

By: Zaffirini

S.B. No. 5

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to public institutions of higher education, including the  
3 administration, operation, financial management, and reporting  
4 requirements of those institutions.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 ARTICLE 1. FINANCIAL MANAGEMENT

7 SECTION 1.01. Section 51.003(b), Education Code, is amended  
8 to read as follows:

9 (b) The funds shall either be deposited in the depository  
10 bank or banks or invested as authorized by Chapter 2256, Government  
11 Code (Public Funds Investment Act). Funds that are to be deposited  
12 in the depository bank or banks must be deposited within seven days  
13 from the date of receipt by the institution [~~collection~~].

14 SECTION 1.02. Subchapter A, Chapter 51, Education Code, is  
15 amended by adding Sections 51.010 and 51.011 to read as follows:

16 Sec. 51.010. COLLECTION OF DELINQUENT OBLIGATIONS. If  
17 under the rules adopted by the attorney general under Chapter 2107,  
18 Government Code, an institution of higher education is not required  
19 to refer a delinquent obligation for collection to the attorney  
20 general, the institution is not required to expend resources for  
21 further collection efforts if, considering the amount, security,  
22 likelihood of collection, expense, and available resources, the  
23 institution determines that further collection should not be  
24 actively pursued.

1       Sec. 51.011. DISPOSITION OF SMALL CREDIT BALANCES.

2       (a) This section applies to a credit balance of less than \$25 held  
3 by an institution of higher education that is presumed abandoned  
4 under Chapter 72, Property Code.

5       (b) An institution of higher education may maintain an  
6 unclaimed money fund and transfer to that fund a credit balance to  
7 which this section applies. The institution shall hold and account  
8 for the fund as educational and general funds of the institution.

9       (c) The institution shall use the unclaimed money fund to  
10 pay the claims of persons establishing ownership of amounts  
11 transferred to the fund. Each fiscal year, after retaining money in  
12 the fund sufficient to pay anticipated expenses of and claims  
13 against the fund, the institution shall use the balance as other  
14 educational and general funds of the institution.

15       (d) In consultation with institutions of higher education,  
16 the comptroller by rule may establish minimum requirements for  
17 notice to owners of unclaimed money deposited in the unclaimed  
18 money fund and for charges for that notice. The rules may not  
19 provide stricter requirements than the comptroller applies for  
20 amounts of less than \$25 in the custody of the comptroller under  
21 Chapter 74, Property Code.

22       (e) If an institution of higher education maintains an  
23 unclaimed money fund under this section, Chapter 74, Property Code,  
24 does not apply to a credit balance to which this section applies.

25       SECTION 1.03. Section 65.42, Education Code, is amended to  
26 read as follows:

27       Sec. 65.42. DELINQUENT ACCOUNTS; VENUE. A suit by The

1 University of Texas System on its own behalf or on behalf of a  
2 component institution of The University of Texas System to recover  
3 a delinquent loan, account, or debt owed to The University of Texas  
4 System or a component institution of The University of Texas System  
5 must [~~may~~] be brought in Travis County.

6 SECTION 1.04. Section 1231.001, Government Code, is amended  
7 by amending Subdivision (2) and adding Subdivision (3) to read as  
8 follows:

9 (2) "State security" means:

10 (A) an obligation, including a bond, issued by:

11 (i) a state agency;

12 (ii) an entity that is expressly created by  
13 statute and has statewide jurisdiction; or

14 (iii) an entity issuing the obligation on  
15 behalf of this state or on behalf of an entity described by  
16 Subparagraph (i) or (ii);

17 (B) an installment sale or lease-purchase  
18 obligation that is issued by or on behalf of an entity described by  
19 Paragraph (A) and that has:

20 (i) a stated term of more than five years;

21 or

22 (ii) an initial principal amount of more  
23 than \$250,000; or

24 (C) an obligation, including a bond, that is  
25 issued under Chapter 53, Education Code, at the request of or for  
26 the benefit of an institution of higher education [~~as defined by~~  
27 ~~Section 61.003, Education Code,~~] other than a public junior

1 college.

2 (3) "Institution of higher education" has the meaning  
3 assigned by Section 61.003, Education Code.

4 SECTION 1.05. Section 1231.041, Government Code, is amended  
5 to read as follows:

6 Sec. 1231.041. APPROVAL OF STATE SECURITY. (a) Except as  
7 otherwise provided by this section, an [An] entity, including a  
8 state agency, may not issue a state security unless:

9 (1) the board approves the issuance; or

10 (2) the security is exempted under law, including a  
11 board rule adopted under Section 1231.022(2).

12 (b) A state security issued by an institution of higher  
13 education, or issued at the request of or for the benefit of an  
14 institution of higher education, is not subject to board approval  
15 unless the general revenue of the state is pledged to the payment of  
16 the security.

17 SECTION 1.06. Section 74.001, Property Code, is amended by  
18 adding Subsection (c) to read as follows:

19 (c) This chapter does not apply to small credit balances  
20 held by an institution of higher education in an unclaimed money  
21 fund under Section 51.011, Education Code.

22 SECTION 1.07. Section 51.011, Education Code, as added by  
23 this Act, applies to credit balances held by a public institution of  
24 higher education on or after the effective date of this Act.

25 ARTICLE 2. GOODS AND SERVICES

26 SECTION 2.01. Section 51.923, Education Code, is amended to  
27 read as follows:

1           Sec. 51.923. QUALIFICATIONS OF CERTAIN BUSINESS ENTITIES TO  
2 ENTER INTO CONTRACTS WITH AN INSTITUTION OF HIGHER EDUCATION. (a)

3 In this section:

4           (1) "Business entity" [~~"Corporation"~~] means any  
5 entity recognized by law through which business is conducted,  
6 including a sole proprietorship, partnership, firm, corporation,  
7 limited liability company, holding company, joint stock company,  
8 receivership, or trust [~~a corporation for profit organized under~~  
9 ~~the laws of this state or under laws other than the laws of this~~  
10 ~~state~~].

11           (2) "Governing board" has the meaning assigned by  
12 Section 61.003 [~~of this code~~].

13           (3) "Institution of higher education" has the meaning  
14 assigned by Section 61.003 [~~of this code~~].

15           (4) "Nonprofit corporation" means any organization  
16 exempt from federal income tax under Section 501 of the Internal  
17 Revenue Code of 1986 that does not distribute any part of its income  
18 to any member, director, or officer.

