

1-1 By: Oliveira, et al. (Senate Sponsor - Hinojosa) H.B. No. 1000
1-2 (In the Senate - Received from the House March 20, 2013;
1-3 May 3, 2013, read first time and referred to Committee on Higher
1-4 Education; May 9, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 9, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1000 By: Duncan

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

1-19 relating to the creation of a new university in South Texas within
1-20 The University of Texas System.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. AMENDMENT TO EDUCATION CODE. Subtitle C, Title
1-23 3, Education Code, is amended by adding Chapter 79 to read as
1-24 follows:

1-25 CHAPTER 79. UNIVERSITY TO BE ESTABLISHED IN SOUTH TEXAS

1-26 Sec. 79.01. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the Board of Regents of The
1-28 University of Texas System.

1-29 (2) "University" means the university established
1-30 under this chapter.

1-31 Sec. 79.02. ESTABLISHMENT; SCOPE. (a) The university is a
1-32 general academic teaching institution under the governance,
1-33 management, and control of the Board of Regents of The University of
1-34 Texas System.

1-35 (b) As necessary to achieve the maximum operating
1-36 efficiency of the university, the board shall provide for the
1-37 organization, administration, location, and name of the university
1-38 and of the colleges, schools, and other institutions and entities
1-39 of the university, which must include:

1-40 (1) an academic campus and other academic operations
1-41 in Cameron County;

1-42 (2) an academic campus and other academic operations
1-43 in Hidalgo County;

1-44 (3) the medical school and other programs authorized
1-45 for The University of Texas Health Science Center--South Texas
1-46 under Subchapter N, Chapter 74, subject to the provisions of that
1-47 subchapter regarding the location of certain facilities and
1-48 programs of the health science center;

1-49 (4) the facilities and operations of the Lower Rio
1-50 Grande Valley Academic Health Center established under Subchapter
1-51 L, Chapter 74; and

1-52 (5) an academic center in Starr County.

1-53 (c) The board shall equitably allocate the primary
1-54 facilities and operations of the university among Cameron, Hidalgo,
1-55 and Starr Counties.

1-56 (d) The board shall ensure that the medical and research
1-57 programs of the medical school component of the university are
1-58 conducted across the region and have a substantial presence in
1-59 Hidalgo County and Cameron County. The board also shall ensure the
1-60 provision of interdisciplinary education across health professions

2-1 within the university.

2-2 (e) The authority of the board under this section to achieve
 2-3 the maximum operating efficiency of the university and to provide
 2-4 for the organization, administration, and location of colleges,
 2-5 schools, and other institutions and entities of the university
 2-6 prevails over other law, including Section 74.611.

2-7 (f) The board has all the powers and duties provided by
 2-8 prior law, as that law existed at the time the applicable university
 2-9 or other entity was abolished, in regard to:

2-10 (1) The University of Texas at Brownsville, The
 2-11 University of Texas--Pan American, and any other institution,
 2-12 college, school, or entity abolished under the Act authorizing
 2-13 creation of the university; and

2-14 (2) any facility, operation, or program that is
 2-15 transferred to the university under that Act.

2-16 (g) The board may impose and collect any fee authorized by
 2-17 prior law, as that law existed at the time the applicable university
 2-18 was abolished, for The University of Texas at Brownsville or The
 2-19 University of Texas--Pan American, as determined by the board and
 2-20 subject to the limitations provided by the prior law authorizing
 2-21 the fee. The abolition of The University of Texas at Brownsville
 2-22 and The University of Texas--Pan American does not affect any
 2-23 pledge of revenue from a fee made by or on behalf of either of those
 2-24 universities to pay obligations issued in connection with
 2-25 facilities for which the fee was imposed and the obligations were
 2-26 issued.

2-27 Sec. 79.03. COURSES AND DEGREES. (a) The board may
 2-28 prescribe courses leading to customary degrees offered at leading
 2-29 American universities and medical schools as applicable and may
 2-30 award those degrees, including:

2-31 (1) bachelor's, master's, and doctoral degrees and
 2-32 their equivalents; and

2-33 (2) medical school degrees and other health science
 2-34 degrees.

2-35 (b) The board shall award degrees in the name of the
 2-36 university.

2-37 (c) A department, school, or degree program may not be
 2-38 instituted without the prior approval of the Texas Higher Education
 2-39 Coordinating Board, except that the university may include any
 2-40 department or school or offer any degree program previously
 2-41 approved for The University of Texas--Pan American or The
 2-42 University of Texas at Brownsville or expressly authorized by this
 2-43 chapter or other law.

