognition of the abolition of Stephen F. Austin
3 State University as authorized by this Act, the board of regents
4 shall facilitate the employment at Stephen F. Austin State
5 University, a member of The University of Texas System, of as many
6 faculty and staff of the abolished university as is prudent and
7 practical, subject to the following:

8 (1) a person who is tenured faculty of Stephen F.
9 Austin State University on the date of the university's abolition
10 is entitled to tenure at Stephen F. Austin State University, a
11 member of The University of Texas System; and

12 (2) a person who is in a tenure-track teaching
13 position at Stephen F. Austin State University on the date of the
14 university's abolition is entitled to a tenure-track position at
15 Stephen F. Austin State University, a member of The University of
16 Texas System, and must be considered for tenure on the same schedule
17 governing the position at Stephen F. Austin State University.

18 (d) A student admitted to or enrolled at Stephen F. Austin
19 State University on the date of abolition is entitled to admission
20 to Stephen F. Austin State University, a member of The University of
21 Texas System, and the board shall take actions necessary to
22 facilitate that admission and the appropriate transfer of credits.

23 (e) On the date Stephen F. Austin State University is
24 abolished as provided by this Act, all money, property, and
25 facilities under the management and control of the board of regents
26 of Stephen F. Austin State University are transferred to the
27 management and control of the board of regents of The University of

1 Texas System.

2 (f) On the date Stephen F. Austin State University is
3 abolished as provided by this Act, the board of regents of The
4 University of Texas System is substituted in contracts and other
5 obligations for the board of regents of Stephen F. Austin State
6 University. Contracts and written obligations of every kind and
7 character entered into by the board of regents of Stephen F. Austin
8 State University or the Texas Public Finance Authority for and on
9 behalf of Stephen F. Austin State University, including bonds, are
10 considered ratified, confirmed, and validated by the board of
11 regents of The University of Texas System. In those contracts and
12 written obligations, the board of regents of The University of
13 Texas System is substituted for and stands and acts in the place of
14 the board of regents of Stephen F. Austin State University or the
15 Texas Public Finance Authority, as applicable, to the extent
16 permitted by law.

17 (g) For Stephen F. Austin State University, a member of The
18 University of Texas System, the board of regents of The University
19 of Texas System may impose and collect any fee authorized by prior
20 law for Stephen F. Austin State University, as that law existed at
21 the time the university was abolished, as determined by the board
22 and subject to the limitations provided by the prior law
23 authorizing the fee. The abolition of Stephen F. Austin State
24 University does not affect any pledge of revenue from a fee made by
25 or on behalf of the university to pay obligations issued in
26 connection with facilities for which the fee was imposed and the
27 obligations were issued.

1 (h) A person who, as an eligible employee of Stephen F.
2 Austin State University with 10 years of service credit, would have
3 been eligible to participate in a group benefits insurance program
4 under Chapter 1551, Insurance Code, retains that eligibility as an
5 employee of Stephen F. Austin State University, a member of The
6 University of Texas System, and retains credit for that purpose for
7 service in a benefits-eligible position at Stephen F. Austin State
8 University and at Stephen F. Austin State University, a member of
9 The University of Texas System.

10 (i) For Stephen F. Austin State University, a member of The
11 University of Texas System, the board of regents of The University
12 of Texas System shall seek the inclusion of the university
13 initially in the same athletic conferences, and participation in
14 the same National Collegiate Athletic Association division, as
15 Stephen F. Austin State University immediately before its
16 abolition.

17 SECTION 4. AMENDMENT. Section 59.06, Education Code, is
18 amended to read as follows:

19 Sec. 59.06. LIMITATION ON APPROPRIATED FUNDS. Funds
20 appropriated by the legislature to The University of Texas System,
21 The Texas A&M University System, the Texas Tech University System,
22 the Texas State University System, the University of Houston
23 System, [~~Stephen F. Austin State University,~~] or the University of
24 North Texas System from the General Revenue Fund may not be used to
25 establish or maintain the fund, to purchase insurance, or to employ
26 private legal counsel.