19           (b) A nonprofit corporation is not disqualified from  
20 entering into a contract or other transaction with an institution  
21 of higher education even though one or more members of the governing  
22 board of the institution of higher education also serves as a  
23 member, [~~or~~] director, officer, or employee of the nonprofit  
24 corporation.

25           (c) A business entity [~~corporation~~] is not disqualified  
26 from entering into a contract or other transaction with an  
27 institution of higher education even though one or more members of

1 the governing board of the institution of higher education have an  
2 interest in the business entity, subject to Subsection (d) [~~also~~  
3 ~~serves as a stockholder or director of the corporation provided~~  
4 ~~that no member of the governing board owns or has a beneficial~~  
5 ~~interest in more than five percent of the corporation's outstanding~~  
6 ~~capital stock and further provided that the contract or transaction~~  
7 ~~is:~~

8                    [~~(1) an affiliation, licensing, or sponsored research~~  
9 ~~agreement; or~~

10                    [~~(2) awarded by competitive bidding or competitive~~  
11 ~~sealed proposals]~~.

12            (d) An institution of higher education is not prohibited  
13 from entering into a contract or other transaction with a business  
14 entity in which a member of the governing board of the institution  
15 of higher education has an interest if the interest is not a  
16 substantial interest or, if the interest is a substantial interest,  
17 the [~~described in this section if any~~] board member [~~having an~~  
18 ~~interest described in this section in the contract or transaction~~]  
19 discloses that interest in a meeting held in compliance with  
20 Chapter 551, Government Code, and refrains from voting on the  
21 contract or transaction requiring board approval. Any such  
22 contract or transaction requiring board approval must be approved  
23 by an affirmative majority of the board members voting on the  
24 contract or transaction.

25            (e) For purposes of this section, a member of a governing  
26 board has a substantial interest in a business entity if:

27                    (1) the member owns 10 percent or more of the voting

1 stock or shares of the business entity or owns either 10 percent or  
2 more or \$15,000 or more of the fair market value of the business  
3 entity;

4 (2) funds received by the member from the business  
5 entity exceed 10 percent of the member's gross income for the  
6 previous year;

7 (3) the member is an officer of the business entity or  
8 a member of the governing board of the business entity; or

9 (4) an individual related to the member in the first  
10 degree by consanguinity or affinity, as determined under Chapter  
11 573, Government Code, has an interest in the business entity as  
12 described by Subdivision (1), (2), or (3).

13 (f) A violation of this section does not render an action of  
14 the governing board voidable unless the contract or transaction  
15 that was the subject of the action would not have been approved by  
16 the governing board without the vote of the member who violated this  
17 section.

18 SECTION 2.02. Section 51.9335, Education Code, is amended  
19 by amending Subsections (d), (e), and (f) and adding Subsections  
20 (g) and (h) to read as follows:

21 (d) To the extent of any conflict, this section prevails  
22 over any other law, including Chapters 2155, 2156, 2157, 2158,  
23 2167, and 2170, Government Code, except a law or rule relating to  
24 contracting with historically underutilized businesses [~~or~~  
25 ~~relating to the procurement of goods and services from persons with~~  
26 ~~disabilities~~]. An institution of higher education may, but is not  
27 required to, acquire goods or services as provided by Chapters

1 2155, 2156, 2157, 2158, 2167, and 2170, Government Code.

2 (e) In this section, "institution of higher education" has  
3 the meaning assigned by Section 61.003 and includes a school of  
4 veterinary medicine and a health care facility operated by a  
5 medical and dental unit, except that the term does not include [~~The~~  
6 ~~University of Texas M. D. Anderson Cancer Center or~~] a public junior  
7 college.

8 (f) Except as otherwise provided by this section, Subtitle  
9 D, Title 10, Government Code, and Chapter 2254, Government Code, do  
10 [This section does] not apply to purchases of goods and services  
11 under this section [professional services as defined by Section  
12 2254.002, Government Code].

13 (g) An institution of higher education may adopt rules and  
14 procedures for the acquisition of goods or services.

15 (h) In any contract for the acquisition of goods and  
16 services to which an institution of higher education is a party, a  
17 provision required by applicable law to be included in the contract  
18 is considered to be a part of the executed contract without regard  
19 to:

20 (1) whether the provision appears on the face of the  
21 contract; or

22 (2) whether the contract includes any provision to the  
23 contrary.

24 SECTION 2.03. Subchapter Z, Chapter 51, Education Code, is  
25 amended by adding Sections 51.9336, 51.9337, and 51.9338 to read as  
26 follows:

27 Sec. 51.9336. ELECTRONIC SIGNATURES. (a) An institution

1 of higher education or university system, as those terms are  
2 defined by Section 61.003, shall determine whether, and the extent  
3 to which, the institution or system will send and accept electronic  
4 signatures to and from other persons and otherwise create,  
5 generate, communicate, store, process, use, and rely on electronic  
6 signatures. The institution or system may adopt rules and  
7 procedures governing the use of electronic signatures.

8 (b) To the extent of any conflict, this section prevails  
9 over Chapter 322, Business & Commerce Code, and rules and  
10 guidelines adopted under that chapter.

11 Sec. 51.9338. INTERAGENCY CONTRACTS FOR INFORMATION  
12 RESOURCE TECHNOLOGIES. (a) In this section, "institution of  
13 higher education" and "university system" have the meanings  
14 assigned by Section 61.003.

15 (b) Section 2054.119, Government Code, does not apply to an  
16 interagency contract for information resources technologies  
17 between two or more institutions of higher education or between an  
18 institution of higher education or university system and one or  
19 more state agencies, institutions of higher education, or  
20 university systems.

21 SECTION 2.04. Section 51.966, Education Code, is amended by  
22 amending Subsection (c) and adding Subsection (d) to read as  
23 follows:

24 (c) Section 612.002, Government Code, does not apply to an  
25 institution of higher education or university system purchasing  
26 insurance under this section.

27 (d) In [~~As used in~~] this section, "governing board," [~~and~~]

1 "institution of higher education," and "university system" have the  
2 meanings assigned by Section 61.003.

