

BILL ANALYSIS

Senate Research Center

S.B. 120
By: Rodríguez et al.
Higher Education
7/16/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

El Paso is the sixth most populous city in Texas, with a population of nearly 700,000. The city and surrounding region have been designated as medically underserved areas, and the region suffers from a significant shortage of health care professionals.

On March 2, 2012, the Texas Tech University System Board of Regents voted to initiate the process of establishing a freestanding health sciences university with degree-granting authority in El Paso. The new university will join Texas Tech University, Texas Tech University Health Sciences Center (TTUHSC), and Angelo State University under the Texas Tech University System as a fourth, separate but equal, institution.

As an independent health sciences university, TTUHSC-El Paso would be able to focus its efforts to reduce the shortage of health care professionals in the region, continue its research on diseases that affect Latino and border populations, and provide quality health care in a medically underserved region. In addition, the creation of a stand-alone health sciences university will help grow the Medical Center of the Americas and spur economic development in the region.

S.B. 120 establishes the TTUHSC-El Paso as an independent component institution of the Texas Tech University System.

S.B. 120 amends current law relating to the creation of the Texas Tech University Health Sciences Center at El Paso as a component institution of the Texas Tech University System.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of regents of the Texas Tech University System in SECTION 4 (Section 110.33, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 4 (Section 110.37, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 110, Education Code, to read as follows:

CHAPTER 110. TEXAS TECH UNIVERSITY HEALTH SCIENCES INSTITUTIONS

SECTION 2. Designates Sections 110.01 through 110.14, Education Code, and Section 110.16, Education Code, as Subchapter A, Chapter 110, Education Code, and adds a heading to that subchapter to read as follows:

SUBCHAPTER A. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

SECTION 3. Amends the heading to Section 110.01, Education Code, to read as follows:

Sec. 110.01. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER;
SEPARATE INSTITUTION.

SECTION 4. Amends Chapter 110, Education Code, by adding Subchapter B, as follows:

SUBCHAPTER B. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT
EL PASO

Sec. 110.30. DEFINITIONS. Defines "board of regents" and "coordinating board" in this subchapter.

Sec. 110.31. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT EL PASO; SEPARATE INSTITUTION. (a) Provides that the Texas Tech University Health Sciences Center at El Paso (TTUHSC-El Paso) is a component institution of the Texas Tech University System under the direction, management, and control of the board of regents of the Texas Tech University System (board of regents).

(b) Provides that TTUHSC-El Paso is not a department, school, or branch of any other institution in the system. Provides that TTUHSC-El Paso is composed of a medical school and other components assigned by law or by the board of regents.

Sec. 110.32. CONCURRENT POWERS. Provides that the board of regents has the same powers of direction, management, and control over TTUHSC-El Paso as the board of regents exercises over the other component institutions of the Texas Tech University System.

Sec. 110.33. COURSES AND DEGREES; RULES. Authorizes the board of regents to prescribe courses leading to customary degrees and to adopt rules for the operation, control, and management of the TTUHSC-El Paso as necessary for conducting a health sciences center of the first class.

Sec. 110.34. AFFILIATION AGREEMENTS WITH OTHER ENTITIES. (a) Authorizes the board of regents to execute and carry out an affiliation or coordinating agreement with any other entity or institution.

(b) Authorizes the board of regents to make joint appointments in TTUHSC-El Paso and any other component institution of the Texas Tech University System. Requires that the salary of a person who receives a joint appointment be apportioned between the appointing institutions on the basis of services rendered.

Sec. 110.35. FACILITIES. Requires the board of regents to provide for physical facilities for TTUHSC-El Paso for use in its teaching and research programs.

Sec. 110.36. TEACHING HOSPITAL. Authorizes a teaching hospital considered suitable by the board of regents for TTUHSC-El Paso to be provided by a public or private entity. Prohibits the hospital from being constructed, maintained, or operated with state funds.

Sec. 110.37. COORDINATING BOARD SUPERVISION. Provides that TTUHSC-El Paso is subject to the continuing supervision of the Texas Higher Education Coordinating Board (THECB) under Chapter 61 (Texas Higher Education Coordinating Board) and to the rules of THECB adopted under that chapter.

