

BILL ANALYSIS

Senate Research Center
77R7180 KEL-D

C.S.S.B. 576
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Education
3/22/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

In 1999, the 76th Legislature authorized the establishment of the University of North Texas System (system). The system is comprised of the University of North Texas, located in Denton, and the University of North Texas Health Science Center in Fort Worth. C.S.S.B. 576 establishes the powers and authority of the system and reorganizes existing law into a cohesive chapter in the Texas Higher Education Code. C.S.S.B. 576 also establishes the University of North Texas at Dallas pursuant to authorization as otherwise provided in the Texas Higher Education Code.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of regents of the University of North Texas System in SECTION 1 (Section 105.253, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 105, Education Code, as follows:

CHAPTER 105. UNIVERSITY OF NORTH TEXAS SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 105.001. UNIVERSITY OF NORTH TEXAS SYSTEM. Provides that the University of North Texas System is composed of the University of North Texas, the University of North Texas Health Science Center at Fort Worth; and the University of North Texas at Dallas. Deletes existing Section 105.01, titled University of North Texas. Redesignated from existing Section 105.005.

Sec. 105.002. DEFINITIONS. Redefines "board." Defines "health science center" and "system." Deletes text defining "university."

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 105.051. Redesignated from existing Section 105.11.

Sec. 105.052. Redesignated from existing Section 105.12. Makes a conforming change.

Sec. 105.053. Redesignated from existing Section 105.14.

Sec. 105.054. Requires the board of regents of the University of North Texas System (board) to elect a chairman and any other officers it considers, rather than deems, necessary. Authorizes the chairman to convene the board when the chairman considers it expedient to consider any business related to the system, rather than university. Makes a conforming change. Redesignated from existing Section 105.15.

SUBCHAPTER C. New heading: POWERS AND DUTIES OF BOARD.

Sec. 105.101. Authorizes the board to direct, govern, operate, support, maintain, manage, and control the system. Authorizes the board to maintain system buildings. Authorizes the board to employ and discharge personnel, including faculty, to carry out the board's powers and duties. Authorizes the board, in accordance with the rules of the Texas Higher Education Coordinating Board, to prescribe for each component institution programs and courses leading to customary degrees as are offered at outstanding American universities and award those degrees, including baccalaureate, master's, and doctoral degrees and their equivalents; establish admission standards for each component institution; perform other acts that contribute to the development of the system or to the welfare of students of the component institutions; and delegate a power or assign a duty of the board to an officer, employee, or committee designated by the board. Makes conforming changes. Redesignated from existing Section 105.41.

Sec. 105.102. CHIEF EXECUTIVE OFFICERS. Requires the board to appoint a chancellor who serves as chief executive officer of the system. Requires the board to appoint a president of each component institution who serves as chief executive officer of the institution. Requires the president of the University of North Texas Health Science Center at Fort Worth to be a licensed physician who possesses a doctor of osteopathy degree from an accredited college of osteopathic medicine and has been licensed to practice medicine in a state of the United States for at least five years. Deletes Section 105.42 (Contracts with City for Utility Services). Deletes Section 105.43 (Admissions, Courses, and Degrees).

Sec. 105.103. EMINENT DOMAIN; RESTRICTION. Makes a conforming change. Redesignated from existing Section 105.44.

Sec. 105.104. DONATIONS, GIFTS, GRANTS, AND ENDOWMENTS. Authorizes the board, from any source, including the federal government, a municipality, a foundation, a trust fund, a corporation, another education agency, or any other person, to accept certain items for the system, to be held in trust and administered by the board for the purposes and under the direction, limitations, and provisions declared in writing in the donation, gift, grant, or endowment. Makes conforming changes. Redesignated from existing Section 105.45.

Sec. 105.105. FUNDS RECEIVED FOR TRUST SERVICES. Makes conforming changes. Redesignated from existing Section 105.46.

Sec. 105.106. DISBURSEMENT OF FUNDS. Makes conforming changes. Redesignate from existing Section 105.47.