3 SECTION 2.05. Section 153.006(a), Education Code, is  
4 amended to read as follows:

5 (a) In order to carry out the purposes of this chapter and to  
6 support the activities of centers described in this chapter, to the  
7 extent authorized by its governing board, an institution of higher  
8 education may:

9 (1) enter into agreements establishing royalties,  
10 fees, and other consideration for technology developed in whole or  
11 part by it;

12 (2) accept equity interests in organizations that  
13 license, manage, or otherwise administer rights to technology  
14 belonging to it or under its control in exchange for such rights, in  
15 whole or in part;

16 (3) accept equity interests in organizations that  
17 license or otherwise have rights in its technology as consideration  
18 for its providing monetary, business, scientific, or engineering  
19 services or technical assistance;

20 (4) use income from the commercialization of  
21 technology to fund the activities of the center;

22 (5) solicit, accept, and administer gifts, grants, and  
23 donations;

24 (6) without the necessity of approval by the attorney  
25 general under Section 402.0212, Government Code, or other law,  
26 enter into contracts for legal services with a competent lawyer or  
27 law firm to:

1 (A) prepare, file, pursue, and maintain patent  
2 applications in the United States or foreign jurisdictions;

3 (B) secure copyright protection for computer  
4 software;

5 (C) prepare, file, and pursue trademark and  
6 service mark applications;

7 (D) pursue litigation to prevent or stop  
8 infringement of any intellectual property rights of the  
9 institution; or

10 (E) handle any other legal matter related to the  
11 operation and activities of the center; and

12 (7) enter into such other business arrangements as may  
13 be appropriate for achieving the purposes of this chapter.

14 SECTION 2.06. Section 402.0212, Government Code, is amended  
15 by adding Subsection (d) to read as follows:

16 (d) The attorney general may review and approve a standard  
17 form contract of a university system or institution of higher  
18 education for the procurement of legal services to be provided to  
19 the system or institution. If the attorney general approves a  
20 standard form, the attorney general is not required under this  
21 section to approve individual contracts that are in substantial  
22 compliance with the approved form or to approve invoices under  
23 those contracts. The attorney general may conduct an annual review  
24 of the approved standard form and any signed contracts using that  
25 form, and for that purpose may collect a fee, established in  
26 consultation with the university system or institution of higher  
27 education, reasonably estimated to cover the expenses of that

1 review. In this subsection, "institution of higher education" and  
2 "university system" have the meanings assigned by Section 61.003,  
3 Education Code.

4 SECTION 2.07. Subchapter C, Chapter 791, Government Code,  
5 is amended by adding Section 791.035 to read as follows:

6 Sec. 791.035. CONTRACTS WITH INSTITUTIONS OF HIGHER  
7 EDUCATION OR UNIVERSITY SYSTEMS. (a) A local government and an  
8 institution of higher education or university system may contract  
9 with one another to perform any governmental functions and  
10 services. If the terms of the contract provide for payment based on  
11 cost recovery, any law otherwise requiring competitive procurement  
12 does not apply to the functions and services covered by the  
13 contract.

14 (b) In this section, "institution of higher education" and  
15 "university system" have the meanings assigned by Section 61.003,  
16 Education Code.

17 SECTION 2.08. Section 2107.003(e), Government Code, is  
18 amended to read as follows:

19 (e) Except as provided by Section 2254.110, a [A] person  
20 awarded a contract under Subsection (b), (c), or (c-1) may not file  
21 suit or otherwise pursue judicial action to collect the obligation  
22 owed in a court of this state or another state on behalf of the  
23 contracting state agency.

24 SECTION 2.09. Section 2155.078(n), Government Code, is  
25 amended to read as follows:

26 (n) This section does not apply to an institution [a medical  
27 and dental unit] to which Section 51.9335, Education Code, applies

1 or to an institution to which Section 73.115, Education Code,  
2 applies.

3 SECTION 2.10. Section 2254.102(c), Government Code, is  
4 amended to read as follows:

5 (c) This subchapter does not apply to a contract:

6 (1) with a state agency to collect an obligation under  
7 Section 2107.003(b), (c), or (c-1), except as provided by Section  
8 2254.110; or

9 (2) for legal services entered into by an institution  
10 of higher education under Section 153.006, Education Code.

11 SECTION 2.11. Subchapter C, Chapter 2254, Government Code,  
12 is amended by adding Section 2254.110 to read as follows:

13 Sec. 2254.110. COLLECTION ACTION BY INSTITUTION OF HIGHER  
14 EDUCATION. (a) In this section, "institution of higher education"  
15 has the meaning assigned by Section 61.003.

16 (b) A person awarded a contract under Chapter 2107 by an  
17 institution of higher education for a routine collection matter may  
18 file suit or otherwise pursue judicial action to collect the  
19 obligation owed in a court of this state or another state on behalf  
20 of the institution.

21 SECTION 2.12. Section 31.401, Natural Resources Code, is  
22 amended by amending Subsections (a) and (d) and adding Subsection  
23 (b-1) to read as follows:

24 (a) Except as otherwise provided by Subsection (b-1), the  
25 [The] land office shall review and must approve any contract  
26 entered into by a state agency for the acquisition of an annual  
27 average of 100 MCF per day or more of natural gas used to meet its

1 energy requirements.

2 (b-1) A contract described by Subsection (a) entered into by  
3 an institution of higher education or university system is not  
4 required to be reviewed or approved by the land office, but on  
5 request of the land office the institution or system shall provide a  
6 copy of the executed contract to the land office.

7 (d) In this section:

8 (1) "Institution of higher education" and "university  
9 system" have the meanings assigned by Section 61.003, Education  
10 Code.

11 (2) "State [~~,"state]~~ agency" has the meaning assigned  
12 by Subchapter A, Chapter 572, Government Code.

13 SECTION 2.13. Section 36.351, Utilities Code, is amended by  
14 adding Subsection (h) to read as follows:

15 (h) This section has been in full force and effect from  
16 original enactment. Section 63, Chapter 405, Acts of the 76th  
17 Legislature, Regular Session, 1999, did not provide for the  
18 expiration of this section and does not excuse a transmission and  
19 distribution company, or any other electric utility, from providing  
20 the discounts required by this section.

21 SECTION 2.14. Section 58.251, Utilities Code, is amended by  
22 adding Subsection (a-1) to read as follows:

23 (a-1) "Institution of higher education" has the meaning  
24 assigned by Section 61.003, Education Code.

25 SECTION 2.15. Section 58.258(a), Utilities Code, is amended  
26 to read as follows:

27 (a) Notwithstanding the pricing flexibility authorized by

1 this subtitle, an electing company's rates for private network  
2 services may not be increased before January 1, 2012, or, for  
3 services provided to an institution of higher education, before  
4 January 1, 2023. However, an electing company may increase a rate  
5 in accordance with the provisions of a customer specific contract.