27 SECTION 5. AMENDMENT. Section 62.021(a), Education Code,

1 is amended to read as follows:

2 (a) In each state fiscal year beginning with the state
3 fiscal year ending August 31, 2021, an eligible institution is
4 entitled to receive an amount allocated in accordance with this
5 section from the funds appropriated for that year by Section 17(a),
6 Article VII, Texas Constitution. The comptroller shall distribute
7 funds allocated under this subsection only on presentation of a
8 claim and issuance of a warrant in accordance with Section 403.071,
9 Government Code. An eligible institution may not present a claim to
10 be paid from any funds allocated under this subsection before the
11 delivery of goods or services described in Section 17, Article VII,
12 Texas Constitution, except for the payment of principal or interest
13 on bonds or notes or for a payment for a book or other published
14 library material as authorized by Section 2155.386, Government
15 Code. The allocation of funds under this subsection is made in
16 accordance with an equitable formula consisting of the following
17 elements: space deficit, facilities condition, institutional
18 complexity, and a separate allocation for the Texas State Technical
19 College System. The annual amounts allocated by the formula are as
20 follows:

21 (1) to the following component institutions of the
22 University of North Texas System:

23 (A) \$37,346,563 to the University of North Texas;

24 (B) \$15,125,502 to the University of North Texas
25 Health Science Center at Fort Worth; and

26 (C) \$3,354,441 to the University of North Texas
27 at Dallas;

1 (2) [~~\$11,277,793~~ to ~~Stephen F. Austin State~~
2 ~~University,~~

3 [~~(3)~~] to the following component institutions of the
4 Texas State University System:

- 5 (A) \$13,141,181 to Lamar University;
6 (B) \$2,553,130 to the Lamar Institute of
7 Technology;
8 (C) \$1,488,396 to Lamar State College--Orange;
9 (D) \$2,217,102 to Lamar State College--Port
10 Arthur;
11 (E) \$18,236,811 to Sam Houston State University;
12 (F) \$37,606,478 to Texas State University;
13 (G) \$2,151,723 to Sul Ross State University; and
14 (H) \$472,890 to Sul Ross State University-Rio
15 Grande College;

16 (3) [~~(4)~~] \$11,719,335 to Texas Southern University;

17 (4) [~~(5)~~] to the following component institutions of
18 the Texas Tech University System:

- 19 (A) \$49,874,746 to Texas Tech University;
20 (B) \$21,652,392 to Texas Tech University Health
21 Sciences Center;
22 (C) \$6,792,999 to Angelo State University;
23 (D) \$5,557,572 to Texas Tech University Health
24 Sciences Center--El Paso; and

25 (E) \$4,933,200 to Midwestern State University;

26 (5) [~~(6)~~] \$14,554,133 to the component institutions
27 of the Texas Woman's University System, allocated as determined by

1 the board of regents of the system;

2 (6) [~~(7)~~] to the following component institutions of
3 the University of Houston System:

4 (A) \$54,514,004 to the University of Houston;

5 (B) \$3,542,817 to the University of
6 Houston--Victoria;

7 (C) \$7,726,043 to the University of
8 Houston--Clear Lake; and

9 (D) \$10,828,344 to the University of
10 Houston--Downtown;

11 (7) [~~(8)~~] to the following component institutions of
12 The Texas A&M University System:

13 (A) \$11,478,824 to Texas A&M University--Corpus
14 Christi;

15 (B) \$7,462,394 to Texas A&M International
16 University;

17 (C) \$8,858,060 to Texas A&M
18 University--Kingsville;

19 (D) \$7,446,495 to West Texas A&M University;

20 (E) \$11,123,859 to Texas A&M
21 University--Commerce; and

22 (F) \$2,050,273 to Texas A&M
23 University--Texarkana; and

24 (8) [~~(9)~~] \$8,662,500 to the Texas State Technical
25 College System Administration and the following component
26 campuses, but not its extension centers or programs:

27 (A) Texas State Technical College--Harlingen;

- 1 (B) Texas State Technical College--Marshall;
- 2 (C) Texas State Technical College--West Texas;
- 3 (D) Texas State Technical College--Waco;
- 4 (E) Texas State Technical College--Fort Bend;
- 5 and
- 6 (F) Texas State Technical College--North Texas.

