

## **BILL ANALYSIS**

Senate Research Center  
83R7141 KSD-D

C.S.S.B. 120  
By: Rodríguez; Duncan  
Higher Education  
3/6/2013  
Committee Report (Substituted)

### **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 at El Paso (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.

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

C.S.S.B. 120 amends current law relating to the creation of TTUHSC-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 (Chapter 61, 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 the 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 the TTUHSC-El Paso and any other component institution of the Texas Tech University System. Requires the salary of a person who receives a joint appointment to 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 HOSPITALS. Authorizes the board of regents to establish one or more teaching hospitals for the TTUHSC-El Paso and to enter into agreements with existing hospitals as the board of regents considers appropriate for that purpose.

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 changes 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 changes 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 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) Provides that if this Act does not receive a vote of two-thirds of all the members elected to each house, Section 13 of this Act does not take effect.