6 SECTION 2.16. Section 58.268, Utilities Code, is amended to  
7 read as follows:

8 Sec. 58.268. CONTINUATION OF OBLIGATION. Notwithstanding  
9 any other provision of this title, an electing company shall  
10 continue to comply with this subchapter until January 1, 2012, or,  
11 with respect to services provided to an institution of higher  
12 education, until September 1, 2023, regardless of:

13 (1) the date the company elected under this chapter;  
14 or

15 (2) any action taken in relation to that company under  
16 Chapter 65.

17 SECTION 2.17. Section 59.071, Utilities Code, is amended by  
18 adding Subdivision (1-a) to read as follows:

19 (1-a) "Institution of higher education" has the  
20 meaning assigned by Section 61.003, Education Code.

21 SECTION 2.18. Section 59.077(a), Utilities Code, is amended  
22 to read as follows:

23 (a) Notwithstanding the pricing flexibility authorized by  
24 this subtitle, an electing company's rates for private network  
25 services may not be increased before January 1, 2012, or, for  
26 services provided to an institution of higher education, before  
27 September 1, 2023.

1 SECTION 2.19. Section 59.083, Utilities Code, is amended to  
2 read as follows:

3 Sec. 59.083. CONTINUATION OF OBLIGATION. Notwithstanding  
4 any other provision of this title, an electing company shall  
5 continue to comply with this subchapter until January 1, 2012, or,  
6 with respect to services provided to an institution of higher  
7 education, before September 1, 2023, regardless of:

8 (1) the date the company elected under this chapter;  
9 or

10 (2) any action taken in relation to that company under  
11 Chapter 65.

12 ARTICLE 3. HUMAN RESOURCES

13 SECTION 3.01. Subchapter Z, Chapter 51, Education Code, is  
14 amended by adding Section 51.9611 to read as follows:

15 Sec. 51.9611. PAYROLL DEDUCTIONS FOR EMPLOYEES OF  
16 UNIVERSITY SYSTEM OR INSTITUTION OF HIGHER EDUCATION. (a) In this  
17 section, "institution of higher education" and "university system"  
18 have the meanings assigned by Section 61.003.

19 (b) The governing board of a university system, or of an  
20 institution of higher education that is not a component institution  
21 of a university system, may authorize employees of the system or  
22 institution, as applicable, to elect a payroll deduction for any  
23 purpose that the governing board determines serves a public purpose  
24 and benefits employees. The board may adopt policies and  
25 procedures governing payroll deductions under this section. A  
26 payroll deduction under this section is in addition to payroll  
27 deductions authorized by other law.

1       (c) A payroll deduction under this section must be at the  
2 written request of the employee, and the request must state the  
3 amount to be deducted and the entity to which the deducted amount is  
4 to be transferred. A payroll deduction is in effect until revoked  
5 in writing by the employee, but the policies and procedures of the  
6 system or institution, as applicable, may provide for enrollment  
7 periods.

8       (d) A system or institution may collect an administrative  
9 fee to cover the costs of making a deduction.

10       SECTION 3.02. Section 1601.004(a), Insurance Code, is  
11 amended to read as follows:

12       (a) In this chapter, "dependent," with respect to an  
13 individual eligible to participate in the uniform program under  
14 Section 1601.101 or 1601.102, means the individual's:

- 15               (1) spouse;
- 16               (2) unmarried child younger than 25 years of age; and
- 17               (3) child of any age who the system determines lives  
18 with or has the child's care provided by the individual on a regular  
19 basis if the child is mentally retarded or physically incapacitated  
20 to the extent that the child is dependent on the individual for care  
21 or support, as determined by the system, and:

22                       (A) if the child is at least 25 years of age, the  
23 child's coverage under this chapter has not lapsed, and the child  
24 was enrolled as a participant in the health benefits coverage under  
25 the uniform program on the date of the child's 25th birthday; or

26                       (B) if the child is a child of an individual  
27 eligible to participate as an employee under Section 1601.101, at

1 the time of the individual's initial enrollment in health benefits  
2 coverage under the uniform program the child is at least 25 years of  
3 age and is enrolled in comparable coverage, as determined by the  
4 system, under the individual's previous health benefits coverage.

5 SECTION 3.03. Subchapter C, Chapter 1601, Insurance Code,  
6 is amended by adding Section 1601.111 to read as follows:

7 Sec. 1601.111. PROGRAMS PROMOTING DISEASE PREVENTION,  
8 WELLNESS, AND HEALTH. A system may establish premium discounts,  
9 surcharges, rebates, or a revision in otherwise applicable  
10 copayments, coinsurance, or deductibles, or any combination of  
11 those incentives, for an individual who participates in  
12 system-approved programs promoting disease prevention, wellness,  
13 and health.

14 ARTICLE 4. REAL ESTATE AND CONSTRUCTION

15 SECTION 4.01. Section 51.951(a), Education Code, is amended  
16 to read as follows:

17 (a) Information related to the development, location,  
18 purchase price, or sale price of real property developed,  
19 purchased, or sold by or for an institution of higher education, as  
20 defined by Section 61.003, including a contract provision related  
21 to the development, purchase, or sale of the property, is  
22 confidential and exempt from disclosure under Chapter 552,  
23 Government Code, until all deeds for the property that are  
24 applicable to the transaction or series of related transactions are  
25 executed and until all substantive performance or executor  
26 requirements of applicable contracts have been satisfied [~~a deed~~  
27 ~~for the property is executed~~]. Information that is confidential

1 and exempted from disclosure under this subsection includes an  
2 appraisal, completed report, evaluation, investigation conducted  
3 for the purpose of locating or determining the purchase or sale  
4 price of the property, or any report prepared in anticipation of  
5 purchasing or selling real property.

