

## **BILL ANALYSIS**

Senate Research Center  
85R8581 MM-F

S.B. 828  
By: Seliger  
Higher Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

As Texas' higher education institutions look to expand their presence across the state, it is important that the Texas Higher Education Coordinating Board (THECB) review and approve these sites and new degree or certificate programs offered at an off-campus site, to ensure they do not create unnecessary duplication and that they use the state's resources most efficiently.

S.B. 828 allows THECB, through negotiated rulemaking, to define off-campus academic, technical, and research sites such as multi-institution teaching centers, branch campuses, and satellite campuses. Statute clarification of off-campus sites is necessary since many off-campus sites are not currently defined.

S.B. 828 also requires that institutions obtain THECB review and approval prior to acquiring property to create a new or expand an existing off-campus academic, technical or research site. The criteria for approval would be established through negotiated rulemaking and information submitted by institutions would be exempted from public disclosure.

Finally, S.B. 828 clarifies planning rules to require that institutions notify THECB regarding a proposed professional degree program at least one year prior to submitting a proposal to offer the degree.

As proposed, S.B. 828 amends current law relating to certain academic programs and projects undertaken by public institutions of higher education at an off-campus academic or research site or a similar location.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 61.0512(a), Education Code, as follows:

(a) Authorizes a new degree or certificate program to be added at an institution of higher education (IHE) only with specific approval of the Texas Higher Education Coordinating Board (THECB). Provides that a degree or certificate program offered at an off-campus academic or research site is considered a new degree or certificate program if not previously offered at the off-campus academic or research site.

SECTION 2. Amends Section 61.0572(d), Education Code, as follows:

(d) Authorizes THECB to review purchases of improved real property added to an institution's educational and general buildings and facilities inventory to determine whether the property meets the standards adopted by THECB for cost, efficiency, space need, and space use, but subject to Section 61.0584 the purchase of the improved real property is not contingent on board review or approval.

SECTION 3. Amends Section 61.058(b), Education Code, as follows:

(b) Authorizes THECB to review all construction, repair, or rehabilitation of buildings and facilities at IHEs to determine whether the construction, rehabilitation, or repair meets the standards adopted by THECB rule for cost, efficiency, space need, and space use, but provides that subject to Section 61.0584 the construction, rehabilitation, or repair is not contingent on board review or approval.

SECTION 4. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.0584, as follows:

Sec. 61.0584. OFF-CAMPUS ACADEMIC OR RESEARCH SITE. (a) Provides that this section does not apply to buildings and facilities that are located on an off-campus academic or research site, that are to be used exclusively for auxiliary enterprises, and that will not require appropriations from the legislature for operation, maintenance, or repair.

(b) Requires THECB to review and to approve or disapprove an action taken by the governing board of an IHE or university system, through purchase, lease, or otherwise, to acquire improved or unimproved real property for use at a new or existing off-campus academic or research site or acquire or construct a building or facility for use at a site.

(c) Requires THECB, using the negotiated rulemaking procedures under Chapter 2008, Government Code, to develop a procedure for each IHE or university system to use to identify, for purposes of THECB review required by this section, the scope and character of projects that are proposed for an off-campus academic or research site, including certain projects and any other location that is separate from the main campus of an institution and that is to be used for academic or research purposes.

(d) Requires THECB, using the negotiated rulemaking procedures under Chapter 2008, Government Code, to establish criteria for reviewing and for approving or disapproving an action taken by the governing board of an IHE or university system. Requires that criteria adopted under this subsection prioritize the academic and research needs of IHEs while preventing unnecessary duplication in program offerings, faculties, and physical plants.

(e) Provides that information related to THECB's findings and determinations under this section is not subject to the required disclosure under Chapter 552 (Public Information), Government Code.

(f) Authorizes THECB to conduct a closed meeting pursuant to Section 551.072 (Deliberation Regarding Real Property; Closed Meeting), Government Code, to deliberate the approval or disapproval of any action subject to that section and taken by the governing board of an IHE or university system. Authorizes THECB, as necessary and appropriate, to hold its closed meeting as an emergency meeting under Section 551.045 (Exception to General Rule: Notice of Emergency Meeting or Emergency Addition to Agenda), Government Code.

(g) Requires THECB to report its findings and determinations under this section to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the governing boards of the applicable IHEs or university systems.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.