Sec. 110.38. GIFTS AND GRANTS. Authorizes the board of regents to solicit, accept, and administer gifts and grants from any public or private person or entity for the use and benefit of TTUHSC-El Paso.

Sec. 110.39. PARTICIPATION IN CERTAIN CONSTITUTIONAL FUNDS. Entitles the institution created under this subchapter, in accordance with Section 17(c) (relating to the creation of institutions of higher education), Article VII (Education), Texas Constitution, if the Act enacting this section receives a vote of two-thirds of all the members elected to each house of the legislature, to participate in the funding provided by Section 17 (Colleges and Universities; Appropriations and Funding), Article VII,

Texas Constitution, beginning with the annual appropriation for the state fiscal year beginning September 1, 2015, and requires that TTUHSC-El Paso be included in the allocation made for each 10-year allocation period under Section 17(d) (relating to providing for the allocation of annual appropriations by equitable formula), Article VII, Texas Constitution, beginning with the allocation made in 2015.

SECTION 5. Transfers Section 110.15, Education Code, to Subchapter B, Chapter 110, Education Code, as added by this Act, redesignates it as Section 110.40, Education Code, and amends it as follows:

Sec. 110.40. TEXAS TECH DIABETES RESEARCH CENTER. Redesignates existing Section 110.15 as Section 110.40. (a)-(c) Makes no change to these subsections.

(d) Requires the board of regents to approve the employment of personnel by and the operating budget of the Texas Tech Diabetes Research Center (center). Provides that an employee of the center is an employee of TTUHSC-El Paso, rather than the Texas Tech University System.

(e) Requires the board of regents to select a site for the center at TTUHSC-El Paso, rather than at the regional academic health center of the Texas Tech University Health Sciences Center located in El Paso.

(f)-(h) Makes no change to these subsections.

SECTION 6. Amends Section 51.821 (4), Education Code, to make nonsubstantive changes.

SECTION 7. Amends Section 58.001(a), Education Code, to change references to the Texas Tech University Health Sciences Center to the Texas Tech University System.

SECTION 8. Amends Sections 59.01(1) and (3), Education Code, to make conforming and nonsubstantive changes.

SECTION 9. Amends Sections 59.02(a) and (c), Education Code, to make conforming changes.

SECTION 10. Amends Section 59.06, Education Code, to prohibit funds appropriated by the legislature to either system, to the Texas Tech University Health Sciences Center, to TTUHSC-El Paso, or to the University of North Texas Health Science Center at Fort Worth from the General Revenue Fund from being used to establish or maintain the fund, to purchase insurance, or to employ private legal counsel.

SECTION 11. Amends Section 61.003 (5), Education Code, to redefine "medical and dental unit" in this section.

SECTION 12. Amends Section 61.501 (1), Education Code, to redefine "medical school" in this section.

SECTION 13. Amends Section 62.021, Education Code, by adding Subsection (e-1), as follows:

(e-1) Provides that whereas TTUHSC-El Paso was created as a separate institution of higher education by an Act of the 83rd Legislature, Regular Session, 2013, which was approved by a vote of more than two-thirds of the membership of each house of the legislature, TTUHSC-El Paso is entitled to participate in the funding provided by Section 17, Article VII, Texas Constitution, beginning with the annual appropriation for the state fiscal year beginning September 1, 2015, and TTUHSC-El Paso is required to be included in the allocation made for each 10-year allocation period under Section 17(d), Article VII, Texas Constitution, beginning with the allocation made in 2015.

SECTION 14. Amends Section 63.002(c), Education Code, to add TTUHSC-El Paso to the health-related institutions of higher education that qualify for the fund of which the amount

available for distribution to be appropriated only for programs that benefit medical research, health education, or treatment programs. Makes nonsubstantive changes.

SECTION 15. Requires the board of regents, as soon as practicable following the effective date of this Act consistent with available resources, any required approval by THECB, and the goal of minimizing unnecessary disruption of existing programs, students, faculty, and staff in El Paso, to establish TTUHSC-El Paso in accordance with this Act and assign existing programs and facilities of the system located in El Paso County to the center to the extent those programs and facilities support the mission and purposes of the center.

SECTION 16. (a) Effective date, except as provided by Subsection (b): upon passage or September 1, 2013.

(b) Makes Section 13 of this Act contingent upon this Act receiving a vote of two-thirds of all the members elected to each house.