

1-1 By: Hinojosa, et al. S.B. No. 24
1-2 (In the Senate - Filed February 4, 2013; February 5, 2013,
1-3 read first time and referred to Committee on Higher Education;
1-4 March 11, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 11, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14			<u>X</u>	
1-15	<u>X</u>			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 24 By: Zaffirini

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation of a new university in South Texas within
1-20 The University of Texas System.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. AMENDMENT TO EDUCATION CODE. Subtitle C, Title
1-23 3, Education Code, is amended by adding Chapter 79 to read as
1-24 follows:

1-25 CHAPTER 79. UNIVERSITY TO BE ESTABLISHED IN SOUTH TEXAS

1-26 Sec. 79.01. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the board of regents of The
1-28 University of Texas System.

1-29 (2) "University" means the university established
1-30 under this chapter.

1-31 Sec. 79.02. ESTABLISHMENT; SCOPE. (a) The university is a
1-32 general academic teaching institution under the governance,
1-33 management, and control of the board of regents of The University of
1-34 Texas System.

1-35 (b) As necessary to achieve the maximum operating
1-36 efficiency of the university, the board shall provide for the
1-37 organization, administration, location, and name of the university
1-38 and of the colleges, schools, and other institutions and entities
1-39 of the university, which must include:

1-40 (1) an academic campus and other academic operations
1-41 in Cameron County;

1-42 (2) an academic campus and other academic operations
1-43 in Hidalgo County;

1-44 (3) the medical school and other programs authorized
1-45 for The University of Texas Health Science Center--South Texas
1-46 under Subchapter N, Chapter 74;

1-47 (4) the facilities and operations of the Lower Rio
1-48 Grande Valley Academic Health Center established under Subchapter
1-49 L, Chapter 74; and

1-50 (5) an academic center in Starr County.

1-51 (c) The board shall equitably allocate the primary
1-52 facilities and operations of the university among Cameron, Hidalgo,
1-53 and Starr Counties.

1-54 (d) The board shall ensure that the medical and research
1-55 programs of the medical school component of the university are
1-56 conducted across the region and have a substantial presence in
1-57 Hidalgo County and Cameron County. The board shall also ensure the
1-58 provision of interdisciplinary education across health professions
1-59 within the university.

1-60 (e) The authority of the board under this section to achieve

2-1 the maximum operating efficiency of the university and to provide
 2-2 for the organization, administration, and location of colleges,
 2-3 schools, and other institutions and entities of the university
 2-4 prevails over other law, including Section 74.611.

2-5 Sec. 79.03. COURSES AND DEGREES. (a) The board may
 2-6 prescribe courses leading to customary degrees offered at leading
 2-7 American universities and medical schools as applicable and may
 2-8 award those degrees, including:

2-9 (1) bachelor's, master's, and doctoral degrees and
 2-10 their equivalents; and

2-11 (2) medical school degrees and other health science
 2-12 degrees.

2-13 (b) The board shall award degrees in the name of the
 2-14 university.

2-15 (c) A department, school, or degree program may not be
 2-16 instituted without the prior approval of the Texas Higher Education
 2-17 Coordinating Board, except that the university may include any
 2-18 department or school or offer any degree program previously
 2-19 approved for The University of Texas--Pan American or The
 2-20 University of Texas at Brownsville or expressly authorized by this
 2-21 chapter or other law.

2-22 Sec. 79.04. UNIVERSITY OF THE FIRST CLASS. The board shall
 2-23 make any other rules and regulations for the operation, control,
 2-24 and management of the university as may be necessary for the conduct
 2-25 of the university as a university of the first class.

2-26 Sec. 79.05. FACILITIES. The board shall provide for
 2-27 adequate physical facilities for use by the university.

2-28 Sec. 79.06. GIFTS AND GRANTS. The board may solicit,
 2-29 accept, and administer, on terms and conditions acceptable to the
 2-30 board, gifts, grants, or donations of any kind and from any source
 2-31 for use by the university.

2-32 Sec. 79.07. JOINT APPOINTMENTS. The board may make joint
 2-33 faculty appointments to positions in the university and to
 2-34 positions in other institutions under the governance of the board.

2-35 Sec. 79.08. PARTICIPATION IN PERMANENT UNIVERSITY FUND.
 2-36 The legislature finds that the university is an institution of
 2-37 higher education "created at a later date" for purposes of Section
 2-38 18(c), Article VII, Texas Constitution. If the Act enacting this
 2-39 chapter receives a vote of two-thirds of the membership of each
 2-40 house of the legislature, when established the university is
 2-41 entitled to participate in the funding provided by Section 18,
 2-42 Article VII, Texas Constitution, to the same extent as similar
 2-43 component institutions of The University of Texas System.

