

1-1 By: Oliveira (Senate Sponsor - Lucio) H.B. No. 3689
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 9, 2011, read first time and referred to Committee on Higher
1-4 Education; May 19, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 19, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3689 By: Birdwell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to The University of Texas at Brownsville, including its
1-11 partnership agreement with the Texas Southmost College District.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (c), Section 78.02, Education Code,
1-14 is amended to read as follows:

1-15 (c) The university may enter into any [a partnership]
1-16 agreement with the Texas Southmost [Union Junior] College District
1-17 to facilitate higher education advancement and opportunity in the
1-18 district's service area and the transition of students from Texas
1-19 Southmost College to [in the manner authorized by Subchapter N,
1-20 Chapter 51, to offer a lower-division, occupational, or technical
1-21 course that is not offered at] the university. An agreement may
1-22 cover any matter related to those purposes, including the
1-23 facilitation of the transfer of course credit and the alignment of
1-24 courses between the university and the college.

1-25 SECTION 2. Section 78.03, Education Code, is amended by
1-26 amending Subsection (a) and adding Subsection (a-1) to read as
1-27 follows:

1-28 (a) The board may prescribe courses leading to customary
1-29 degrees offered at leading American universities and may award
1-30 those degrees, including bachelor's, master's, and doctoral degrees
1-31 and their equivalents [authorize the university to offer any
1-32 upper-level or graduate course which is authorized by the Texas
1-33 Higher Education Coordinating Board].

1-34 (a-1) A department, school, or degree program may not be
1-35 instituted without the prior approval of the Texas Higher Education
1-36 Coordinating Board.

1-37 SECTION 3. Section 78.04, Education Code, is amended to
1-38 read as follows:

1-39 Sec. 78.04. FACILITIES. (a) The board shall make
1-40 provisions for adequate physical facilities for use by the
1-41 university. Subject to the agreement of the parties as provided by
1-42 Subsection (b), the facilities may include facilities[7] on land
1-43 committed by the board of trustees of the Texas Southmost [Union
1-44 Junior] College District on the district's Texas Southmost College
1-45 campus. The provision of facilities is[7] subject to the normal
1-46 requirements of the board and the Texas Higher Education
1-47 Coordinating Board.

1-48 (b) The board and the board of trustees of the Texas
1-49 Southmost College District may contract with each other for the use
1-50 of facilities. The terms of the contract shall be negotiated
1-51 between the parties and must provide for reasonable compensation
1-52 for the use of facilities.

1-53 SECTION 4. Subsections (b) and (d), Section 78.02, and
1-54 Sections 78.07 and 78.08, Education Code, are repealed.

1-55 SECTION 5. (a) The University of Texas at Brownsville and
1-56 the Texas Southmost College District, formerly referred to as the
1-57 Southmost Union Junior College District, are free-standing,
1-58 independent institutions that have operated in close association
1-59 under a partnership agreement authorized by Section 78.02,
1-60 Education Code. It is the intent of this Act to facilitate the
1-61 independent operation of the university and the college district in
1-62 the absence of such a partnership, but this Act does not affect the
1-63 authority of the university and the college district to continue in

2-1 partnership or to establish a new partnership at a future date.

2-2 (b) The University of Texas at Brownsville and the Texas
2-3 Southmost College District shall cooperate to ensure that each
2-4 institution timely achieves separate accreditation from a
2-5 recognized accrediting agency before the termination of the
2-6 existing partnership agreement and shall continue a partnership
2-7 agreement in effect until August 31, 2015, to the extent necessary
2-8 to ensure accreditation.

2-9 (c) The University of Texas at Brownsville and the Texas
2-10 Southmost College District may extend or renew the existing
2-11 partnership agreement, agree to its earlier termination, or execute
2-12 a new agreement as necessary to ensure accreditation.

2-13 (d) The University of Texas at Brownsville and the Texas
2-14 Southmost College District shall submit to the legislature a
2-15 semiannual report on the status of the partnership until each
2-16 institution achieves separate accreditation and the existing
2-17 partnership agreement is terminated.

2-18 SECTION 6. This Act takes effect immediately if it receives
2-19 a vote of two-thirds of all the members elected to each house, as
2-20 provided by Section 39, Article III, Texas Constitution. If this
2-21 Act does not receive the vote necessary for immediate effect, this
2-22 Act takes effect September 1, 2011.

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