

House Bill 2432
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (CS)

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

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

CONFERENCE

No equivalent provision.

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

(d) The board may review purchases of improved real property added to an institution's educational and general buildings and facilities inventory to determine whether the property meets the standards adopted by the board for cost, efficiency, space need, and space use, but subject to Section

House Bill 2432
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

61.0584 the purchase of the improved real property is not contingent on board review or approval. Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing board of the applicable institution, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the improved real property that is added each year to the educational and general buildings and facilities inventory of institutions of higher education.

No equivalent provision.

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

(b) The board may review all construction, repair, or rehabilitation of buildings and facilities at institutions of higher education to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, space need, and space use, but subject to Section 61.0584 the construction, rehabilitation, or repair is not contingent on board review or approval. Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing boards of the applicable institutions, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the construction, repair, or rehabilitation of buildings and

House Bill 2432
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

facilities occurring each year at institutions of higher education.

No equivalent provision.

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

Sec. 61.0584. OFF-CAMPUS ACADEMIC OR RESEARCH SITE. (a) This section does not apply to buildings and facilities that are located on an off-campus academic or research site, that are to be used exclusively for auxiliary enterprises, and that will not require appropriations from the legislature for operation, maintenance, or repair.

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

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

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

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

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

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

(B) a medical school;

(C) a branch campus;

House Bill 2432
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(D) a satellite campus; and
(E) a health science center; and
(2) any other location that is separate from the main campus of an institution and that is to be used for academic or research purposes.
(d) Using the negotiated rulemaking procedures under Chapter 2008, Government Code, the board shall establish criteria for reviewing and for approving or disapproving an action taken by the governing board of an institution of higher education or university system as described by Subsection (b). Criteria adopted under this subsection must prioritize the academic and research needs of institutions of higher education while preventing unnecessary duplication in program offerings, faculties, and physical plants.
(e) Information related to the board's findings and determinations under this section is not subject to the required disclosure under Chapter 552, Government Code.
(f) The board may conduct a closed meeting pursuant to Section 551.072, Government Code, to deliberate the approval or disapproval of any action subject to that section and taken by the governing board of an institution of higher education or university system as described by Subsection (b). As necessary and appropriate, the board may hold its closed meeting as an emergency meeting under Section 551.045, Government Code.
(g) The board shall report its findings and determinations under this section to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the governing boards of the applicable institutions of higher education or university systems.

House Bill 2432
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 87, Education Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. UNIVERSITY SYSTEM CENTERS

Sec. 87.881. UNIVERSITY SYSTEM CENTER IN BRAZOS COUNTY. (a) The board of regents of The Texas A&M University System may establish and operate a university system center in Brazos County.

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

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

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SENATE VERSION (CS)

SECTION 5. Same as House version.

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

SECTION 7. This Act takes effect September 1, 2017.

CONFERENCE