2-44 Sec. 79.09. CENTER FOR BORDER ECONOMIC AND ENTERPRISE
 2-45 DEVELOPMENT. (a) The board shall establish a center for border
 2-46 economic and enterprise development at the university.

2-47 (b) The center established under this section may:

2-48 (1) develop and manage an economic database concerning
 2-49 the Texas-Mexico border;

2-50 (2) perform economic development planning and
 2-51 research;

2-52 (3) provide technical assistance to industrial and
 2-53 governmental entities; and

2-54 (4) in cooperation with other state agencies,
 2-55 coordinate economic and enterprise development planning activities
 2-56 of state agencies to ensure that the economic needs of the
 2-57 Texas-Mexico border are integrated within a comprehensive state
 2-58 economic development plan.

2-59 (c) The center may offer seminars and conduct conferences
 2-60 and other educational programs concerning the Texas-Mexico border
 2-61 economy and economic and enterprise development within this state.

2-62 (d) The board may solicit and accept gifts, grants, and
 2-63 donations to aid in the establishment, maintenance, and operation
 2-64 of the center.

2-65 (e) The center shall cooperate fully with similar programs
 2-66 operated by Texas A&M International University, The University of
 2-67 Texas at El Paso, and other institutions of higher education.

2-68 Sec. 79.10. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE.
 2-69 (a) The board shall establish The Texas Academy of Mathematics and

3-1 Science at the university. The academy serves the following
3-2 purposes:
3-3 (1) to provide academically gifted and highly
3-4 motivated junior and senior high school students with a challenging
3-5 university-level curriculum that:
3-6 (A) allows students to complete high school
3-7 graduation requirements, including requirements adopted under
3-8 Section 28.025 for the advanced high school program, while
3-9 attending for academic credit a public institution of higher
3-10 education;
3-11 (B) fosters students' knowledge of real-world
3-12 mathematics and science issues and applications and teaches
3-13 students to apply critical thinking and problem-solving skills to
3-14 those issues;
3-15 (C) includes the study of English, foreign
3-16 languages, social studies, mathematics, science, and technology;
3-17 and
3-18 (D) offers students learning opportunities
3-19 related to mathematics and science through in-depth research and
3-20 field-based studies;
3-21 (2) to provide students with an awareness of
3-22 mathematics and science careers and professional development
3-23 opportunities through any appropriate means such as:
3-24 (A) seminars;
3-25 (B) workshops;
3-26 (C) collaboration with postsecondary and
3-27 university students, including opportunities for summer studies;
3-28 and
3-29 (D) internships in foreign countries; and
3-30 (3) to provide students with social development
3-31 activities that enrich the academic curriculum and student life,
3-32 including, as determined appropriate by the academy, University
3-33 Interscholastic League activities and other extracurricular
3-34 activities.
3-35 (b) The academy is a coeducational program for selected
3-36 Texas high school students with an interest in and the potential to
3-37 excel in mathematics and science studies. The academy shall admit
3-38 only high school juniors and seniors, except that the academy may
3-39 admit a student with exceptional abilities who is not yet a high
3-40 school junior. The board shall set aside adequate space at the new
3-41 university to operate the academy and implement the purposes of
3-42 this section. The academy must operate on the same fall and spring
3-43 semester basis as the university. Full-time students of the
3-44 academy must enroll for both the fall and spring semesters. Faculty
3-45 members of the university shall teach all academic classes at the
3-46 academy. A student of the academy may attend a college course
3-47 offered by the university and receive college credit for that
3-48 course.
3-49 (c) The university administration has the same powers and
3-50 duties with respect to the academy that the administration has with
3-51 respect to the university. The board, in consultation with
3-52 university administration, shall:
3-53 (1) establish an internal management system for the
3-54 academy and appoint an academy principal, who serves at the will of
3-55 the board and reports to the vice president for academic affairs;
3-56 (2) provide for one or more academy counselors;
3-57 (3) establish for the academy a site-based
3-58 decision-making process similar to the process required by
3-59 Subchapter F, Chapter 11, that provides for the participation of
3-60 academy faculty, parents of academy students, and other members of
3-61 the community; and
3-62 (4) establish an admissions process for the academy.
3-63 (d) The student-teacher ratio in all regular academic
3-64 classes at the academy may not exceed 30 students for each classroom
3-65 teacher, except that the student-teacher ratio may exceed that
3-66 limit:
3-67 (1) in a program provided for the purposes prescribed
3-68 by Subsection (a)(2) or another special enrichment course or in a
3-69 physical education course;

4-1 (2) if the board determines that a class with a higher
 4-2 student-teacher ratio would contribute to the educational
 4-3 development of the students in the class; or

4-4 (3) if an academy class is combined with a university
 4-5 class with more than 30 students.