Sec. 105.107. New heading: SYSTEM PROPERTY. Makes conforming changes. Redesignated from existing Section 105.48.

Deletes Section 105.49 (Venue and Service of Process).

Sec. 105.108. CONTRACTS. Authorizes the board by rule to delegate to a representative of the board or an employee of the system the authority to negotiate, execute, and approve a contract with the system, rather than university. Makes a conforming change. Redesignated from existing Section 105.50.

Sec. 105.109. JOINT APPOINTMENTS. Authorizes the board to make joint appointments in the component institutions of the system, with the salary of any person who receives a joint appointment to be apportioned to the appointing institution on the basis of services rendered.

Sec. 105.110. RESEARCH PARK. Authorizes the board to authorize the establishment of a research park by one or more component institutions of the system. Authorizes the

administrator of the research park to use private or public entities for scientific and technological research and development in the surrounding region. Deletes Section 105.51 (Mentoring Program).

SUBCHAPTER D. New heading: MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Sec. 105.151. **MANDATORY VENUE; SERVICE OF PROCESS.** Provides that venue for a suit filed against the system, the board, the University of North Texas, or officers or employees of the University of North Texas is in Denton County. Provides that venue for suit filed solely against the health science center or officers or employees of the health science center is in Tarrant County. Provides that venue for a suit filed solely against the University of North Texas at Dallas or against officers or employees of the University of North Texas at Dallas is in Dallas County. Provides that in case of a conflict between Subsection (a), (b), or (c) and any other law, Subsection (a), (b), or (c) controls. Requires the service of citation or other required process to be made on the attorney general and on an individual named by board rule as a representative of the board. Provides that this section does not waive any defense or any immunity to suit or liability that is asserted by an entity or other person described by Subsection (a), (b), or (c).

Sec. 105.152. **POLICE JURISDICTION.** Requires campus police officers to have the same jurisdiction, powers, privileges and immunities as specified in Section 51.203, Education Code.

Sec. 105.153. **DELEGATION OF MUNICIPAL PARKING REGULATION AUTHORITY.** Authorizes the governing body of the municipality, by contract between the municipality and the component institution, to delegate to the institution the authority to regulate the parking of vehicles on any public street running through or immediately adjacent to property owned or occupied and controlled by the institution. Authorizes the contract to authorize the component institution to assign and regulate parking spaces for its use, to charge and collect a fee from its personnel and students for parking, to prohibit parking, and to charge and collect a fee for removing vehicles parked in violation of law or ordinance or in violation of a rule governing the parking of vehicles adopted by the board. Requires the contract to be approved by resolution of the board and the governing board of the municipality. Requires the component institution to have jurisdiction over property owned or controlled by the institution to the extent that it is authorized to perform certain duties.

Sec. 105.154. **CONSTRUCTION OF PROVISIONS REGARDING CAMPUS SECURITY PERSONNEL.** Provides that Sections 105.152-105.154 do not limit certain powers of peace officers or the institution. Deletes Section 105.61 (Designation). Deletes Section 105.62 (Gifts and Donations). Deletes Section 105.63 (Rules and Regulation).

SUBCHAPTER E. New heading: UNIVERSITY OF NORTH TEXAS

Sec 105.201. **DEFINITION.** Defines “university.”

Sec. 105.202. **UNIVERSITY OF NORTH TEXAS.** Provides that the University of North Texas is a coeducational institution of higher education located in the city of Denton.

Sec. 105.203. **CONTRACTS WITH CITY FOR UTILITY SERVICES.** Authorizes the board to contract with the City of Denton for the furnishing of water and other utility services to the university. Prohibits the rates charged the university from exceeding those regularly established, published, and declared rates for similar customers. Requires the rates charged, if there are no similar customers, to be those established by the City of Denton for commercial users. Authorizes the city to make adjustments, discounts, and special rates that the governing authorities of the city are authorized to consider appropriate to provide for the university.