6 SECTION 4.02. Sections 61.0572(b), (d), and (e), Education  
7 Code, are amended to read as follows:

8 (b) The board shall:

9 (1) determine formulas for space utilization in all  
10 educational and general buildings and facilities at institutions of  
11 higher education;

12 (2) devise and promulgate methods to assure maximum  
13 daily and year-round use of educational and general buildings and  
14 facilities, including but not limited to maximum scheduling of day  
15 and night classes and maximum summer school enrollment;

16 (3) consider plans for selective standards of  
17 admission when institutions of higher education approach capacity  
18 enrollment;

19 (4) require, and assist the public technical  
20 institutes, public senior colleges and universities, medical and  
21 dental units, and other agencies of higher education in developing  
22 long-range campus master plans for campus development; and

23 ~~(5) [endorse, or delay until the next succeeding~~  
24 ~~session of the legislature has the opportunity to approve or~~  
25 ~~disapprove, the proposed purchase of any real property by an~~  
26 ~~institution of higher education, except a public junior college,~~

27 ~~[(6) develop and publish standards, rules, and~~

1 ~~regulations to guide the institutions and agencies of higher~~  
2 ~~education in making application for the approval of new~~  
3 ~~construction and major repair and rehabilitation of all buildings~~  
4 ~~and facilities regardless of proposed use, and~~

5           ~~[(7)]~~ ascertain that the standards and specifications  
6 for new construction, repair, and rehabilitation of all buildings  
7 and facilities are in accordance with Article 9102, Revised  
8 Statutes.

9           (d) ~~[(1)]~~ The board~~[, for purposes of state funding,]~~ may  
10 review purchases of ~~[and approve as an addition to an institution's~~  
11 ~~educational and general buildings and facilities inventory any]~~  
12 improved real property added to an institution's educational and  
13 general buildings and facilities inventory ~~[acquired by gifts or~~  
14 ~~lease-purchase only if:~~

15                   ~~[(A) the institution requests to place the~~  
16 ~~improved real property on its educational and general buildings and~~  
17 ~~facilities inventory; and~~

18                   ~~[(B) the value of the improved real property is~~  
19 ~~more than \$300,000 at the time the institution requests the~~  
20 ~~property to be added to the educational and general buildings and~~  
21 ~~facilities inventory.~~

22           ~~[(2) This subsection does not apply to gifts, grants,~~  
23 ~~or lease-purchase arrangements intended for clinical or research~~  
24 ~~facilities.~~

25           ~~[(e) Approval of the board is not required to acquire real~~  
26 ~~property that is financed by bonds issued under Section 55.17(c)(3)~~  
27 ~~or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174,~~

1 ~~55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, or~~  
2 ~~55.17721, except that the board shall review all real property to be~~  
3 ~~financed by bonds issued under those sections]~~ to determine whether  
4 the property meets the standards adopted by the board for cost,  
5 efficiency, and space use, but the purchase of the improved real  
6 property is not contingent on board approval. If the property does  
7 not meet those standards, the board shall notify the governor, the  
8 lieutenant governor, the speaker of the house of representatives,  
9 and the Legislative Budget Board.

10 SECTION 4.03. Sections 61.058(a) and (b), Education Code,  
11 are amended to read as follows:

12 (a) This section does not apply to ~~[Except as provided by~~  
13 ~~Subsection (b) of this section, the board shall approve or~~  
14 ~~disapprove all new construction and repair and rehabilitation of~~  
15 ~~all buildings and facilities at institutions of higher education~~  
16 ~~financed from any source provided that:~~

17 ~~[(A) the board's consideration and determination~~  
18 ~~shall be limited to the purpose for which the new or remodeled~~  
19 ~~buildings are to be used to assure conformity with approved space~~  
20 ~~utilization standards and the institution's approved programs and~~  
21 ~~role and mission if the cost of the project is not more than~~  
22 ~~\$4,000,000, but the board may consider cost factors and the~~  
23 ~~financial implications of the project to the state if the total cost~~  
24 ~~is in excess of \$4,000,000;~~

25 ~~[(B) the requirement of approval for new~~  
26 ~~construction applies only to projects the total cost of which is in~~  
27 ~~excess of \$4,000,000;~~

1           ~~[(C) the requirement of approval for major repair~~  
2 ~~and rehabilitation of buildings and facilities applies only to a~~  
3 ~~project the total cost of which is more than \$4,000,000,~~

4           ~~[(D) the requirement of approval or disapproval~~  
5 ~~by the board does not apply to any new construction or major repair~~  
6 ~~and rehabilitation project that is specifically approved by the~~  
7 ~~legislature,~~

8           ~~[(E) the requirement of approval by the board~~  
9 ~~does not apply to a junior college's construction, repair, or~~  
10 ~~rehabilitation financed entirely with funds from a source other~~  
11 ~~than the state, including funds from ad valorem tax receipts of the~~  
12 ~~college, gifts, grants, and donations to the college, and student~~  
13 ~~fees; and~~

14           ~~[(F) the requirement of approval by the board~~  
15 ~~does not apply to construction, repair, or rehabilitation of~~  
16 ~~privately owned buildings and facilities located on land leased~~  
17 ~~from an institution of higher education if the construction,~~  
18 ~~repair, or rehabilitation is financed entirely from funds not under~~  
19 ~~the control of the institution, and provided further that:~~

20                   ~~[(i) the]~~ buildings and facilities that are  
21 to be used exclusively for auxiliary enterprises~~[+]~~ and

22                   ~~[(ii) the buildings and facilities]~~ will  
23 not require appropriations from the legislature for operation,  
24 maintenance, or repair ~~[unless approval by the board has been~~  
25 ~~obtained].~~

26           (b) The ~~[This section does not apply to construction,~~  
27 ~~repair, or rehabilitation financed by bonds issued under Section~~

1 ~~55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174,~~  
2 ~~55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, or~~  
3 ~~55.17721, except that the]~~ board may ~~[shall]~~ review all  
4 construction, repair, or rehabilitation of buildings and  
5 facilities at institutions of higher education ~~[to be financed by~~  
6 ~~bonds issued under those sections]~~ to determine whether the  
7 construction, rehabilitation, or repair meets the standards  
8 adopted by board rule for cost, efficiency, and space use, but the  
9 construction, rehabilitation, or repair is not contingent on board  
10 approval. If the construction, rehabilitation, or repair does not  
11 meet those standards, the board shall notify the governor, the  
12 lieutenant governor, the speaker of the house of representatives,  
13 and the Legislative Budget Board.

14 SECTION 4.04. Section 2166.302(c), Government Code, is  
15 amended to read as follows:

16 (c) Subsection (a) does not apply to a project constructed  
17 by and for the Texas Department of Transportation or an institution  
18 of higher education or university system. In this subsection,  
19 "institution of higher education" and "university system" have the  
20 meanings assigned by Section 61.003, Education Code.

