

1-1 By: Canales, et al. (Senate Sponsor - Lucio) H.B. No. 382
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 13, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 21, 2015, reported favorably by
 1-5 the following vote: Yeas 5, Nays 2; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	Lucio			
1-9	Bettencourt	X		
1-10	Campbell	X		
1-11	Garcia	X		
1-12	Menéndez	X		
1-13	Nichols	X		
1-14	Taylor of Galveston	X		

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to public junior college district branch campuses,
 1-18 including a requirement that the South Texas Community College
 1-19 District establish an extension facility in a certain location.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 130, Education Code, is amended by
 1-22 adding Subchapter K to read as follows:

1-23 SUBCHAPTER K. BRANCH CAMPUSES

1-24 Sec. 130.254. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT;
 1-25 EXTENSION FACILITY. The board of trustees of the South Texas
 1-26 Community College District shall establish and operate an extension
 1-27 facility within the corporate limits of the municipality of Edcouch
 1-28 or Elsa. An extension facility established under this section is
 1-29 subject to the requirements of Section 130.251.

1-30 SECTION 2. Sections 130.086, 130.0865, and 130.087,
 1-31 Education Code, are transferred to Subchapter K, Chapter 130,
 1-32 Education Code, as added by this Act, redesignated as Sections
 1-33 130.251, 130.252, and 130.253, Education Code, and amended to read
 1-34 as follows:

1-35 Sec. 130.251 [~~Sec. 130.086~~]. BRANCH CAMPUSES. (a) The
 1-36 board of trustees of a junior college district may establish and
 1-37 operate branch campuses, centers, or extension facilities within
 1-38 the junior college district's service area, provided that each
 1-39 branch campus, center, or extension facility and each course or
 1-40 program offered in such locations is subject to the prior and
 1-41 continuing approval of the Texas Higher Education Coordinating
 1-42 Board.

1-43 (b) Such branch campuses, centers, or extension facilities
 1-44 shall be within the role and scope of the junior college as
 1-45 determined by the Texas Higher Education Coordinating Board
 1-46 [~~Coordinating Board, Texas College and University System~~].

1-47 (c) The board of trustees of a junior college district may
 1-48 accept or acquire by purchase or rent land and facilities in the
 1-49 name of the junior college district within the junior college
 1-50 district's service area.

1-51 (d) Before any course may be offered by a public junior
 1-52 college within the service area of another operating public junior
 1-53 college, it must be established that the second public junior
 1-54 college is not capable of or is unable to offer the course. After
 1-55 the need is established and the course is not locally available,
 1-56 then the first public junior college may offer the course when
 1-57 approval is granted by the Texas Higher Education Coordinating
 1-58 Board.

1-59 (e) The board of trustees of a junior college district may
 1-60 enter cooperative agreement with independent, common, or county
 1-61 school districts, state or federal agencies as may be required to

2-1 perform the services as outlined in this section.

2-2 (f) Notwithstanding Subchapter J, the service area of a
 2-3 junior college district does not include territory within the
 2-4 boundaries of the taxing district of another junior college
 2-5 district. If a branch campus, center, or extension facility
 2-6 operated by a junior college district outside its taxing district
 2-7 becomes located within the taxing district of another junior
 2-8 college district when the other district is established or annexes
 2-9 the territory that includes the campus, center, or facility, the
 2-10 junior college district operating the campus, center, or facility
 2-11 must discontinue the campus, center, or facility within a
 2-12 reasonable period, not to exceed one academic year. The junior
 2-13 college district in which the campus, center, or facility is
 2-14 located must fairly compensate the junior college district that
 2-15 discontinues the campus, center, or facility for any capital
 2-16 improvements that the discontinuing district acquired or
 2-17 constructed for the campus, center, or facility, to the extent the
 2-18 discontinuing district is otherwise unable to recover the current
 2-19 value of its investment in that capital improvement, as determined
 2-20 by the Texas Higher Education Coordinating Board.

2-21 (g) Subsections (a) and (c) do not apply to a branch campus,
 2-22 center, or extension facility that is established before September
 2-23 1, 1999.

2-24 (h) This section does not affect the authority of the Texas
 2-25 Higher Education Coordinating Board regarding the continued
 2-26 operation of a branch campus, center, or extension facility.

2-27 Sec. 130.252 [~~Sec. 130.0865~~]. SECURITY FOR REVENUE BONDS
 2-28 ISSUED FOR BRANCH CAMPUS, CENTER, OR EXTENSION FACILITY. Bonds
 2-29 payable from revenue and issued by the governing body of a county or
 2-30 school district to finance the purchase of land or the construction
 2-31 of a facility to be used for a branch campus, center, or extension
 2-32 facility authorized under Section 130.251 [~~130.086~~] may be secured
 2-33 by a trust indenture, a deed of trust, or a mortgage granting a
 2-34 security interest in the applicable land or facility.

2-35 Sec. 130.253 [~~Sec. 130.087~~]. BRANCH CAMPUS MAINTENANCE
 2-36 TAX. (a) The governing body of a school district or a county may
 2-37 levy a junior college district branch campus maintenance tax as
 2-38 provided by this section at a rate not to exceed five cents on each
 2-39 \$100 valuation of all taxable property in its jurisdiction.

2-40 (b) On presentation of a petition for an election to
 2-41 authorize a junior college district branch campus maintenance tax
 2-42 signed by not fewer than five percent of the qualified voters of the
 2-43 jurisdiction in which the proposed tax is to be levied, the
 2-44 governing body of the school district or county, as applicable,
 2-45 shall determine the legality and the genuineness of the petition
 2-46 and, if it is determined to be legal and genuine, forward the
 2-47 petition to the Texas Higher Education Coordinating Board. The
 2-48 governing body of a county with a population of 150,000 or less, on
 2-49 completion of a needs assessment analysis showing adequate need and
 2-50 on approval by the coordinating board, on its own motion and without
 2-51 the presentation of a petition, may propose an election to
 2-52 authorize a branch campus maintenance tax.