Sec. 105.204. MENTORING PROGRAM. Authorizes the board to establish a mentoring program at the university. Authorizes the program to provide mentoring, tutoring, and other resources to students at all levels of the educational system to assist students to achieve certain criteria. Authorizes the program to perform certain duties and to provide other resources to students in the communities primarily served by the university who are students at risk of dropping out of school, as defined by Section 29.081, or who are otherwise in need of services to assist them in successfully completing their education and becoming productive members of the community. Requires the board to establish in connection with the program a continuing study and evaluation of mentoring activities and research into the best practices and methods of mentoring. Requires the board, at the times determined by the board, to prepare a report relating to the operation of the program. Requires the report to include certain information. Authorizes the board to use available institutional funds, as defined by Section 51.009, to support the program. Authorizes the board to solicit and accept certain other items from any public or private source to support the program.

SUBCHAPTER F. STATE HISTORICAL COLLECTION

Sec. 105.251. DESIGNATION. Provides that the historical collection of the University of North Texas consists of certain items and of other items of historical importance and is designated as a State Historical Collection, to be known as "The State Historical Collection of the University of North Texas."

Sec. 105.252. GIFTS AND DONATIONS. Authorizes the board to accept and receive certain items, to be used in teaching the youth of this state.

Sec. 105.253. RULES REGARDING GIFTS AND DONATIONS. Authorizes the board to adopt any rules regarding the receiving and holding of these gifts, donations, and collections that it considers necessary and advisable. Deletes Section 105.712 (Establishment of University of North Texas Health Science Center at Fort Worth).

Deletes Section 105.72 (Location).

Deletes Section 105.73 (Rules And Regulation; Courses).

Deletes Section 105.74 (Chief Executive Officers).

Deletes Section 105.75 (Teaching Hospital; Facilities).

Deletes Section 105.76 (Joint Appointments).

Deletes Section 105.77 (Agreements With Other Entities).

Deletes Section 105.78 (Gifts And Grants).

Deletes Section 105.79 (Supervision by Coordinating Board).

Deletes Section 105.80 (Medical School Admission Policies).

Deletes Section 105.81 (Acquisition And Disposition of Land).

Deletes the heading to Subchapter G.

Deletes Section 105.91 (Concurrent Jurisdiction With City Police).

Deletes Section 105.92 (Assistance To City Police).

Deletes Section 105.93 (City Delegation Of Parking Regulation Authority).

Deletes Section 105.94 (Construction Of Subchapter).

Deletes citation of Subchapter H.

Sec. 105.301. Redesignated from existing Section 105.95. Provides that the Texas Academy of Mathematics and Science (academy) is established as a division of the University of North Texas, rather than North Texas State University, for certain purposes. Provides that the academy is a residential, coeducational institution for selected Texas high school students with interest and potential in mathematics and science under the control and management of the board, rather than of regents of the university. Makes a conforming change.

Sec. 105.302. Redesignated from existing Section 105.96. Requires certain persons to serve on the academy's advisory board. Requires the advisory board to make recommendations to the dean, rather than director, of the academy concerning certain activities. Makes conforming changes.

Sec. 105.303. Redesignated from existing Section 105.97. Requires the academy to operate on the same fall and spring semester basis as the University of North Texas, rather than university. Prohibits the pupil-teacher ratio in all regular academic classes at the academy from exceeding 30 students for each, rather than per, classroom teacher, except that the pupil-teacher ratio is authorized to exceed that limit if the board determines that a class with more than 30 students for each classroom teacher would contribute to the educational development of the students in the class.

Sec. 105.304. Redesignated from existing Section 105.98.

Sec. 105.305. Redesignated from existing Section 105.99.

Sec. 105.306. Redesignated from existing Section 105.100. Requires any money received by the academy to be expended to further the functions and purposes of the academy listed in Section 105.301, rather than 105.95, of this code. Makes a conforming change.

Sec. 105.307. New heading: DEAN. Redesignated from existing Section 105.101. Makes conforming changes.