21 SECTION 4.05. Section 2166.403(c-1), Government Code, is  
22 amended to read as follows:

23 (c-1) For a project constructed by and for a state  
24 institution of higher education, the ~~[governing body of the]~~  
25 institution shall, during the planning phase of the proposed  
26 construction for the project, verify ~~[in an open meeting]~~ the  
27 economic feasibility of incorporating into the building's design

1 and proposed energy system alternative energy devices for space  
2 heating and cooling functions, water heating functions, electrical  
3 load functions, and interior lighting functions. The [~~governing~~  
4 ~~body of the~~] institution shall determine the economic feasibility  
5 of each function listed in this subsection by comparing the  
6 estimated cost of providing energy for the function, based on the  
7 use of conventional design practices and energy systems, with the  
8 estimated cost of providing energy for the function, based on the  
9 use of alternative energy devices, during the economic life of the  
10 building.

11 SECTION 4.06. Section 2167.001(b), Government Code, is  
12 amended to read as follows:

13 (b) This chapter does not apply to:

14 (1) radio antenna space;

15 (2) residential space for a Texas Department of Mental  
16 Health and Mental Retardation program;

17 (3) residential space for a Texas Youth Commission  
18 program;

19 (4) space to be used for less than one month for  
20 meetings, conferences, conventions, seminars, displays,  
21 examinations, auctions, or similar purposes;

22 (5) district office space for members of the  
23 legislature;

24 (6) space used by the Texas Workforce Commission;

25 (7) residential property acquired by the Texas  
26 Department of Housing and Community Affairs or the Texas State  
27 Affordable Housing Corporation that is offered for sale or rental

1 to individuals and families of low or very low income or families of  
2 moderate income;

3 (8) except as provided by Section 2167.007, [~~classroom~~  
4 ~~and instructional~~] space for a university system or [an]  
5 institution of higher education; or

6 (9) space leased by the Texas Veterans Commission to  
7 administer the veterans employment services program.

8 SECTION 4.07. Section 33.06, Tax Code, is amended by adding  
9 Subsection (g) to read as follows:

10 (g) If the ownership interest of an individual entitled to  
11 defer collection of a tax under this section is a life estate, the  
12 individual must submit with the affidavit required by Subsection  
13 (b) the written consent to the deferral of any university system or  
14 institution of higher education that is an owner of a remainder  
15 interest in the property on which taxes are to be deferred. In the  
16 absence of that consent, a lien for taxes attaches only to the life  
17 estate of the life tenant. In this subsection, "institution of  
18 higher education" and "university system" have the meanings  
19 assigned by Section 61.003, Education Code. This subsection does  
20 not apply to a deferral for which the individual entitled to the  
21 deferral filed the affidavit required by Subsection (b) before  
22 September 1, 2011.

23 ARTICLE 5. BOARD APPOINTMENTS

24 SECTION 5.01. Section 552.123, Government Code, is amended  
25 to read as follows:

26 Sec. 552.123. EXCEPTION: NAME OF APPLICANT FOR CHIEF  
27 EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION. The name of

1 an applicant for the position of chief executive officer of an  
2 institution of higher education, and other information that would  
3 tend to identify the applicant, is excepted from the requirements  
4 of Section 552.021, except that the governing body of the  
5 institution must give public notice of the name or names of the  
6 finalists being considered for the position at least 21 days before  
7 the date of the meeting at which final action or vote is to be taken  
8 on the employment of the person.

9 SECTION 5.02. Section 95.006(b), Health and Safety Code, is  
10 amended to read as follows:

11 (b) The advisory committee is composed of:

12 (1) the following representatives appointed by the  
13 executive director of the office:

14 (A) one representative of the office;

15 (B) one representative of the Texas Education  
16 Agency;

17 (C) one representative of the Texas Pediatric  
18 Society;

19 (D) one representative of the American Diabetes  
20 Association;

21 (E) ~~[one representative who is a member of the~~  
22 ~~board of regents of The University of Texas--Pan American,~~

23 ~~[(F)]~~ one school nurse representative from an  
24 urban school located within the boundaries of a regional education  
25 service center;

26 (F) ~~[(G)]~~ one parent or guardian of a child who  
27 resides within the boundaries of a regional education service

1 center; and

2 (G) [~~(H)~~] one person with knowledge and  
3 experience in health care in school settings; and

4 (2) the following representatives appointed by the  
5 chairman of the council:

6 (A) one representative of the council;

7 (B) one representative of the Texas Medical  
8 Association;

9 (C) one school district administrator  
10 representative from a school district located within the boundaries  
11 of a regional education service center;

12 (D) one school principal representative from a  
13 school district located within the boundaries of a regional  
14 education service center; and

15 (E) one school nurse representative from a rural  
16 school located within the boundaries of a regional education  
17 service center.

18 SECTION 5.03. Sections 2.03(a) and (c), Chapter 670, Acts  
19 of the 72nd Legislature, 1991 (Article 4477-7j, Vernon's Texas  
20 Civil Statutes), are amended to read as follows:

21 (a) On or after the effective date of this Act, the  
22 Commissioners Court of Gaines County shall appoint three persons,  
23 the governing body of the city of Seminole shall appoint two  
24 persons, and the governing body of the city of Seagraves shall  
25 appoint two persons to serve as initial directors of the district.  
26 The four persons appointed by the governing bodies of the cities of  
27 Seminole and Seagraves shall represent the municipalities within

1 the county, and the three persons appointed by the Commissioners  
2 Court of Gaines County shall represent the unincorporated areas of  
3 the county. [~~In addition, the board of regents of The University of  
4 Texas System shall appoint one person to serve as an ex-officio,  
5 nonvoting director of the district.~~]

6 (c) The Commissioners Court of Gaines County and the  
7 governing bodies of the cities of Seminole and Seagraves shall each  
8 appoint one initial director to serve a term expiring on May 1 of  
9 the first year after the year in which the original appointment is  
10 made. In addition, the Commissioners Court of Gaines County shall  
11 appoint two initial directors and the governing bodies of the  
12 cities of Seminole and Seagraves shall each appoint one initial  
13 director to serve terms expiring on May 1 of the second year after  
14 the year in which the original appointment is made. [~~The initial  
15 ex-officio member serves a term expiring on May 1 of the second year  
16 after the year in which the original appointment is made.~~]  
17 Successor directors serve two-year terms.