2-44 Sec. 79.04. UNIVERSITY OF THE FIRST CLASS. The board shall
 2-45 make any other rules and regulations for the operation, control,
 2-46 and management of the university as may be necessary for the conduct
 2-47 of the university as a university of the first class.

2-48 Sec. 79.05. FACILITIES. The board shall provide for
 2-49 adequate physical facilities for use by the university.

2-50 Sec. 79.06. GIFTS AND GRANTS. The board may solicit,
 2-51 accept, and administer, on terms and conditions acceptable to the
 2-52 board, gifts, grants, or donations of any kind and from any source
 2-53 for use by the university.

2-54 Sec. 79.07. JOINT APPOINTMENTS. The board may make joint
 2-55 faculty appointments to positions in the university and to
 2-56 positions in other institutions under the governance of the board.

2-57 Sec. 79.08. PARTICIPATION IN PERMANENT UNIVERSITY FUND.
 2-58 The legislature finds that the university is an institution of
 2-59 higher education "created at a later date" for purposes of Section
 2-60 18(c), Article VII, Texas Constitution. If the Act enacting this
 2-61 chapter receives a vote of two-thirds of the membership of each
 2-62 house of the legislature, when established the university is
 2-63 entitled to participate in the funding provided by Section 18,
 2-64 Article VII, Texas Constitution, to the same extent as similar
 2-65 component institutions of The University of Texas System.

2-66 Sec. 79.09. CENTER FOR BORDER ECONOMIC AND ENTERPRISE
 2-67 DEVELOPMENT. (a) The board shall establish a center for border
 2-68 economic and enterprise development at the university.

2-69 (b) The center established under this section may:

3-1 (1) develop and manage an economic database concerning
3-2 the Texas-Mexico border;
3-3 (2) perform economic development planning and
3-4 research;
3-5 (3) provide technical assistance to industrial and
3-6 governmental entities; and
3-7 (4) in cooperation with other state agencies,
3-8 coordinate economic and enterprise development planning activities
3-9 of state agencies to ensure that the economic needs of the
3-10 Texas-Mexico border are integrated within a comprehensive state
3-11 economic development plan.

3-12 (c) The center may offer seminars and conduct conferences
3-13 and other educational programs concerning the Texas-Mexico border
3-14 economy and economic and enterprise development within this state.

3-15 (d) The board may solicit and accept gifts, grants, and
3-16 donations to aid in the establishment, maintenance, and operation
3-17 of the center.

3-18 (e) The center shall cooperate fully with similar programs
3-19 operated by Texas A&M International University, The University of
3-20 Texas at El Paso, and other institutions of higher education.

3-21 Sec. 79.10. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE.

3-22 (a) The board shall establish The Texas Academy of Mathematics and
3-23 Science at the university. The academy serves the following
3-24 purposes:

3-25 (1) to provide academically gifted and highly
3-26 motivated junior and senior high school students with a challenging
3-27 university-level curriculum that:

3-28 (A) allows students to complete high school
3-29 graduation requirements, including requirements adopted under
3-30 Section 28.025 for the advanced high school program, while
3-31 attending for academic credit a public institution of higher
3-32 education;

3-33 (B) fosters students' knowledge of real-world
3-34 mathematics and science issues and applications and teaches
3-35 students to apply critical thinking and problem-solving skills to
3-36 those issues;

3-37 (C) includes the study of English, foreign
3-38 languages, social studies, mathematics, science, and technology;
3-39 and

3-40 (D) offers students learning opportunities
3-41 related to mathematics and science through in-depth research and
3-42 field-based studies;

3-43 (2) to provide students with an awareness of
3-44 mathematics and science careers and professional development
3-45 opportunities through any appropriate means such as:

3-46 (A) seminars;

3-47 (B) workshops;

3-48 (C) collaboration with postsecondary and
3-49 university students, including opportunities for summer studies;
3-50 and

3-51 (D) internships in foreign countries; and

3-52 (3) to provide students with social development
3-53 activities that enrich the academic curriculum and student life,
3-54 including, as determined appropriate by the academy, University
3-55 Interscholastic League activities and other extracurricular
3-56 activities.