Sec. 105.308. Redesignated from existing Section 105.102. Provides that the liability of the state under Chapters 101(Tort Claims) and 104 (State Liability for Conduct of Public Servants), Civil Practice and Remedies Code, is limited for the academy and employees assigned to the academy and acting on behalf of the academy to the same extent that the liability of a school district and an employee of the school district is limited under Sections 22.051 and 22.052 of this code and Section 101.051(School and Junior College Districts Partially Excluded), Civil Practice and Remedies Code. Provides that an employee assigned to the academy is entitled to representation by the attorney general in a civil suit based on an action or omission of the employee in the course of the employee's employment, limits of liability, and indemnity under Chapters 104 and 108 (Limitation of Liability for Public Servants), Civil Practice and Remedies Code.

SUBCHAPTER H. UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH

Sec. 105.401. UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH. Provides that the University of North Texas Health Science Center at Fort Worth is a coeducational institution of higher education that consists of a college of osteopathic

medicine and other programs as prescribed by the board in accordance with the rules of the Texas Higher Education Coordinating Board.

Sec. 105.402. PROHIBITED DEGREES. Prohibits the board from awarding an M.D. degree.

Sec. 105.403. TEACHING HOSPITAL; FACILITIES. Requires a complete teaching hospital for the health science center to be furnished without cost or expense to the state. Requires the board to provide for adequate physical facilities for use by the health science center in its teaching and research programs.

Sec. 105.404. AGREEMENTS WITH OTHER ENTITIES. Authorizes the board to execute and carry out affiliation or coordinating agreements with any other entity, school, or institution in this state to provide clinical, postgraduate, including internship and residency, or other levels of medical educational work for the health science center.

SUBCHAPTER I. UNIVERSITY OF NORTH TEXAS AT DALLAS

Sec. 105.451. UNIVERSITY OF NORTH TEXAS AT DALLAS. (a) Provides that the University of North Texas at Dallas is established as an institution of higher education and component institution of the University of North Texas System in the city of Dallas on property designated by the board.

(b) Authorizes the board to accept gifts, grants, and donations and to acquire land for the university.

(c) Authorizes the board to plan for the development of the university and for the academic programs offered by the university.

(d) Authorizes the University of North Texas at Dallas, notwithstanding any other provision of this subchapter, to operate as a general academic teaching institution with its own chief executive officer, administration, and faculty only after the Texas Higher Education Coordinating Board certifies that enrollment at the University of North Texas System Center at Dallas has reached an enrollment equivalent to 2,500 full-time students for one semester. Authorizes the board to operate a system center of the University of North Texas in the city of Dallas until that enrollment is reached.

SECTION 2. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 576 as follows:

Sec. 105.002. Redefines "system."

Sec. 105.101. Makes conforming changes.

Sec. 105.102. Replaces "component institution of the system" with "component institution."

Sec. 105.110. Includes wording to clarify that the administrator of the research park is authorized to use private or public entities for scientific and technological research and development in the surrounding region.

Sec. 105.152. New heading: POLICE JURISDICTION. Requires campus peace officers to have the same jurisdiction, powers, privileges, and immunities as specified in Section 51.203.

Sec. 105.153. Deletes proposed Section 105.153 and redesignates proposed Section 105.154. Replaces “institution” with “component institution” throughout this section. Removes wording related to an institution’s jurisdiction over its personnel and students on property owned by the institution.

Sec. 105.154. Redesignates proposed Section 105.155. Makes a conforming change.

Sec. 105.253. New heading: RULES REGARDING GIFTS AND DONATIONS.

Sec. 105.451. Establishes the University of North Texas at Dallas as an institution of higher education and component institution of the University of North Texas System in the city of Dallas on property designated by the board. Authorizes the board to accept gifts, grants, and donations and to acquire land for the university. Authorizes the board to plan for the development of the university and for the academic programs offered by the university. Authorizes the University of North Texas at Dallas, notwithstanding any other provision of this subchapter, to operate as a general academic teaching institution with its own chief executive officer, administration, and faculty only after the Texas Higher Education Coordinating Board certifies that enrollment at the University of North Texas System Center at Dallas has reached an enrollment equivalent to 2,500 full-time students for one semester. Authorizes the board to operate a system center of the University of North Texas in the city of Dallas until that enrollment level is reached.

SECTION 2. No change.