2-53 (c) The Texas Higher Education Coordinating Board
 2-54 [~~coordinating board~~] shall determine whether the requirements
 2-55 provided by Subsections (a) and (b) [~~of this section~~] have been
 2-56 satisfied and whether the proposed tax is feasible and desirable
 2-57 under the coordinating board's rules for junior colleges. In
 2-58 making its decision on the feasibility and desirability of the tax,
 2-59 the coordinating board shall consider the needs of the junior
 2-60 college, the needs of the community or communities served by the
 2-61 branch campus, and the welfare of the state as a whole. The
 2-62 commissioner of higher education shall deliver to the governing
 2-63 body of the school district or county, as applicable, the order of
 2-64 the coordinating board authorizing or denying further action in the
 2-65 levying of a junior college district branch campus maintenance tax.

2-66 (d) If the coordinating board approves the establishment of
 2-67 the junior college district branch campus maintenance tax, the
 2-68 governing body of the school district or county, as applicable,
 2-69 shall enter an order for an election to be held in the territory

3-1 under its jurisdiction not less than 20 days nor more than 60 days
 3-2 after the date on which the order is entered to determine whether
 3-3 the junior college district branch campus maintenance tax may be
 3-4 levied. In the case of joint school district or joint county
 3-5 elections, by mutual agreement of the governing bodies, the
 3-6 elections shall be held on the same date throughout the
 3-7 jurisdictions.

3-8 (e) The president of the board of trustees of the school
 3-9 district or the county judge, as applicable, shall give notice of
 3-10 the election in the manner provided by law for notice by the county
 3-11 judge of general elections.

3-12 (f) The governing body of the school district or county, as
 3-13 applicable, shall procure the election supplies necessary to
 3-14 conduct the election and shall determine the quantity of the
 3-15 various types of supplies to be provided for use at each precinct
 3-16 polling place and early voting polling place.

3-17 (g) Any qualified voter residing within the boundaries of
 3-18 the jurisdiction in which the tax may be levied is entitled to vote
 3-19 at the election.

3-20 (h) The ballot shall be printed to provide for voting for or
 3-21 against the proposition: "The levy of a junior college district
 3-22 branch campus maintenance tax in an amount not to exceed (insert a
 3-23 number not higher than five) cents on each \$100 valuation of all
 3-24 taxable property in _____." (insert name of school district or
 3-25 name of county, as applicable).

3-26 (i) To be adopted, the measure must receive a favorable vote
 3-27 of a majority of those voting on the measure.

3-28 (j) Not later than the 10th day after the date of the
 3-29 election, the governing body shall canvass the returns of the
 3-30 election and shall enter an order declaring the result of the
 3-31 election.

3-32 (k) The proceeds of the junior college district branch
 3-33 campus maintenance tax may be used only as follows:

3-34 (1) to operate and maintain a junior college district
 3-35 branch campus and support its programs and services in the area of
 3-36 the political subdivision that levied the tax; and

3-37 (2) under an agreement by the applicable junior
 3-38 college district and the political subdivision levying the tax, to
 3-39 make lease payments to the political subdivision for facilities
 3-40 used exclusively by the branch campus that are owned by the
 3-41 political subdivision.

3-42 (l) The governing body of the school district or county
 3-43 approving the junior college district branch campus maintenance tax
 3-44 shall set the tax levy.

3-45 (m) The junior college district shall maintain and furnish
 3-46 any records and reports required by the Texas Higher Education
 3-47 Coordinating Board [~~Coordinating Board, Texas College and~~
 3-48 ~~University System~~]. The reports shall be made available routinely
 3-49 to the governing body of the jurisdiction in which the tax is
 3-50 levied, and to members of the general public on request.

3-51 (n) This section does not affect the authority of any
 3-52 jurisdiction levying a junior college district branch campus
 3-53 maintenance tax to create a junior college district in the
 3-54 jurisdiction.

3-55 SECTION 3. Section 45.105(f), Education Code, is amended to
 3-56 read as follows:

3-57 (f) Funds from a junior college district branch campus
 3-58 maintenance tax levied by a school district board of trustees under
 3-59 Section 130.253 [~~130.087~~] may be used as provided by that section.

3-60 SECTION 4. Section 51.406(b), Education Code, is amended to
 3-61 read as follows:

3-62 (b) To the extent that any of the following laws require
 3-63 reporting by a university system or an institution of higher
 3-64 education, a university system or institution of higher education
 3-65 is not required to make the report on or after September 1, 2013,
 3-66 unless legislation enacted by the 83rd Legislature that becomes law
 3-67 expressly requires the institution or system to make the report:

- 3-68 (1) Section 7.109;
 3-69 (2) Section 33.083;

- 4-1 (3) Section [59.07](#);
- 4-2 (4) Section [130.251](#) [~~[130.086](#)~~];
- 4-3 (5) Section [325.007](#), Government Code;
- 4-4 (6) Section [669.003](#), Government Code;
- 4-5 (7) Section [2005.007](#), Government Code;
- 4-6 (8) Section [2054.097](#), Government Code;
- 4-7 (9) Chapter 2114, Government Code; and
- 4-8 (10) Section [2205.041](#), Government Code.
- 4-9 SECTION 5. Section 130.254, Education Code, as added by
- 4-10 this Act, applies beginning with the 2016-2017 academic year.
- 4-11 SECTION 6. This Act takes effect September 1, 2015.

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