3-57 (b) The academy is a coeducational program for selected
3-58 Texas high school students with an interest in and the potential to
3-59 excel in mathematics and science studies. The academy shall admit
3-60 only high school juniors and seniors, except that the academy may
3-61 admit a student with exceptional abilities who is not yet a high
3-62 school junior. The board shall set aside adequate space at the new
3-63 university to operate the academy and implement the purposes of
3-64 this section. The academy must operate on the same fall and spring
3-65 semester basis as the university. Full-time students of the
3-66 academy must enroll for both the fall and spring semesters. Faculty
3-67 members of the university shall teach all academic classes at the
3-68 academy. A student of the academy may attend a college course
3-69 offered by the university and receive college credit for that

4-1 course.

4-2 (c) The university administration has the same powers and
 4-3 duties with respect to the academy that the administration has with
 4-4 respect to the university. The board, in consultation with
 4-5 university administration, shall:

4-6 (1) establish an internal management system for the
 4-7 academy and appoint an academy principal, who serves at the will of
 4-8 the board and reports to the vice president for academic affairs;

4-9 (2) provide for one or more academy counselors;

4-10 (3) establish for the academy a site-based
 4-11 decision-making process similar to the process required by
 4-12 Subchapter F, Chapter 11, that provides for the participation of
 4-13 academy faculty, parents of academy students, and other members of
 4-14 the community; and

4-15 (4) establish an admissions process for the academy.

4-16 (d) The student-teacher ratio in all regular academic
 4-17 classes at the academy may not exceed 30 students for each classroom
 4-18 teacher, except that the student-teacher ratio may exceed that
 4-19 limit:

4-20 (1) in a program provided for the purposes prescribed
 4-21 by Subsection (a)(2) or another special enrichment course or in a
 4-22 physical education course;

4-23 (2) if the board determines that a class with a higher
 4-24 student-teacher ratio would contribute to the educational
 4-25 development of the students in the class; or

4-26 (3) if an academy class is combined with a university
 4-27 class with more than 30 students.

4-28 (e) The academy shall provide the university-level
 4-29 curriculum in a manner that is appropriate for the social,
 4-30 psychological, emotional, and physical development of high school
 4-31 juniors and seniors. The administrative and counseling personnel
 4-32 of the academy shall provide continuous support to and supervision
 4-33 of students.

4-34 (f) For each student enrolled in the academy, the academy is
 4-35 entitled to allotments from the foundation school fund under
 4-36 Chapter 42 as if the academy were a school district without a tier
 4-37 one local share for purposes of Section 42.253. If in any academic
 4-38 year the amount of the allotments under this subsection exceeds the
 4-39 amount of state funds paid to the academy in the first fiscal year
 4-40 of the academy's operation, the commissioner of education shall set
 4-41 aside from the total amount of funds to which school districts are
 4-42 entitled under Section 42.253(c) an amount equal to the excess
 4-43 amount and shall distribute that amount to the academy. After
 4-44 deducting the amount set aside and paid to the academy by the
 4-45 commissioner of education under this subsection, the commissioner
 4-46 of education shall reduce the amount to which each district is
 4-47 entitled under Section 42.253(c) in the manner described by Section
 4-48 42.253(h). A determination of the commissioner of education under
 4-49 this subsection is final and may not be appealed.

4-50 (g) The board may use any available money, enter into
 4-51 contracts, and accept grants, including matching grants, federal
 4-52 grants, and grants from a corporation or other private contributor,
 4-53 in establishing and operating the academy. Money spent by the
 4-54 academy must further the purposes of the academy under Subsection
 4-55 (a).

4-56 (h) The liability of this state under Chapters 101 and 104,
 4-57 Civil Practice and Remedies Code, is limited for the academy and
 4-58 employees assigned to the academy and acting on behalf of the
 4-59 academy to the same extent that the liability of a school district
 4-60 and an employee of the school district is limited under Sections
 4-61 22.0511, 22.0512, and 22.052 of this code and Section 101.051,
 4-62 Civil Practice and Remedies Code. An employee assigned to the
 4-63 academy is entitled to representation by the attorney general in a
 4-64 civil suit based on an action or omission of the employee in the
 4-65 course of the employee's employment, to limits on liability, and to
 4-66 indemnity under Chapters 104 and 108, Civil Practice and Remedies
 4-67 Code.

4-68 (i) Except as otherwise provided by this section, the
 4-69 academy is not subject to the provisions of this code or to the

5-1 rules of the Texas Education Agency regulating public schools.