7 SECTION 6. AMENDMENT. Section 65.02(a), Education Code, is
8 amended to read as follows:

9 (a) The University of Texas System is composed of the
10 following institutions and entities:

- 11 (1) The University of Texas at Arlington, including:
 - 12 (A) The University of Texas Institute of Urban
 - 13 Studies at Arlington; and
 - 14 (B) The University of Texas School of Nursing at
 - 15 Arlington;
- 16 (2) The University of Texas at Austin, including:
 - 17 (A) The University of Texas Marine Science
 - 18 Institute;
 - 19 (B) The University of Texas McDonald Observatory
 - 20 at Mount Locke; and
 - 21 (C) The University of Texas School of Nursing at
 - 22 Austin;
- 23 (3) The University of Texas at Dallas;
- 24 (4) The University of Texas at El Paso, including The
- 25 University of Texas School of Nursing at El Paso;
- 26 (5) The University of Texas of the Permian Basin;
- 27 (6) The University of Texas at San Antonio, including

1 the University of Texas Institute of Texan Cultures at San Antonio;

2 (7) The University of Texas Southwestern Medical
3 Center, including:

4 (A) The University of Texas Southwestern Medical
5 School at Dallas;

6 (B) The University of Texas Southwestern
7 Graduate School of Biomedical Sciences at Dallas; and

8 (C) The University of Texas Southwestern Allied
9 Health Sciences School at Dallas;

10 (8) The University of Texas Medical Branch at
11 Galveston, including:

12 (A) The University of Texas Medical School at
13 Galveston;

14 (B) The University of Texas Graduate School of
15 Biomedical Sciences at Galveston;

16 (C) The University of Texas School of Allied
17 Health Sciences at Galveston;

18 (D) The University of Texas Marine Biomedical
19 Institute at Galveston;

20 (E) The University of Texas Hospitals at
21 Galveston; and

22 (F) The University of Texas School of Nursing at
23 Galveston;

24 (9) The University of Texas Health Science Center at
25 Houston, including:

26 (A) The University of Texas Medical School at
27 Houston;

1 (B) The University of Texas Dental Branch at
2 Houston;

3 (C) The University of Texas Graduate School of
4 Biomedical Sciences at Houston;

5 (D) The University of Texas School of Health
6 Information Sciences at Houston;

7 (E) The University of Texas School of Public
8 Health at Houston;

9 (F) The University of Texas Speech and Hearing
10 Institute at Houston; and

11 (G) The University of Texas School of Nursing at
12 Houston;

13 (10) The University of Texas Health Science Center at
14 San Antonio, including:

15 (A) The University of Texas Medical School at San
16 Antonio;

17 (B) The University of Texas Dental School at San
18 Antonio;

19 (C) The University of Texas Graduate School of
20 Biomedical Sciences at San Antonio;

21 (D) The University of Texas School of Allied
22 Health Sciences at San Antonio; and

23 (E) The University of Texas School of Nursing at
24 San Antonio;

25 (11) The University of Texas M. D. Anderson Cancer
26 Center, including:

27 (A) The University of Texas M. D. Anderson

1 Hospital;

2 (B) The University of Texas M. D. Anderson Tumor
3 Institute; and

4 (C) The University of Texas M. D. Anderson
5 Science Park; ~~and~~

6 (12) The University of Texas Health Science
7 Center--South Texas, including The University of Texas Medical
8 School--South Texas, if established under Subchapter N, Chapter 74;
9 and

10 (13) Stephen F. Austin State University, a member of
11 The University of Texas System.

12 SECTION 7. EFFECTIVE DATE. This Act takes effect
13 immediately if it receives a vote of two-thirds of all the members
14 elected to each house, as provided by Section 39, Article III, Texas
15 Constitution. If this Act does not receive the vote necessary for
16 immediate effect, this Act has no effect.