

**House Bill 382**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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; EXTENSION FACILITY.

The board of trustees of the South Texas Community College District shall establish and operate an extension facility within the corporate limits of the municipality of Edcouch or Elsa. An extension facility established 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 board of trustees of a junior college district may establish and operate branch campuses, centers, or extension facilities within the junior college district's service area, provided that each branch campus, center, or extension facility and each course or program offered in such locations is subject to the prior and continuing approval of the Texas Higher Education Coordinating Board.

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

(c) The board of trustees of a junior college district may accept or acquire by purchase or rent land and facilities in the

SENATE VERSION (IE)

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 may establish and operate instructional programs within the corporate limits of the municipality of Edcouch or Elsa. An instructional program established under this section is subject to the requirements of Section 130.251. [FA1(1)-(4)]

SECTION 2. Same as House version.

CONFERENCE

**House Bill 382**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

name of the junior college district within the junior college district's service area.

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

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

(f) Notwithstanding Subchapter J, the service area of a junior college district does not include territory within the boundaries of the taxing district of another junior college district. If a branch campus, center, or extension facility operated by a junior college district outside its taxing district becomes located within the taxing district of another junior college district when the other district is established or annexes the territory that includes the campus, center, or facility, the junior college district operating the campus, center, or facility must discontinue the campus, center, or facility within a reasonable period, not to exceed one academic year. The junior college district in which the campus, center, or facility is located must fairly compensate the junior college district that discontinues the campus, center, or facility for any capital improvements that the discontinuing district acquired or constructed for the campus, center, or facility, to the extent the discontinuing district is otherwise unable to recover the current value of its investment in that

**House Bill 382**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

capital improvement, as determined by the Texas Higher Education Coordinating Board.

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

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

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

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

(b) On presentation of a petition for an election to authorize a junior college district branch campus maintenance tax signed by not fewer than five percent of the qualified voters of the jurisdiction in which the proposed tax is to be levied, the governing body of the school district or county, as applicable, shall determine the legality and the genuineness of the petition and, if it is determined to be legal and genuine, forward the petition to the Texas Higher Education Coordinating Board. The governing body of a county with a population of 150,000

**House Bill 382**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

or less, on completion of a needs assessment analysis showing adequate need and on approval by the coordinating board, on its own motion and without the presentation of a petition, may propose an election to authorize a branch campus maintenance tax.

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

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

(e) The president of the board of trustees of the school district or the county judge, as applicable, shall give notice of the

SENATE VERSION (IE)

CONFERENCE

**House Bill 382**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

election in the manner provided by law for notice by the county judge of general elections.

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

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

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

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

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

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

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

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

(l) The governing body of the school district or county

**House Bill 382**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

approving the junior college district branch campus maintenance tax shall set the tax levy.

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

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

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

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

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

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

- (1) Section 7.109;
- (2) Section 33.083;

SECTION 3. Same as House version.

SECTION 4. Same as House version.

**House Bill 382**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

SENATE VERSION (IE)

SECTION 5. Section 130.254, Education Code, as added by this Act, applies beginning with the 2020-2021 academic year.  
[FA1(5)]

SECTION 6. Same as House version.

CONFERENCE