

BILL ANALYSIS

C.S.H.B. 3564
By: Darby
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Angelo State University is a component institution of the Texas State University System (TSUS) and is under the management and control of the board of regents of TSUS.

CSHB 3564 transfers the management and control of Angelo State University to the board of regents of the Texas Tech University System (TTUS).

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Tech University System Board of Regents in SECTION 1 and SECTION 3 of this bill.

ANALYSIS

SECTION 1: Subtitle F, Title 3 of the Education Code is amended by adding Chapter 109A relating to Angelo State University. Angelo State University is a general academic teaching institution located in the city of San Angelo. The university is a component institution of the Texas Tech University System and is under the management and control of the board of regents (board) of the Texas Tech University System. The board has the same powers and duties concerning Angelo State University as are conferred on the board by statute concerning Texas Tech University and Texas Tech University Health Sciences Center.

The board, with the approval of the Texas Higher Education Coordinating Board, may prescribe courses at the university leading to customary degrees as are offered at leading American educational institutions and may award those degrees, including baccalaureate, master's and doctoral degrees and their equivalents.

Provides that a new department, school or degree program may not be instituted at the university without the prior approval of the Texas Higher Education Coordinating Board. The board of regents shall adopt rules for the operation, control, and management of the university as may be necessary for the conduct of the university as one of the first class. The board may enter into an affiliation or coordination agreement with any other entity or institution in this state to further the purposes of the university. The board may make joint faculty appointments in Angelo State University and in other institutions under its governance. The board may also make a joint faculty appointment in Angelo State University concurrently with the appointment of the faculty member by another institution of higher education in accordance with an affiliation agreement described. The salary of a person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

The university is subject to the obligations and entitled to the benefits of all laws of this state applicable to all other state institutions of higher education, except that this subchapter prevails to the extent of any conflict between this subchapter and any other law of this state. The university may not require a student to participate in military training as a condition for admission to or graduation from the university.

SECTION 2: Transfers governance, control, management, and property of Angelo State University from the Texas State University System to the Texas Tech University System.

SECTION 3: Provides for the powers and duties, rules and policies granted to the board regarding the transfer provided by this Act.

SECTION 4: Provides for funding obligations, including bonds, contracts, other written obligations and current funding upon the transfer to the Texas Tech University System.

SECTION 5: The transfer of the governance of Angelo State University does not affect the status of any student or employee of the university.

SECTION 6: All funds that, on the effective date of the transfer, have been appropriated or dedicated to or are held for the use and benefit of Angelo State University are transferred from the Texas State University System to the Texas Tech University System.

SECTION 7: Provides that the transfer shall be made without disrupting the students, faculty, staff or programs of the university. It provides legislative intent for the role of the Texas Higher Education Coordinating Board if there is a disagreement between the boards of regents during the transfer.

SECTION 8: This section eliminates language and makes conforming changes to Angelo State University in reference to capital projects, removing funds allotted to the Texas State University System for Angelo State University.

SECTION 9: Eliminates language and makes conforming changes to the bond issuing authority of the Texas Tech University System board of regents bond issuing authority.

SECTION 10: Adds additional language relating to bond issuing authority. Gives the Texas Tech University System the same authorization to issue bonds for Angelo State University as were issued to the Texas State University System. The bonds used by the Texas Tech University System may be used only at Angelo State University for the purposes for which the bonds for Angelo State University were authorized to the Texas State University System.

The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch or entity of the Texas Tech University System, including student tuition charges. The amount of a pledge may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding. If sufficient funds are not available to the board to meet its obligations, the board may transfer funds among institutions, branches, and entities of the Texas Tech University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes. Any portion of the proceeds of bonds authorized by this section for one or more specified projects that is not required for the specified projects may be used to renovate existing structures and facilities at the university.

SECTION 11: Directs \$3,585,802 allocated for Angelo State University through a funding formula mechanism from the Texas State University System to the Texas Tech University System and makes conforming changes.

SECTION 12: Changes heading of Section 501.022 of the Labor Code to "Employees of Component Institutions of Texas Tech University System." Makes conforming changes and provides that Angelo State University is a state agency and shall act in the capacity of employer.

SECTION 13: Repeals Subchapter B, Chapter 96 of the Education Code.

SECTION 14: Effective date.

EFFECTIVE DATE

This Act takes effect January 1, 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 3564 clarifies affiliation agreements and joint faculty appointments between Angelo State University and other institutions of higher education by changing subsection (d) and adding subsection (e) of Section 109A.002, Subtitle F, Title 3, Education Code. Section 109A.002 (d) allows for the board to enter into an affiliation or coordination agreement with any other entity or institution in the state to further the purposes of the university. CSHB 3564 adds Section 109A.002 (e) to provide that the board to appoint joint faculty positions within the system and with other institutions of higher education. It also addresses apportionment of joint appointed faculty salary. CSHB 3564 changes the effective date to January 1, 2008.