4-6 (e) The academy shall provide the university-level
 4-7 curriculum in a manner that is appropriate for the social,
 4-8 psychological, emotional, and physical development of high school
 4-9 juniors and seniors. The administrative and counseling personnel
 4-10 of the academy shall provide continuous support to and supervision
 4-11 of students.

4-12 (f) For each student enrolled in the academy, the academy is
 4-13 entitled to allotments from the foundation school fund under
 4-14 Chapter 42 as if the academy were a school district without a tier
 4-15 one local share for purposes of Section 42.253. If in any academic
 4-16 year the amount of the allotments under this subsection exceeds the
 4-17 amount of state funds paid to the academy in the first fiscal year
 4-18 of the academy's operation, the commissioner of education shall set
 4-19 aside from the total amount of funds to which school districts are
 4-20 entitled under Section 42.253(c) an amount equal to the excess
 4-21 amount and shall distribute that amount to the academy. After
 4-22 deducting the amount set aside and paid to the academy by the
 4-23 commissioner of education under this subsection, the commissioner
 4-24 of education shall reduce the amount to which each district is
 4-25 entitled under Section 42.253(c) in the manner described by Section
 4-26 42.253(h). A determination of the commissioner of education under
 4-27 this subsection is final and may not be appealed.

4-28 (g) The board may use any available money, enter into
 4-29 contracts, and accept grants, including matching grants, federal
 4-30 grants, and grants from a corporation or other private contributor,
 4-31 in establishing and operating the academy. Money spent by the
 4-32 academy must further the purposes of the academy under Subsection
 4-33 (a).

4-34 (h) The liability of this state under Chapters 101 and 104,
 4-35 Civil Practice and Remedies Code, is limited for the academy and
 4-36 employees assigned to the academy and acting on behalf of the
 4-37 academy to the same extent that the liability of a school district
 4-38 and an employee of the school district is limited under Sections
 4-39 22.0511, 22.0512, and 22.052 of this code and Section 101.051,
 4-40 Civil Practice and Remedies Code. An employee assigned to the
 4-41 academy is entitled to representation by the attorney general in a
 4-42 civil suit based on an action or omission of the employee in the
 4-43 course of the employee's employment, to limits on liability, and to
 4-44 indemnity under Chapters 104 and 108, Civil Practice and Remedies
 4-45 Code.

4-46 (i) Except as otherwise provided by this section, the
 4-47 academy is not subject to the provisions of this code or to the
 4-48 rules of the Texas Education Agency regulating public schools.

4-49 SECTION 2. CONFORMING AMENDMENT. Subsection (a), Section
 4-50 74.751, Education Code, is amended to read as follows:

4-51 (a) The board of regents of The University of Texas System
 4-52 may operate The University of Texas Health Science Center--South
 4-53 Texas as provided by Section 79.02 [~~a component institution of The~~
 4-54 ~~University of Texas System~~] with its main campus and administrative
 4-55 offices to be determined as described by that section [~~in Cameron~~
 4-56 ~~County~~]. The health science center shall [~~may~~] consist of a medical
 4-57 school, as provided by Section 74.752, other health and
 4-58 health-related degree programs, and related programs and
 4-59 facilities as the board considers appropriate.

4-60 SECTION 3. THE UNIVERSITY OF TEXAS--PAN AMERICAN AND THE
 4-61 UNIVERSITY OF TEXAS AT BROWNSVILLE ABOLISHED. (a) The University
 4-62 of Texas--Pan American and The University of Texas at Brownsville
 4-63 are abolished on a date the board of regents of The University of
 4-64 Texas System determines appropriate to achieve the maximum
 4-65 operating efficiency of the system. The designated date must be
 4-66 entered into the minutes of the board. The board shall take all
 4-67 actions necessary to provide for an orderly windup of the affairs of
 4-68 each university.

4-69 (b) The board shall provide to the secretary of state

5-1 written notice of its action under Subsection (a) of this section.
 5-2 Effective on the date the board designates for the abolition of the
 5-3 institutions described by Subsection (a) of this section, Chapters
 5-4 77 and 78, Education Code, are repealed.

