

1-1 By: Seliger S.B. No. 828
 1-2 (In the Senate - Filed February 10, 2017;
 1-3 February 27, 2017, read first time and referred to Committee on
 1-4 Higher Education; April 20, 2017, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; April 20, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Seliger	X			
1-8 West	X			
1-9 Bettencourt	X			
1-10 Buckingham	X			
1-11 Menéndez	X			
1-12 Taylor of Galveston	X			
1-13 Watson	X			

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

1-17 relating to certain academic programs and projects undertaken by
 1-18 public institutions of higher education at an off-campus academic
 1-19 or research site or a similar location.

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

1-21 SECTION 1. Section 61.0512(a), Education Code, is amended
 1-22 to read as follows:

1-23 (a) A new degree or certificate program may be added at an
 1-24 institution of higher education only with specific prior approval
 1-25 of the board. A degree or certificate program offered at an
 1-26 off-campus academic or research site is considered a new degree or
 1-27 certificate program if not previously offered at the off-campus
 1-28 academic or research site. A new degree or certificate program is
 1-29 considered approved if the board has not completed a review under
 1-30 this section and acted to approve or disapprove the proposed
 1-31 program before the first anniversary of the date on which an
 1-32 institution of higher education submits a completed application for
 1-33 approval to the board. The board may not summarily disapprove a
 1-34 program without completing the review required by this section.
 1-35 The board shall specify by rule the elements that constitute a
 1-36 completed application and shall make an administrative
 1-37 determination of the completeness of the application not later than
 1-38 the fifth business day after receiving the application. A request
 1-39 for additional information in support of an application that has
 1-40 been determined administratively complete does not toll the period
 1-41 within which the application is considered approved under this
 1-42 section.

1-43 SECTION 2. Section 61.0572(d), Education Code, is amended
 1-44 to read as follows:

1-45 (d) The board may review purchases of improved real property
 1-46 added to an institution's educational and general buildings and
 1-47 facilities inventory to determine whether the property meets the
 1-48 standards adopted by the board for cost, efficiency, space need,
 1-49 and space use, but subject to Section 61.0584 the purchase of the
 1-50 improved real property is not contingent on board review or
 1-51 approval. Standards must be adopted by the board using the
 1-52 negotiated rulemaking procedures under Chapter 2008, Government
 1-53 Code. If the property does not meet those standards, the board
 1-54 shall notify the governor, the lieutenant governor, the speaker of
 1-55 the house of representatives, the governing board of the applicable
 1-56 institution, and the Legislative Budget Board. This subsection
 1-57 does not impair the board's authority to collect data relating to
 1-58 the improved real property that is added each year to the
 1-59 educational and general buildings and facilities inventory of
 1-60 institutions of higher education.

1-61 SECTION 3. Section 61.058(b), Education Code, is amended to

2-1 read as follows:

2-2 (b) The board may review all construction, repair, or
 2-3 rehabilitation of buildings and facilities at institutions of
 2-4 higher education to determine whether the construction,
 2-5 rehabilitation, or repair meets the standards adopted by board rule
 2-6 for cost, efficiency, space need, and space use, but subject to
 2-7 Section 61.0584 the construction, rehabilitation, or repair is not
 2-8 contingent on board review or approval. Standards must be adopted
 2-9 by the board using the negotiated rulemaking procedures under
 2-10 Chapter 2008, Government Code. If the construction,
 2-11 rehabilitation, or repair does not meet those standards, the board
 2-12 shall notify the governor, the lieutenant governor, the speaker of
 2-13 the house of representatives, the governing boards of the
 2-14 applicable institutions, and the Legislative Budget Board. This
 2-15 subsection does not impair the board's authority to collect data
 2-16 relating to the construction, repair, or rehabilitation of
 2-17 buildings and facilities occurring each year at institutions of
 2-18 higher education.

2-19 SECTION 4. Subchapter C, Chapter 61, Education Code, is
 2-20 amended by adding Section 61.0584 to read as follows:

2-21 Sec. 61.0584. OFF-CAMPUS ACADEMIC OR RESEARCH SITE.

2-22 (a) This section does not apply to buildings and facilities that
 2-23 are located on an off-campus academic or research site, that are to
 2-24 be used exclusively for auxiliary enterprises, and that will not
 2-25 require appropriations from the legislature for operation,
 2-26 maintenance, or repair.

2-27 (b) Based on criteria established under Subsection (d), the
 2-28 board shall review and shall approve or disapprove an action taken
 2-29 by the governing board of an institution of higher education or
 2-30 university system, through purchase, lease, or otherwise, to:

2-31 (1) acquire improved or unimproved real property for
 2-32 use at a new or existing off-campus academic or research site; or

2-33 (2) acquire or construct a building or facility for
 2-34 use at a site described by Subdivision (1).

2-35 (c) The board, using the negotiated rulemaking procedures
 2-36 under Chapter 2008, Government Code, shall develop a procedure for
 2-37 each institution of higher education or university system to use to
 2-38 identify, for purposes of the board review required by this
 2-39 section, the scope and character of projects that are proposed for:

2-40 (1) an off-campus academic or research site, including
 2-41 projects relating to:

2-42 (A) a multi-institution teaching center (MITC);

2-43 (B) a medical school;

2-44 (C) a branch campus;

2-45 (D) a satellite campus; and

2-46 (E) a health science center; and

2-47 (2) any other location that is separate from the main
 2-48 campus of an institution and that is to be used for academic or
 2-49 research purposes.

2-50 (d) Using the negotiated rulemaking procedures under
 2-51 Chapter 2008, Government Code, the board shall establish criteria
 2-52 for reviewing and for approving or disapproving an action taken by
 2-53 the governing board of an institution of higher education or
 2-54 university system as described by Subsection (b). Criteria adopted
 2-55 under this subsection must prioritize the academic and research
 2-56 needs of institutions of higher education while preventing
 2-57 unnecessary duplication in program offerings, faculties, and
 2-58 physical plants.

2-59 (e) Information related to the board's findings and
 2-60 determinations under this section is not subject to the required
 2-61 disclosure under Chapter 552, Government Code.

2-62 (f) The board may conduct a closed meeting pursuant to
 2-63 Section 551.072, Government Code, to deliberate the approval or
 2-64 disapproval of any action subject to that section and taken by the
 2-65 governing board of an institution of higher education or university
 2-66 system as described by Subsection (b). As necessary and
 2-67 appropriate, the board may hold its closed meeting as an emergency
 2-68 meeting under Section 551.045, Government Code.

2-69 (g) The board shall report its findings and determinations

3-1 under this section to the governor, the lieutenant governor, the
3-2 speaker of the house of representatives, the Legislative Budget
3-3 Board, and the governing boards of the applicable institutions of
3-4 higher education or university systems.

3-5 SECTION 5. The changes in law made by this Act apply only to
3-6 a proposal for acquisition or construction made on or after the
3-7 effective date of this Act. A proposal for acquisition or
3-8 construction made before the effective date of this Act is governed
3-9 by the law in effect on the date the proposal was made, and the
3-10 former law is continued in effect for that purpose.

3-11 SECTION 6. This Act takes effect September 1, 2017.

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