

By: Anchia

H.B. No. 4586

A BILL TO BE ENTITLED

AN ACT

relating to certain academic programs and projects undertaken by public institutions of higher education at an off-campus academic or research site or a similar location.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

1 been determined administratively complete does not toll the period
2 within which the application is considered approved under this
3 section.

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

6 (d) The board may review purchases of improved real property
7 added to an institution's educational and general buildings and
8 facilities inventory to determine whether the property meets the
9 standards adopted by the board for cost, efficiency, space need,
10 and space use, but subject to Section 61.0584 the purchase of the
11 improved real property is not contingent on board review or
12 approval. Standards must be adopted by the board using the
13 negotiated rulemaking procedures under Chapter 2008, Government
14 Code. If the property does not meet those standards, the board
15 shall notify the governor, the lieutenant governor, the speaker of
16 the house of representatives, the governing board of the applicable
17 institution, and the Legislative Budget Board. This subsection
18 does not impair the board's authority to collect data relating to
19 the improved real property that is added each year to the
20 educational and general buildings and facilities inventory of
21 institutions of higher education.

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

24 (b) The board may review all construction, repair, or
25 rehabilitation of buildings and facilities at institutions of
26 higher education to determine whether the construction,
27 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 facilities occurring each year at institutions of
higher education.

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

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

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

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

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

11 (B) a medical school;

12 (C) a branch campus;

13 (D) a satellite campus; and

14 (E) a health science center; and

15 (2) any other location that is separate from the main
16 campus of an institution and that is to be used for academic or
17 research purposes.

18 (d) Using the negotiated rulemaking procedures under
19 Chapter 2008, Government Code, the board shall establish criteria
20 for reviewing and for approving or disapproving an action taken by
21 the governing board of an institution of higher education or
22 university system as described by Subsection (b). Criteria adopted
23 under this subsection must prioritize the academic and research
24 needs of institutions of higher education while preventing
25 unnecessary duplication in program offerings, faculties, and
26 physical plants.

27 (e) Information related to the board's findings and

1 determinations under this section is not subject to the required
2 disclosure under Chapter 552, Government Code.

3 (f) The board may conduct a closed meeting pursuant to
4 Section 551.072, Government Code, to deliberate the approval or
5 disapproval of any action subject to that section and taken by the
6 governing board of an institution of higher education or university
7 system as described by Subsection (b). As necessary and
8 appropriate, the board may hold its closed meeting as an emergency
9 meeting under Section 551.045, Government Code.

10 (g) The board shall report its findings and determinations
11 under this section to the governor, the lieutenant governor, the
12 speaker of the house of representatives, the Legislative Budget
13 Board, and the governing boards of the applicable institutions of
14 higher education or university systems.

15 SECTION 5. The Texas Higher Education Coordinating Board
16 shall adopt the rules required by Section 61.0584, Education Code,
17 as added by this Act, as soon as practicable following the effective
18 date of this Act, but not later than August 1, 2020.

19 SECTION 6. The changes in law made by this Act apply only to
20 a proposal for acquisition or construction made on or after the
21 effective date of this Act. A proposal for acquisition or
22 construction made before the effective date of this Act is governed
23 by the law in effect on the date the proposal was made, and the
24 former law is continued in effect for that purpose.

25 SECTION 7. This Act takes effect September 1, 2019.