5-5 (c) The board may not act under Subsection (a) of this
 5-6 section to abolish The University of Texas--Pan American and The
 5-7 University of Texas at Brownsville earlier than the date on which
 5-8 the university created under Chapter 79, Education Code, as added
 5-9 by this Act, begins operation.

5-10 SECTION 4. UNIVERSITY CREATED. (a) The university
 5-11 described by Chapter 79, Education Code, as added by this Act, is
 5-12 created within The University of Texas System. As provided by that
 5-13 chapter, the board of regents of the system shall name the
 5-14 university and establish the university as a general academic
 5-15 teaching institution offering the degrees authorized by that
 5-16 chapter.

5-17 (b) The university shall begin operating on a date the board
 5-18 of regents determines appropriate to achieve the maximum operating
 5-19 efficiency of the system. The designated date must be entered into
 5-20 the minutes of the board.

5-21 (c) In recognition of the abolition of The University of
 5-22 Texas--Pan American and The University of Texas at Brownsville as
 5-23 authorized by this Act, the board of regents shall facilitate the
 5-24 employment at the university created by this Act of as many faculty
 5-25 and staff of the abolished universities as is prudent and
 5-26 practical.

5-27 (d) A student admitted to or enrolled at The University of
 5-28 Texas--Pan American or The University of Texas at Brownsville on
 5-29 the date of abolition is entitled to admission to the university
 5-30 created by this Act, and the board shall take actions necessary to
 5-31 facilitate that admission and the appropriate transfer of credits.

5-32 (e) Until such time as the university created by this Act
 5-33 formally begins operation, the board of regents may provide for The
 5-34 University of Texas--Pan American or The University of Texas at
 5-35 Brownsville to use any facilities under the management and control
 5-36 of The University of Texas System, including facilities developed
 5-37 for the university created by this Act. In addition, the board may
 5-38 lease or purchase facilities owned by Texas Southmost College
 5-39 District or by other owners to the extent the board determines
 5-40 necessary and practical.

5-41 (f) This Act does not affect the powers, duties, and
 5-42 obligations of The University of Texas at Brownsville and the Texas
 5-43 Southmost College District under Section 5, Chapter 935
 5-44 (S.B. 1909), Acts of the 82nd Legislature, Regular Session, 2011.
 5-45 As provided by that law, that university and the district shall
 5-46 continue a partnership agreement in effect until August 31, 2015,
 5-47 to the extent necessary to ensure accreditation.

5-48 SECTION 5. ADVISORY GROUP TO BOARD OF REGENTS. (a) To
 5-49 assist the system in designing, organizing, and implementing a
 5-50 medical school to serve the Rio Grande Valley as a component of the
 5-51 new university, the board of regents of The University of Texas
 5-52 System shall appoint a temporary advisory group to give the board
 5-53 counsel and recommendations regarding:

5-54 (1) the design and development of the medical school,
 5-55 with the goal of preparing future physicians for medical careers
 5-56 through an innovative model of medical education for the 21st
 5-57 century; and

5-58 (2) the best locations for medical school
 5-59 administration and operations, identifying the best chance for
 5-60 success of the medical school and its administrative offices based
 5-61 on resources, costs, assets, infrastructure, long-term fiscal
 5-62 viability, and other objective criteria.

5-63 (b) The board shall determine the size and membership of the
 5-64 advisory group, but the group must be composed of nationally
 5-65 recognized experts in the organization and administration of
 5-66 medical schools and other health-related programs and of
 5-67 institutions of higher education.

5-68 (c) The advisory group shall solicit input from interested
 5-69 parties, including representatives of business organizations,

6-1 health care providers, and educators, as determined by the board
6-2 and the advisory group.

6-3 (d) The board shall base its determinations regarding the
6-4 matters described by Subsections (a)(1) and (2) of this section on
6-5 the findings and recommendations of the advisory group.

6-6 (e) The board shall dissolve the advisory group when the
6-7 group has reported to the board and the board determines that the
6-8 purposes of the group under this section have been achieved.

6-9 SECTION 6. EFFECTIVE DATE. This Act takes effect
6-10 immediately if it receives a vote of two-thirds of all the members
6-11 elected to each house, as provided by Section 39, Article III, Texas
6-12 Constitution. If this Act does not receive the vote necessary for
6-13 immediate effect, this Act takes effect September 1, 2013.

6-14

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