

BILL ANALYSIS

Senate Research Center

H.B. 3564
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S/C on Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Angelo State University stands to benefit from greater resources and opportunities from working in close cooperation with Texas Tech University.

H.B. 3564 transfers the management and control of Angelo State University from the board of regents of the Texas State University System to the board of regents of the Texas Tech University System and sets forth the provisions for a successful transition.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of regents of the Texas Tech University System in SECTION 1 (Section 109A.002, Education Code) and SECTION 3 of this bill.

Rulemaking authority previously granted to the board of regents of the Texas State University System is transferred to the board of regents of the Texas Tech University System in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. AMENDMENT. Amends Subtitle F, Title 3, Education Code, by adding Chapter 109A, as follows:

CHAPTER 109A. ANGELO STATE UNIVERSITY

Sec. 109A.001. ESTABLISHMENT; SCOPE. (a) Provides that Angelo State University (university) is a general academic teaching institution located in the city of San Angelo.

(b) Provides that the university is a component institution of the Texas Tech University System and is under the management and control of the board of regents of the Texas Tech University System (board). Provides that the board has the same powers and duties concerning the university as are conferred on the board by statute concerning Texas Tech University and Texas Tech University Health Sciences Center.

Sec. 109A.002. COURSES AND DEGREES; RULES; AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. (a) Authorizes the board, with the approval of the Texas Higher Education Coordinating Board (THECB), to prescribe courses at the university leading to customary degrees as are offered at leading American educational institutions and award those degrees, including baccalaureate, master's, and doctoral degrees and their equivalents.

(b) Prohibits the institution of a new department, school, or degree program at the university without the prior approval of THECB.

(c) Requires the board to adopt rules for the operation, control, and management of the university as may be necessary for the conduct of the university as one of the first class.

(d) Authorizes the board to enter into an affiliation or coordination agreement with any other entity or institution in this state to further the purposes of the university.

(e) Authorizes the board to make joint faculty appointments in the university and in other institutions under its governance. Authorizes the board to make a joint faculty appointment in the university concurrently with the appointment of the faculty member by another institution of higher education in accordance with an affiliation agreement described by Subsection (d). Requires the salary of a person who receives a joint appointment to be apportioned to the appointing institutions on the basis of services rendered.

Sec. 109A.003. OBLIGATIONS AND BENEFITS OF STATE LAW. Provides that the university is subject to the obligations and entitled to the benefits of all laws of this state applicable to all other state institutions of higher education, except that this subchapter prevails to the extent of any conflict between this subchapter and any other law of this state.

Sec. 109A.004. MILITARY TRAINING. Prohibits the university from requiring a student to participate in military training as a condition for admission to or graduation from the university.

SECTION 2. TRANSFER OF GOVERNANCE OF UNIVERSITY. Provides that the governance, control, management, and property of the university are transferred from the board of regents of the Texas State University System to the board of regents of the Texas Tech University System. Provides that the transfer is governed by Sections 3 through 7 of this Act.

SECTION 3. POWERS AND DUTIES; RULES AND POLICIES. (a) Requires the board, when the transfer takes place, to govern, operate, manage, and control the university and all land, buildings, facilities, improvements, equipment, supplies, and property belonging to and constituting the university under the powers and duties conferred by law on the board of regents.

(b) Provides that rules and policies adopted by the board of regents of the Texas State University System to govern the university that are in effect when the transfer takes effect are continued in effect until adopted, repealed, or superseded by the board. Authorizes the board to adopt rules and policies applicable to the university in anticipation of the transfer authorized by this Act.

SECTION 4. CONTRACTS AND CERTAIN WRITTEN OBLIGATIONS. Provides that contracts and written obligations of every kind and character entered into by the board of regents of the Texas State University System for and on behalf of the university, other than bonds, are considered ratified, confirmed, and validated by the board on the effective date of the transfer. Provides that in those contracts and written obligations, the board is substituted for and stands and acts in the place of the board of the Texas State University System to the extent permitted by law.