5-2 SECTION 2. CONFORMING AMENDMENT. Section 74.751(a),
5-3 Education Code, is amended to read as follows:

5-4 (a) The board of regents of The University of Texas System
5-5 may operate The University of Texas Health Science Center--South
5-6 Texas as provided by Section 79.02 [~~a component institution of The~~
5-7 ~~University of Texas System~~] with its [~~main campus and~~
5-8 administrative offices to be located in Hidalgo and Cameron
5-9 Counties [County]. The health science center shall [~~may~~] consist
5-10 of a medical school, as provided by Section 74.752, other health and
5-11 health-related degree programs, and related programs and
5-12 facilities as the board considers appropriate. The educational
5-13 programs for first-year and second-year students enrolled at the
5-14 medical school shall be conducted primarily in Hidalgo County, and
5-15 the educational programs for third-year and fourth-year students
5-16 enrolled at the medical school shall be conducted primarily in
5-17 Cameron County.

5-18 SECTION 3. THE UNIVERSITY OF TEXAS--PAN AMERICAN AND THE
5-19 UNIVERSITY OF TEXAS AT BROWNSVILLE ABOLISHED. (a) The University
5-20 of Texas--Pan American and The University of Texas at Brownsville
5-21 are abolished on a date the Board of Regents of The University of
5-22 Texas System determines appropriate to achieve the maximum
5-23 operating efficiency of the system. The designated date must be
5-24 entered into the minutes of the board. The board shall take all
5-25 actions necessary to provide for an orderly windup of the affairs of
5-26 each university.

5-27 (b) The board shall provide to the secretary of state
5-28 written notice of its action under Subsection (a) of this section.
5-29 Effective on the date the board designates for the abolition of the
5-30 institutions described by Subsection (a) of this section, Chapters
5-31 77 and 78, Education Code, are repealed.

5-32 (c) The board may not act under Subsection (a) of this
5-33 section to abolish The University of Texas--Pan American and The
5-34 University of Texas at Brownsville earlier than the date on which
5-35 the university created under Chapter 79, Education Code, as added
5-36 by this Act, begins operation.

5-37 SECTION 4. UNIVERSITY CREATED. (a) The university
5-38 described by Chapter 79, Education Code, as added by this Act, is
5-39 created within The University of Texas System. As provided by that
5-40 chapter, the board of regents of the system shall name the
5-41 university and establish the university as a general academic
5-42 teaching institution offering the degrees authorized by that
5-43 chapter.

5-44 (b) The university shall begin operating on a date the board
5-45 of regents determines appropriate to achieve the maximum operating
5-46 efficiency of the system. The designated date must be entered into
5-47 the minutes of the board.

5-48 (c) In recognition of the abolition of The University of
5-49 Texas--Pan American and The University of Texas at Brownsville as
5-50 authorized by this Act, the board of regents shall facilitate the
5-51 employment at the university created by this Act of as many faculty
5-52 and staff of the abolished universities as is prudent and
5-53 practical.

5-54 (d) A student admitted to or enrolled at The University of
5-55 Texas--Pan American or The University of Texas at Brownsville on
5-56 the date of abolition is entitled to admission to the university
5-57 created by this Act, and the board shall take actions necessary to
5-58 facilitate that admission and the appropriate transfer of credits.

5-59 (e) Until such time as the university created by this Act
5-60 formally begins operation, the board of regents may provide for The
5-61 University of Texas--Pan American or The University of Texas at
5-62 Brownsville to use any facilities under the management and control
5-63 of The University of Texas System, including facilities developed
5-64 for the university created by this Act. In addition, the board may
5-65 lease or purchase facilities owned by Texas Southmost College
5-66 District or by other owners to the extent the board determines
5-67 necessary and practical.

5-68 (f) This Act does not affect the powers, duties, and
5-69 obligations of The University of Texas at Brownsville and the Texas

6-1 Southmost College District under Section 5, Chapter 935
6-2 (S.B. 1909), Acts of the 82nd Legislature, Regular Session, 2011.
6-3 As provided by that law, that university and the district shall
6-4 continue a partnership agreement in effect until August 31, 2015,
6-5 to the extent necessary to ensure accreditation.

6-6 SECTION 5. EFFECTIVE DATE. This Act takes effect
6-7 immediately if it receives a vote of two-thirds of all the members
6-8 elected to each house, as provided by Section 39, Article III, Texas
6-9 Constitution. If this Act does not receive the vote necessary for
6-10 immediate effect, this Act takes effect September 1, 2013.

6-11

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