

1-1 By: Raney (Senate Sponsor - Seliger) H.B. No. 2432
1-2 (In the Senate - Received from the House May 10, 2017;
1-3 May 10, 2017, read first time and referred to Committee on Higher
1-4 Education; May 15, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 15, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2432 By: Seliger

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain academic programs and projects undertaken by
1-20 public institutions of higher education at a location other than
1-21 the institution's main campus.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 61.0512(a), Education Code, is amended
1-24 to read as follows:

1-25 (a) A new degree or certificate program may be added at an
1-26 institution of higher education only with specific prior approval
1-27 of the board. A degree or certificate program offered at an
1-28 off-campus academic or research site is considered a new degree or
1-29 certificate program if not previously offered at the off-campus
1-30 academic or research site. A new degree or certificate program is
1-31 considered approved if the board has not completed a review under
1-32 this section and acted to approve or disapprove the proposed
1-33 program before the first anniversary of the date on which an
1-34 institution of higher education submits a completed application for
1-35 approval to the board. The board may not summarily disapprove a
1-36 program without completing the review required by this section.
1-37 The board shall specify by rule the elements that constitute a
1-38 completed application and shall make an administrative
1-39 determination of the completeness of the application not later than
1-40 the fifth business day after receiving the application. A request
1-41 for additional information in support of an application that has
1-42 been determined administratively complete does not toll the period
1-43 within which the application is considered approved under this
1-44 section.

1-45 SECTION 2. Section 61.0572(d), Education Code, is amended
1-46 to read as follows:

1-47 (d) The board may review purchases of improved real property
1-48 added to an institution's educational and general buildings and
1-49 facilities inventory to determine whether the property meets the
1-50 standards adopted by the board for cost, efficiency, space need,
1-51 and space use, but subject to Section 61.0584 the purchase of the
1-52 improved real property is not contingent on board review or
1-53 approval. Standards must be adopted by the board using the
1-54 negotiated rulemaking procedures under Chapter 2008, Government
1-55 Code. If the property does not meet those standards, the board
1-56 shall notify the governor, the lieutenant governor, the speaker of
1-57 the house of representatives, the governing board of the applicable
1-58 institution, and the Legislative Budget Board. This subsection
1-59 does not impair the board's authority to collect data relating to
1-60 the improved real property that is added each year to the

2-1 educational and general buildings and facilities inventory of
2-2 institutions of higher education.

2-3 SECTION 3. Section 61.058(b), Education Code, is amended to
2-4 read as follows:

2-5 (b) The board may review all construction, repair, or
2-6 rehabilitation of buildings and facilities at institutions of
2-7 higher education to determine whether the construction,
2-8 rehabilitation, or repair meets the standards adopted by board rule
2-9 for cost, efficiency, space need, and space use, but subject to
2-10 Section 61.0584 the construction, rehabilitation, or repair is not
2-11 contingent on board review or approval. Standards must be adopted
2-12 by the board using the negotiated rulemaking procedures under
2-13 Chapter 2008, Government Code. If the construction,
2-14 rehabilitation, or repair does not meet those standards, the board
2-15 shall notify the governor, the lieutenant governor, the speaker of
2-16 the house of representatives, the governing boards of the
2-17 applicable institutions, and the Legislative Budget Board. This
2-18 subsection does not impair the board's authority to collect data
2-19 relating to the construction, repair, or rehabilitation of
2-20 buildings and facilities occurring each year at institutions of
2-21 higher education.

2-22 SECTION 4. Subchapter C, Chapter 61, Education Code, is
2-23 amended by adding Section 61.0584 to read as follows:

2-24 Sec. 61.0584. OFF-CAMPUS ACADEMIC OR RESEARCH SITE.

2-25 (a) This section does not apply to buildings and facilities that
2-26 are located on an off-campus academic or research site, that are to
2-27 be used exclusively for auxiliary enterprises, and that will not
2-28 require appropriations from the legislature for operation,
2-29 maintenance, or repair.

2-30 (b) Based on criteria established under Subsection (d), the
2-31 board shall review and shall approve or disapprove an action taken
2-32 by the governing board of an institution of higher education or
2-33 university system, through purchase, lease, or otherwise, to:

2-34 (1) acquire improved or unimproved real property for
2-35 use at a new or existing off-campus academic or research site; or

2-36 (2) acquire or construct a building or facility for
2-37 use at a site described by Subdivision (1).

2-38 (c) The board, using the negotiated rulemaking procedures
2-39 under Chapter 2008, Government Code, shall develop a procedure for
2-40 each institution of higher education or university system to use to
2-41 identify, for purposes of the board review required by this
2-42 section, the scope and character of projects that are proposed for:

2-43 (1) an off-campus academic or research site, including
2-44 projects relating to:

2-45 (A) a multi-institution teaching center (MITC);

2-46 (B) a medical school;

2-47 (C) a branch campus;

2-48 (D) a satellite campus; and

2-49 (E) a health science center; and

2-50 (2) any other location that is separate from the main
2-51 campus of an institution and that is to be used for academic or
2-52 research purposes.

2-53 (d) Using the negotiated rulemaking procedures under
2-54 Chapter 2008, Government Code, the board shall establish criteria
2-55 for reviewing and for approving or disapproving an action taken by
2-56 the governing board of an institution of higher education or
2-57 university system as described by Subsection (b). Criteria adopted
2-58 under this subsection must prioritize the academic and research
2-59 needs of institutions of higher education while preventing
2-60 unnecessary duplication in program offerings, faculties, and
2-61 physical plants.

2-62 (e) Information related to the board's findings and
2-63 determinations under this section is not subject to the required
2-64 disclosure under Chapter 552, Government Code.

2-65 (f) The board may conduct a closed meeting pursuant to
2-66 Section 551.072, Government Code, to deliberate the approval or
2-67 disapproval of any action subject to that section and taken by the
2-68 governing board of an institution of higher education or university
2-69 system as described by Subsection (b). As necessary and

3-1 appropriate, the board may hold its closed meeting as an emergency
3-2 meeting under Section 551.045, Government Code.

3-3 (g) The board shall report its findings and determinations
3-4 under this section to the governor, the lieutenant governor, the
3-5 speaker of the house of representatives, the Legislative Budget
3-6 Board, and the governing boards of the applicable institutions of
3-7 higher education or university systems.

3-8 SECTION 5. Chapter 87, Education Code, is amended by adding
3-9 Subchapter M to read as follows:

3-10 SUBCHAPTER M. UNIVERSITY SYSTEM CENTERS

3-11 Sec. 87.881. UNIVERSITY SYSTEM CENTER IN BRAZOS COUNTY.

3-12 (a) The board of regents of The Texas A&M University System may
3-13 establish and operate a university system center in Brazos County.

3-14 (b) The programs offered at the university system center
3-15 shall be authorized in accordance with the rules of the Texas Higher
3-16 Education Coordinating Board.

3-17 (c) The board of regents of The Texas A&M University System
3-18 has the sole authority to name the university system center
3-19 authorized by this section.

3-20 SECTION 6. The changes in law made by this Act to Subchapter
3-21 C, Chapter 61, Education Code, apply only to a proposal for
3-22 acquisition or construction made on or after the effective date of
3-23 this Act. A proposal for acquisition or construction made before
3-24 the effective date of this Act is governed by the law in effect on
3-25 the date the proposal was made, and the former law is continued in
3-26 effect for that purpose.

3-27 SECTION 7. This Act takes effect September 1, 2017.

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