

AN ACT

relating to public junior college district branch campuses, including a requirement that the South Texas Community College District adopt and implement a plan to expand opportunity for instructional programs in a certain location.

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

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. BRANCH CAMPUSES

Sec. 130.254. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT; INSTRUCTIONAL PROGRAMS IN EDCOUCH OR ELSA. The board of trustees of the South Texas Community College District shall adopt and implement a plan to expand opportunity for instructional programs consisting of postsecondary courses leading to an associate degree offered in a classroom setting within the corporate limits of the municipality of Edcouch or Elsa. Any instructional program provided under this section is subject to the requirements of Section 130.251.

SECTION 2. Sections 130.086, 130.0865, and 130.087, Education Code, are transferred to Subchapter K, Chapter 130, Education Code, as added by this Act, redesignated as Sections 130.251, 130.252, and 130.253, Education Code, and amended to read as follows:

Sec. 130.251 [~~Sec. 130.086~~]. BRANCH CAMPUSES. (a) The

1 board of trustees of a junior college district may establish and  
2 operate branch campuses, centers, or extension facilities within  
3 the junior college district's service area, provided that each  
4 branch campus, center, or extension facility and each course or  
5 program offered in such locations is subject to the prior and  
6 continuing approval of the Texas Higher Education Coordinating  
7 Board.

8 (b) Such branch campuses, centers, or extension facilities  
9 shall be within the role and scope of the junior college as  
10 determined by the Texas Higher Education Coordinating Board  
11 [~~Coordinating Board, Texas College and University System~~].

12 (c) The board of trustees of a junior college district may  
13 accept or acquire by purchase or rent land and facilities in the  
14 name of the junior college district within the junior college  
15 district's service area.

16 (d) Before any course may be offered by a public junior  
17 college within the service area of another operating public junior  
18 college, it must be established that the second public junior  
19 college is not capable of or is unable to offer the course. After  
20 the need is established and the course is not locally available,  
21 then the first public junior college may offer the course when  
22 approval is granted by the Texas Higher Education Coordinating  
23 Board.

24 (e) The board of trustees of a junior college district may  
25 enter cooperative agreement with independent, common, or county  
26 school districts, state or federal agencies as may be required to  
27 perform the services as outlined in this section.

1           (f) Notwithstanding Subchapter J, the service area of a  
2 junior college district does not include territory within the  
3 boundaries of the taxing district of another junior college  
4 district. If a branch campus, center, or extension facility  
5 operated by a junior college district outside its taxing district  
6 becomes located within the taxing district of another junior  
7 college district when the other district is established or annexes  
8 the territory that includes the campus, center, or facility, the  
9 junior college district operating the campus, center, or facility  
10 must discontinue the campus, center, or facility within a  
11 reasonable period, not to exceed one academic year. The junior  
12 college district in which the campus, center, or facility is  
13 located must fairly compensate the junior college district that  
14 discontinues the campus, center, or facility for any capital  
15 improvements that the discontinuing district acquired or  
16 constructed for the campus, center, or facility, to the extent the  
17 discontinuing district is otherwise unable to recover the current  
18 value of its investment in that capital improvement, as determined  
19 by the Texas Higher Education Coordinating Board.

20           (g) Subsections (a) and (c) do not apply to a branch campus,  
21 center, or extension facility that is established before September  
22 1, 1999.

23           (h) This section does not affect the authority of the Texas  
24 Higher Education Coordinating Board regarding the continued  
25 operation of a branch campus, center, or extension facility.

26           Sec. 130.252 [~~Sec. 130.0865~~]. SECURITY FOR REVENUE BONDS  
27 ISSUED FOR BRANCH CAMPUS, CENTER, OR EXTENSION FACILITY. Bonds

1 payable from revenue and issued by the governing body of a county or  
2 school district to finance the purchase of land or the construction  
3 of a facility to be used for a branch campus, center, or extension  
4 facility authorized under Section 130.251 [~~130.086~~] may be secured  
5 by a trust indenture, a deed of trust, or a mortgage granting a  
6 security interest in the applicable land or facility.

7 Sec. 130.253 [~~Sec. 130.087~~]. BRANCH CAMPUS MAINTENANCE  
8 TAX. (a) The governing body of a school district or a county may  
9 levy a junior college district branch campus maintenance tax as  
10 provided by this section at a rate not to exceed five cents on each  
11 \$100 valuation of all taxable property in its jurisdiction.

12 (b) On presentation of a petition for an election to  
13 authorize a junior college district branch campus maintenance tax  
14 signed by not fewer than five percent of the qualified voters of the  
15 jurisdiction in which the proposed tax is to be levied, the  
16 governing body of the school district or county, as applicable,  
17 shall determine the legality and the genuineness of the petition  
18 and, if it is determined to be legal and genuine, forward the  
19 petition to the Texas Higher Education Coordinating Board. The  
20 governing body of a county with a population of 150,000 or less, on  
21 completion of a needs assessment analysis showing adequate need and  
22 on approval by the coordinating board, on its own motion and without  
23 the presentation of a petition, may propose an election to  
24 authorize a branch campus maintenance tax.