18 SECTION 5.04. Section 3.01(a), Chapter 670, Acts of the  
19 72nd Legislature, 1991 (Article 4477-7j, Vernon's Texas Civil  
20 Statutes), is amended to read as follows:

21 (a) The district is governed by a board of directors  
22 composed of seven voting members [~~and one ex-officio nonvoting  
23 member~~] who are appointed as provided by this Act. However, the  
24 district shall change to a system of electing the voting directors  
25 if:

26 (1) the Commissioners Court of Gaines County and the  
27 governing bodies of the cities of Seminole and Seagraves each pass a

1 resolution calling for the election of the directors; or

2 (2) the board receives a petition signed by at least  
3 150 registered voters of Gaines County calling for the election of  
4 the directors.

5 ARTICLE 6. REPORTS; RECORDS; AUDITS; NOTICES

6 SECTION 6.01. Section 51.403(d), Education Code, is amended  
7 to read as follows:

8 (d) For purposes of this subsection, "small classes" [~~Each~~  
9 ~~institution shall file with its governing board and the~~  
10 ~~coordinating board a small class report, excluding individual~~  
11 ~~instruction courses, indicating department, course number, title~~  
12 ~~of course, and the name of the instructor. "Small classes," for the~~  
13 ~~purpose of this report,~~] are undergraduate-level courses with less  
14 than 10 registrations, and graduate-level courses with less than 5  
15 registrations. No small classes shall be offered in any  
16 institution except as authorized by the appropriate governing  
17 board, within the guidelines established by the Coordinating Board.

18 SECTION 6.02. Subchapter H, Chapter 51, Education Code, is  
19 amended by adding Section 51.406 to read as follows:

20 Sec. 51.406. EXPIRATION OF CERTAIN REPORTING REQUIREMENTS  
21 APPLICABLE TO INSTITUTIONS OF HIGHER EDUCATION AND UNIVERSITY  
22 SYSTEMS. (a) In this section, "university system" has the meaning  
23 assigned by Section 61.003.

24 (b) To the extent that any of the following laws require  
25 reporting by a university system or an institution of higher  
26 education, a university system or institution of higher education  
27 is not required to make the report on or after September 1, 2013,

1 unless legislation enacted by the 83rd Legislature that becomes law  
2 expressly requires the institution or system to make the report:

- 3 (1) Section 7.109;
- 4 (2) Section 33.083;
- 5 (3) Sections 51.005(a), (b), and (c);
- 6 (4) Section 51.0051;
- 7 (5) Section 51.4032;
- 8 (6) Section 56.039;
- 9 (7) Section 59.07;
- 10 (8) Section 61.051(j);
- 11 (9) Section 130.086;
- 12 (10) Section 325.007, Government Code;
- 13 (11) Section 669.003, Government Code;
- 14 (12) Section 2005.007, Government Code;
- 15 (13) Section 2052.103, Government Code;
- 16 (14) Section 2054.097, Government Code;
- 17 (15) Section 2101.011, Government Code;
- 18 (16) Section 2102.009, Government Code;
- 19 (17) Chapter 2114, Government Code;
- 20 (18) Section 2161.123, Government Code;
- 21 (19) Section 2205.041, Government Code;
- 22 (20) Section 21.454, Labor Code; and
- 23 (21) Section 21.504, Labor Code.

24 (c) A rule or policy of a state agency, including the Texas  
25 Higher Education Coordinating Board, in effect on June 1, 2011,  
26 that requires reporting by a university system or an institution of  
27 higher education has no effect on or after September 1, 2013, unless

1 the rule or policy is affirmatively and formally readopted before  
2 that date by formal administrative rule published in the Texas  
3 Register and adopted in compliance with Chapter 2001, Government  
4 Code. This subsection does not apply to:

5 (1) a rule or policy for which the authorizing statute  
6 is listed in Subsection (b);

7 (2) a rule or policy for which the authorizing statute  
8 is repealed on or before September 1, 2013, by legislation enacted  
9 by the legislature that becomes law; or

10 (3) a report required under any of the following laws:

11 (A) Section 51.3062;

12 (B) Section 51.402;

13 (C) Section 51.403;

14 (D) Section 61.051(k); or

15 (E) Section 61.059.

16 SECTION 6.03. Section 61.051(h), Education Code, is amended  
17 to read as follows:

18 (h) The board shall make continuing studies of the needs of  
19 the state for research and designate the institutions of higher  
20 education to perform research as needed. The board shall also  
21 maintain an inventory of all institutional and programmatic  
22 research activities being conducted by the various institutions,  
23 whether state-financed or not. Once a year, on dates prescribed by  
24 the board, each institution of higher education shall report to the  
25 board all research conducted at that institution during the last  
26 preceding year. The submission by an institution of the  
27 institution's response to the National Science Foundation's annual

1 Higher Education Research and Development Survey satisfies the  
2 requirements of this section. All reports required by this  
3 subsection shall be made subject to the limitations imposed by  
4 security regulations governing defense contracts for research.

5 SECTION 6.04. Section 61.0582, Education Code, is amended  
6 by adding Subsection (f) to read as follows:

7 (f) This section does not apply to a university system that  
8 maintains an ongoing system-wide capital improvement program  
9 approved by the system's board of regents.

10 SECTION 6.05. Section 401.042, Government Code, is amended  
11 by adding Subsection (c) to read as follows:

12 (c) In consultation with public institutions of higher  
13 education, the offices of the governor and the Legislative Budget  
14 Board shall review the forms for higher education legislative  
15 appropriations requests to identify opportunities to improve  
16 efficiency, provide better transparency of funding sources,  
17 eliminate unnecessary or duplicative requirements, and otherwise  
18 reduce the cost or difficulty of providing information related to  
19 appropriations requests.

20 SECTION 6.06. Subchapter L, Chapter 403, Government Code,  
21 is amended by adding Section 403.2715 to read as follows:

22 Sec. 403.2715. UNIVERSITY SYSTEMS AND INSTITUTIONS OF  
23 HIGHER EDUCATION. (a) In this section, "institution of higher  
24 education" and "university system" have the meanings assigned by  
25 Section 61.003, Education Code.

26 (b) Except as provided by this section, this subchapter does  
27 not apply to a university system or institution of higher

1 education.

2 (c) A university system or institution of higher education  
3 shall account for all personal property as defined by the  
4 comptroller under Section 403.272. At all times, the property  
5 records of a university system or institution of higher education  
6 must accurately reflect the personal property possessed by the  
7 system or institution.

8 (d) The chief executive officer of each university system or  
9 institution of higher education shall designate one or more  
10 property managers. The property manager shall maintain the records  
11 required and be the custodian of all personal property possessed by  
12 the system or institution.