SECTION 5. EFFECT OF TRANSFER ON STUDENTS AND EMPLOYEES. (a) Provides that the transfer of the governance of the university under this Act does not affect the status of any student of the university.

(b) Provides that the transfer of the governance of the university under this Act does not affect the employment status or accrued benefits of a person employed by the university when the transfer takes effect.

SECTION 6. CURRENT FUNDING. Provides that all funds that, on the effective date of the transfer, have been appropriated or dedicated to or are held for the use and benefit of the university under the governance of the board of regents of the Texas State University System are transferred to the board of regents of the Texas Tech University System for the use and benefit of the university.

SECTION 7. LEGISLATIVE INTENT; ROLE OF COORDINATING BOARD. Provides that it is the intent of the legislature that the transfer of the governance of the university from the board of regents Texas State University System to the board be made without disrupting the students, faculty, staff, or programs of the university. Requires THECB, if those boards of regents are unable to agree as to any matter relating to the transfer, on application of either board of regents, to resolve the disagreement consistent with the intent of this section and the provisions of this Act as THECB determines is in the best interest of this state and the institution under the governance of the boards of regents. Authorizes THECB to issue any orders or take any other action the board considers appropriate to enforce this section or to facilitate the transfer consistent with this Act and the intent of the legislature.

SECTION 8. AMENDMENT. Amends Section 55.1724(a), Education Code, to make conforming changes.

SECTION 9. AMENDMENT. Amends section 55.1734(a), Education Code, to make conforming changes.

SECTION 10. AMENDMENT. Amends Subchapter B, Chapter 55, Education Code, by adding Section 55.1769, as follows:

Sec. 55.1769. ANGELO STATE UNIVERSITY. (a) Authorizes the board, in addition to the other authority granted by this subchapter, to issue bonds in accordance with this subchapter and with a systemwide revenue financing program adopted by the board, in the aggregate principle amounts not to exceed the amounts previously authorized for the university by Sections 55.1724 (Texas State University System) and 55.1734 (Texas State University System; Additional Bonds), as those sections existed immediately before this section took effect, less any portion of those amounts for which bonds were issued under those sections for the university before the date this section took effect. Authorizes bonds issued under this section for an amount previously authorized by Section 55.1724 or 55.1734, subject to Subsection (d), to be used only at the university for the purposes for which the bonds for the university were authorized to be issued under Sections 55.1724 and 55.1734, as applicable.

(b) Authorizes the board to pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the Texas Tech University System, including student tuition charges. Prohibits the amount of a pledge made under this subsection from being reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) Authorizes the board, if there are insufficient funds to meet its obligations, to transfer funds among institutions, branches, and entities of the Texas Tech University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Authorizes any portion of the proceeds of bonds authorized by this section for one or more specified projects that is not required for the specified projects to be used to renovate existing structures and facilities at the university.

SECTION 11. AMENDMENT. Amends Section 62.021(a), Education Code, to make conforming changes.

SECTION 12. AMENDMENT. Amends Section 501.022, Labor Code, as follows:

Sec. 501.022. New heading: EMPLOYEES OF COMPONENTS INSTITUTIONS OF TEXAS TECH UNIVERSITY SYSTEM. (a) Provides that an eligible employee of Texas Tech University, Texas Tech University Health Sciences Center, Angelo State University, or another agency under the direction and control of the board of regents of Texas Tech University System, rather than the board of regents of Texas Tech University

and Texas Tech University Health Sciences Center, is entitled to participation in the workers' compensation program for state employees provided under this chapter.

(b) and (c) Makes no changes to these subsections.

(d) Requires that Angelo State University be considered a state agency, for purposes of this chapter, and that it act in the capacity of employer.

SECTION 13. REPEALER. Repealer: Subchapter B (Angelo State University), Chapter 96, Education Code.

SECTION 14. EFFECTIVE DATE. Effective date: September 1, 2007.