

By: Canales

H.B. No. 382

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to public junior college district branch campuses,  
3 including a requirement that the South Texas Community College  
4 District establish a branch campus in a certain location.

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

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

8 SUBCHAPTER K. BRANCH CAMPUSES

9 Sec. 130.254. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT;  
10 BRANCH CAMPUS. The board of trustees of the South Texas Community  
11 College District shall establish and operate a branch campus within  
12 the corporate limits of the municipality of Edcouch or Elsa. A  
13 branch campus established under this section is subject to the  
14 requirements of Section 130.251.

15 SECTION 2. Sections 130.086, 130.0865, and 130.087,  
16 Education Code, are transferred to Subchapter K, Chapter 130,  
17 Education Code, as added by this Act, redesignated as Sections  
18 130.251, 130.252, and 130.253, Education Code, and amended to read  
19 as follows:

20 Sec. 130.251 [~~Sec. 130.086~~]. BRANCH CAMPUSES. (a) The  
21 board of trustees of a junior college district may establish and  
22 operate branch campuses, centers, or extension facilities within  
23 the junior college district's service area, provided that each  
24 branch campus, center, or extension facility and each course or

1 program offered in such locations is subject to the prior and  
2 continuing approval of the Texas Higher Education Coordinating  
3 Board.

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

8 (c) The board of trustees of a junior college district may  
9 accept or acquire by purchase or rent land and facilities in the  
10 name of the junior college district within the junior college  
11 district's service area.

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

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

24 (f) Notwithstanding Subchapter J, the service area of a  
25 junior college district does not include territory within the  
26 boundaries of the taxing district of another junior college  
27 district. If a branch campus, center, or extension facility

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

16 (g) Subsections (a) and (c) do not apply to a branch campus,  
17 center, or extension facility that is established before September  
18 1, 1999.

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

22 Sec. 130.252 [~~Sec. 130.0865~~]. SECURITY FOR REVENUE BONDS  
23 ISSUED FOR BRANCH CAMPUS, CENTER, OR EXTENSION FACILITY. Bonds  
24 payable from revenue and issued by the governing body of a county or  
25 school district to finance the purchase of land or the construction  
26 of a facility to be used for a branch campus, center, or extension  
27 facility authorized under Section 130.251 [~~130.086~~] may be secured

1 by a trust indenture, a deed of trust, or a mortgage granting a  
2 security interest in the applicable land or facility.

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

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

21 (c) The Texas Higher Education Coordinating Board  
22 [~~coordinating board~~] shall determine whether the requirements  
23 provided by Subsections (a) and (b) [~~of this section~~] have been  
24 satisfied and whether the proposed tax is feasible and desirable  
25 under the coordinating board's rules for junior colleges. In  
26 making its decision on the feasibility and desirability of the tax,  
27 the coordinating board shall consider the needs of the junior

1 college, the needs of the community or communities served by the  
2 branch campus, and the welfare of the state as a whole. The  
3 commissioner of higher education shall deliver to the governing  
4 body of the school district or county, as applicable, the order of  
5 the coordinating board authorizing or denying further action in the  
6 levying of a junior college district branch campus maintenance tax.

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

18 (e) The president of the board of trustees of the school  
19 district or the county judge, as applicable, shall give notice of  
20 the election in the manner provided by law for notice by the county  
21 judge of general elections.

22 (f) The governing body of the school district or county, as  
23 applicable, shall procure the election supplies necessary to  
24 conduct the election and shall determine the quantity of the  
25 various types of supplies to be provided for use at each precinct  
26 polling place and early voting polling place.

27 (g) Any qualified voter residing within the boundaries of

1 the jurisdiction in which the tax may be levied is entitled to vote  
2 at the election.

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

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

11 (j) Not later than the 10th day after the date of the  
12 election, the governing body shall canvass the returns of the  
13 election and shall enter an order declaring the result of the  
14 election.

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

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

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

25 (l) The governing body of the school district or county  
26 approving the junior college district branch campus maintenance tax  
27 shall set the tax levy.

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

7 (n) This section does not affect the authority of any  
8 jurisdiction levying a junior college district branch campus  
9 maintenance tax to create a junior college district in the  
10 jurisdiction.

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

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

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

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

- 24 (1) Section 7.109;  
25 (2) Section 33.083;  
26 (3) Section 59.07;  
27 (4) Section 130.251 [~~130.086~~];

- 1           (5) Section 325.007, Government Code;
- 2           (6) Section 669.003, Government Code;
- 3           (7) Section 2005.007, Government Code;
- 4           (8) Section 2054.097, Government Code;
- 5           (9) Chapter 2114, Government Code; and
- 6           (10) Section 2205.041, Government Code.

7           SECTION 5. Section 130.254, Education Code, as added by  
8 this Act, applies beginning with the 2016-2017 academic year.

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