13 (e) Sections 402.273(h), 403.275, and 403.278 apply to a  
14 university system or institution of higher education.

15 SECTION 6.07. Section 2054.1125, Government Code, is  
16 amended by adding Subsection (c) to read as follows:

17 (c) This section does not apply to a university system or  
18 institution of higher education that adopts procedures for  
19 notifying affected individuals of a breach of information system  
20 security. In this subsection, "institution of higher education"  
21 and "university system" have the meanings assigned by Section  
22 61.003, Education Code.

23 SECTION 6.08. Section 2101.0115(d), Government Code, is  
24 amended by adding Subdivision (4) to read as follows:

25 (4) "Institution of higher education" and "university  
26 system" have the meanings assigned by Section 61.003, Education  
27 Code.

1 SECTION 6.09. Section 2101.0115, Government Code, is  
2 amended by adding Subsection (e) to read as follows:

3 (e) This section does not apply to an institution of higher  
4 education or university system.

5 SECTION 6.10. Section 2254.028(c), Government Code, is  
6 amended to read as follows:

7 (c) Subsection (a) [~~(a)(3)~~] does not apply to a major  
8 consulting services contract to be entered into by an institution  
9 of higher education other than a public junior college if the  
10 institution includes in the invitation published under Section  
11 2254.029 a finding by the chief executive officer of the  
12 institution that the consulting services are necessary and an  
13 explanation of that finding.

14 SECTION 6.11. Section 2254.0301, Government Code, is  
15 amended to read as follows:

16 Sec. 2254.0301. CONTRACT NOTIFICATION. (a) A state agency  
17 shall provide written notice to the Legislative Budget Board of a  
18 contract for consulting services if the amount of the contract,  
19 including an amendment, modification, renewal, or extension of the  
20 contract, exceeds \$14,000. The notice must be on a form prescribed  
21 by the Legislative Budget Board and filed not later than the 10th  
22 day after the date the entity enters into the contract.

23 (b) This section does not apply to a university system or  
24 institution of higher education. In this subsection, "institution  
25 of higher education" and "university system" have the meanings  
26 assigned by Section 61.003, Education Code.

27 SECTION 6.12. Section 388.005(f), Health and Safety Code,

1 is amended to read as follows:

2 (f) This section does not apply to a state agency or an  
3 institution of higher education that the State Energy Conservation  
4 Office determines [~~that~~], before September 1, 2007, adopted a plan  
5 for conserving energy under which the agency or institution  
6 established a percentage goal for reducing the consumption of  
7 electricity. The exemption provided by this section applies only  
8 while the agency or institution has an energy conservation plan in  
9 effect and only if the agency or institution submits reports on the  
10 conservation plan each year [~~calendar quarter~~] to the governor, the  
11 Legislative Budget Board, and the State Energy Conservation Office.

12 SECTION 6.13. Section 21.552, Labor Code, is amended by  
13 adding Subsection (c) to read as follows:

14 (c) This section does not apply to a university system or  
15 institution of higher education, except to the extent required by  
16 federal law. In this subsection, "institution of higher education"  
17 and "university system" have the meanings assigned by Section  
18 61.003, Education Code.

19 SECTION 6.14. Section 412.053, Labor Code, is amended by  
20 adding Subsection (c) to read as follows:

21 (c) This section does not apply to an institution of higher  
22 education or university system. In this subsection, "institution  
23 of higher education" and "university system" have the meanings  
24 assigned by Section 61.003, Education Code.

25 SECTION 6.15. Section 31.153(d), Natural Resources Code, is  
26 amended to read as follows:

27 (d) Each state agency, other than an institution of higher

1 education, annually at the time set by the division, shall furnish  
2 the Texas Historical Commission with a photograph and information  
3 that specifies and identifies the age of each building:

4 (1) that was acquired by the agency after the date of  
5 the preceding annual submission and that is at least 45 years old on  
6 the date of the current submission; or

7 (2) that is possessed by the agency and has become 45  
8 years old since the date the information was previously submitted.

9 ARTICLE 7. REPEALER

10 SECTION 7.01. (a) The following laws are repealed  
11 effective September 1, 2011:

- 12 (1) Section 51.4033, Education Code;  
13 (2) Section 55.03(b), Education Code;  
14 (3) Section 61.058(c), Education Code;  
15 (4) Section 61.0815, Education Code;  
16 (5) Section 61.086, Education Code;  
17 (6) Section 62.098, Education Code;  
18 (7) Section 74.008(f), Education Code;  
19 (8) Section 830.006, Government Code;  
20 (9) Section 1434.054, Government Code;  
21 (10) Section 2107.005, Government Code;  
22 (11) Section 412.042(c), Labor Code; and  
23 (12) Section 3.01(c), Chapter 670, Acts of the 72nd  
24 Legislature, 1991 (Article 4477-7j, Vernon's Texas Civil  
25 Statutes).

26 (b) The following laws are repealed effective September 1,  
27 2013:

- 1 (1) Section 51.859, Education Code;
- 2 (2) Section 51.917(e), Education Code;
- 3 (3) Section 51.968(d), Education Code;
- 4 (4) Section 54.203(h), Education Code;
- 5 (5) Section 56.034(c), Education Code;
- 6 (6) Section 56.079(j), Education Code;
- 7 (7) Section 61.066(c), Education Code;
- 8 (8) Section 61.806(f), Education Code;
- 9 (9) Section 61.857, Education Code;
- 10 (10) Section 61.9626, Education Code;
- 11 (11) Section 61.9627(b), Education Code;
- 12 (12) Section 63.003(d), Education Code;
- 13 (13) Section 63.004, Education Code;
- 14 (14) Section 63.103, Education Code;
- 15 (15) Section 86.52(m), Education Code;
- 16 (16) Section 88.210, Education Code;
- 17 (17) Section 106.54, Education Code;
- 18 (18) Section 142.005, Education Code;
- 19 (19) Section 143.006, Education Code;
- 20 (20) Section 147.005, Education Code;
- 21 (21) Section 148.005, Education Code; and
- 22 (22) Section 153.008, Education Code.

23 ARTICLE 8. EFFECTIVE DATE

24 SECTION 8.01. This Act takes effect immediately if it  
25 receives a vote of two-thirds of all the members elected to each  
26 house, as provided by Section 39, Article III, Texas Constitution.  
27 If this Act does not receive the vote necessary for immediate

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1 effect, this Act takes effect September 1, 2011.