25 (c) The Texas Higher Education Coordinating Board  
26 [~~coordinating board~~] shall determine whether the requirements  
27 provided by Subsections (a) and (b) [~~of this section~~] have been

1 satisfied and whether the proposed tax is feasible and desirable  
2 under the coordinating board's rules for junior colleges. In  
3 making its decision on the feasibility and desirability of the tax,  
4 the coordinating board shall consider the needs of the junior  
5 college, the needs of the community or communities served by the  
6 branch campus, and the welfare of the state as a whole. The  
7 commissioner of higher education shall deliver to the governing  
8 body of the school district or county, as applicable, the order of  
9 the coordinating board authorizing or denying further action in the  
10 levying of a junior college district branch campus maintenance tax.

11 (d) If the coordinating board approves the establishment of  
12 the junior college district branch campus maintenance tax, the  
13 governing body of the school district or county, as applicable,  
14 shall enter an order for an election to be held in the territory  
15 under its jurisdiction not less than 20 days nor more than 60 days  
16 after the date on which the order is entered to determine whether  
17 the junior college district branch campus maintenance tax may be  
18 levied. In the case of joint school district or joint county  
19 elections, by mutual agreement of the governing bodies, the  
20 elections shall be held on the same date throughout the  
21 jurisdictions.

22 (e) The president of the board of trustees of the school  
23 district or the county judge, as applicable, shall give notice of  
24 the election in the manner provided by law for notice by the county  
25 judge of general elections.

26 (f) The governing body of the school district or county, as  
27 applicable, shall procure the election supplies necessary to

1 conduct the election and shall determine the quantity of the  
2 various types of supplies to be provided for use at each precinct  
3 polling place and early voting polling place.

4 (g) Any qualified voter residing within the boundaries of  
5 the jurisdiction in which the tax may be levied is entitled to vote  
6 at the election.

7 (h) The ballot shall be printed to provide for voting for or  
8 against the proposition: "The levy of a junior college district  
9 branch campus maintenance tax in an amount not to exceed (insert a  
10 number not higher than five) cents on each \$100 valuation of all  
11 taxable property in \_\_\_\_\_." (insert name of school district or  
12 name of county, as applicable).

13 (i) To be adopted, the measure must receive a favorable vote  
14 of a majority of those voting on the measure.

15 (j) Not later than the 10th day after the date of the  
16 election, the governing body shall canvass the returns of the  
17 election and shall enter an order declaring the result of the  
18 election.

19 (k) The proceeds of the junior college district branch  
20 campus maintenance tax may be used only as follows:

21 (1) to operate and maintain a junior college district  
22 branch campus and support its programs and services in the area of  
23 the political subdivision that levied the tax; and

24 (2) under an agreement by the applicable junior  
25 college district and the political subdivision levying the tax, to  
26 make lease payments to the political subdivision for facilities  
27 used exclusively by the branch campus that are owned by the

1 political subdivision.

2 (1) The governing body of the school district or county  
3 approving the junior college district branch campus maintenance tax  
4 shall set the tax levy.

5 (m) The junior college district shall maintain and furnish  
6 any records and reports required by the Texas Higher Education  
7 Coordinating Board [~~Coordinating Board, Texas College and~~  
8 ~~University System~~]. The reports shall be made available routinely  
9 to the governing body of the jurisdiction in which the tax is  
10 levied, and to members of the general public on request.

11 (n) This section does not affect the authority of any  
12 jurisdiction levying a junior college district branch campus  
13 maintenance tax to create a junior college district in the  
14 jurisdiction.

15 SECTION 3. Section 45.105(f), Education Code, is amended to  
16 read as follows:

17 (f) Funds from a junior college district branch campus  
18 maintenance tax levied by a school district board of trustees under  
19 Section 130.253 [~~130.087~~] may be used as provided by that section.

20 SECTION 4. Section 51.406(b), Education Code, is amended to  
21 read as follows:

22 (b) To the extent that any of the following laws require  
23 reporting by a university system or an institution of higher  
24 education, a university system or institution of higher education  
25 is not required to make the report on or after September 1, 2013,  
26 unless legislation enacted by the 83rd Legislature that becomes law  
27 expressly requires the institution or system to make the report:

- 1 (1) Section 7.109;
- 2 (2) Section 33.083;
- 3 (3) Section 59.07;
- 4 (4) Section 130.251 [~~130.086~~];
- 5 (5) Section 325.007, Government Code;
- 6 (6) Section 669.003, Government Code;
- 7 (7) Section 2005.007, Government Code;
- 8 (8) Section 2054.097, Government Code;
- 9 (9) Chapter 2114, Government Code; and
- 10 (10) Section 2205.041, Government Code.

11 SECTION 5. Section 130.254, Education Code, as added by  
12 this Act, applies beginning with the 2019-2020 academic year.

13 SECTION 6. This Act takes effect September 1, 2015.



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President of the Senate

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Speaker of the House

I certify that H.B. No. 382 was passed by the House on May 8, 2015, by the following vote: Yeas 140, Nays 2, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 382 on May 27, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 382 on May 31, 2015, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 382

I certify that H.B. No. 382 was passed by the Senate, with amendments, on May 22, 2015, by the following vote: Yeas 23, Nays 8; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 382 on May 31, 2015, by the following vote: Yeas 23, Nays 8.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor