

1-1 By: Rodriguez, Duncan S.B. No. 120  
 1-2 (In the Senate - Filed November 12, 2012; January 29, 2013,  
 1-3 read first time and referred to Committee on Higher Education;  
 1-4 March 11, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 0; March 11, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 120 By: Watson

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

1-19 relating to the creation of the Texas Tech University Health  
 1-20 Sciences Center at El Paso as a component institution of the Texas  
 1-21 Tech University System.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Chapter 110, Education Code, is  
 1-24 amended to read as follows:

1-25 CHAPTER 110. TEXAS TECH UNIVERSITY HEALTH SCIENCES INSTITUTIONS  
 1-26 [~~CENTER~~]

1-27 SECTION 2. Sections 110.01 through 110.14, Education Code,  
 1-28 and Section 110.16, Education Code, are designated as Subchapter A,  
 1-29 Chapter 110, Education Code, and a heading to that subchapter is  
 1-30 added to read as follows:

1-31 SUBCHAPTER A. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

1-32 SECTION 3. The heading to Section 110.01, Education Code,  
 1-33 is amended to read as follows:

1-34 Sec. 110.01. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER;  
 1-35 SEPARATE INSTITUTION.

1-36 SECTION 4. Chapter 110, Education Code, is amended by  
 1-37 adding Subchapter B to read as follows:

1-38 SUBCHAPTER B. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER AT  
 1-39 EL PASO

1-40 Sec. 110.30. DEFINITIONS. In this subchapter:

1-41 (1) "Board of regents" means the board of regents of  
 1-42 the Texas Tech University System.

1-43 (2) "Coordinating board" means the Texas Higher  
 1-44 Education Coordinating Board.

1-45 Sec. 110.31. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER  
 1-46 AT EL PASO; SEPARATE INSTITUTION. (a) The Texas Tech University  
 1-47 Health Sciences Center at El Paso is a component institution of the  
 1-48 Texas Tech University System under the direction, management, and  
 1-49 control of the board of regents.

1-50 (b) The center is not a department, school, or branch of any  
 1-51 other institution in the system. The center is composed of a  
 1-52 medical school and other components assigned by law or by the board  
 1-53 of regents.

1-54 Sec. 110.32. CONCURRENT POWERS. The board of regents has  
 1-55 the same powers of direction, management, and control over the  
 1-56 Texas Tech University Health Sciences Center at El Paso as the board  
 1-57 of regents exercises over the other component institutions of the  
 1-58 Texas Tech University System.

1-59 Sec. 110.33. COURSES AND DEGREES; RULES. The board of  
 1-60 regents may prescribe courses leading to customary degrees and may

2-1 adopt rules for the operation, control, and management of the Texas  
2-2 Tech University Health Sciences Center at El Paso as necessary for  
2-3 conducting a health sciences center of the first class.

2-4 Sec. 110.34. AFFILIATION AGREEMENTS WITH OTHER ENTITIES.

2-5 (a) The board of regents may execute and carry out an affiliation  
2-6 or coordinating agreement with any other entity or institution.

2-7 (b) The board of regents may make joint appointments in the  
2-8 Texas Tech University Health Sciences Center at El Paso and any  
2-9 other component institution of the Texas Tech University System.  
2-10 The salary of a person who receives a joint appointment must be  
2-11 apportioned between the appointing institutions on the basis of  
2-12 services rendered.

2-13 Sec. 110.35. FACILITIES. The board of regents shall  
2-14 provide for physical facilities for the Texas Tech University  
2-15 Health Sciences Center at El Paso for use in its teaching and  
2-16 research programs.

2-17 Sec. 110.36. TEACHING HOSPITALS. The board of regents may  
2-18 establish one or more teaching hospitals for the Texas Tech  
2-19 University Health Sciences Center at El Paso and may enter into  
2-20 agreements with existing hospitals as the board of regents  
2-21 considers appropriate for that purpose.

2-22 Sec. 110.37. COORDINATING BOARD SUPERVISION. The Texas  
2-23 Tech University Health Sciences Center at El Paso is subject to the  
2-24 continuing supervision of the coordinating board under Chapter 61  
2-25 and to the rules of the coordinating board adopted under that  
2-26 chapter.

2-27 Sec. 110.38. GIFTS AND GRANTS. The board of regents may  
2-28 solicit, accept, and administer gifts and grants from any public or  
2-29 private person or entity for the use and benefit of the Texas Tech  
2-30 University Health Sciences Center at El Paso.

2-31 Sec. 110.39. PARTICIPATION IN CERTAIN CONSTITUTIONAL  
2-32 FUNDS. In accordance with Section 17(c), Article VII, Texas  
2-33 Constitution, if the Act enacting this section receives a vote of  
2-34 two-thirds of all the members elected to each house of the  
2-35 legislature, the institution created under this subchapter is  
2-36 entitled to participate in the funding provided by Section 17,  
2-37 Article VII, Texas Constitution, beginning with the annual  
2-38 appropriation for the state fiscal year beginning September 1,  
2-39 2015, and the Texas Tech University Health Sciences Center at El  
2-40 Paso shall be included in the allocation made for each 10-year  
2-41 allocation period under Section 17(d), Article VII, Texas  
2-42 Constitution, beginning with the allocation made in 2015.

2-43 SECTION 5. Section 110.15, Education Code, is transferred  
2-44 to Subchapter B, Chapter 110, Education Code, as added by this Act,  
2-45 redesignated as Section 110.40, Education Code, and amended to read  
2-46 as follows:

2-47 Sec. 110.40 [110.15]. TEXAS TECH DIABETES RESEARCH  
2-48 CENTER. (a) In this section:

2-49 (1) "Board" means the board of regents of the Texas  
2-50 Tech University System.

2-51 (2) "Center" means the Texas Tech Diabetes Research  
2-52 Center.

2-53 (b) The board shall establish the Texas Tech Diabetes  
2-54 Research Center for purposes of researching issues related to:

2-55 (1) diabetes; and

2-56 (2) conditions associated with that disease,  
2-57 including acanthosis nigricans, as defined by Section 95.001,  
2-58 Health and Safety Code.

2-59 (c) The organization, control, and management of the center  
2-60 are vested in the board.

2-61 (d) The board shall approve the employment of personnel by  
2-62 and the operating budget of the center. An employee of the center  
2-63 is an employee of the Texas Tech University Health Sciences Center  
2-64 at El Paso [System].

2-65 (e) The board shall select a site for the center at [the  
2-66 regional academic health center of] the Texas Tech University  
2-67 Health Sciences Center at [located in] El Paso.

2-68 (f) The center may enter into an agreement or may cooperate  
2-69 with a public or private entity to perform the research functions of

3-1 the center.

3-2 (g) The board may solicit, accept, and administer gifts and  
 3-3 grants from any public or private source for the use and benefit of  
 3-4 the center.

3-5 (h) In conducting its activities under this section, the  
 3-6 center shall consult with The University of Texas-Pan American  
 3-7 Border Health Office that administers the Type 2 Diabetes risk  
 3-8 assessment program under Chapter 95, Health and Safety Code.

3-9 SECTION 6. Subdivision (4), Section 51.821, Education Code,  
 3-10 is amended to read as follows:

3-11 (4) "Participating medical school" means each of the  
 3-12 following entities:

3-13 (A) the medical school at The University of Texas  
 3-14 Health Science Center at Houston;

3-15 (B) the medical school at The University of Texas  
 3-16 Southwestern Medical Center at Dallas;

3-17 (C) the medical school at The University of Texas  
 3-18 Health Science Center at San Antonio;

3-19 (D) the medical school at The University of Texas  
 3-20 Medical Branch at Galveston;

3-21 (E) the medical school at the Texas Tech  
 3-22 University Health Sciences Center at Lubbock;

3-23 (F) the medical school at the Texas Tech  
 3-24 University Health Sciences Center at El Paso;

3-25 (G) the Baylor College of Medicine;

3-26 (H) the college of osteopathic medicine at the  
 3-27 University of North Texas Health Science Center at Fort Worth; and

3-28 (I) the medical school at The Texas A&M  
 3-29 University System Health Science Center.

3-30 SECTION 7. Subsection (a), Section 58.001, Education Code,  
 3-31 is amended to read as follows:

3-32 (a) The legislature finds that it will improve the quality  
 3-33 of the delivery of medical care to the citizens of this state and,  
 3-34 therefore, that it will be in the public interest of this state for  
 3-35 the resident physicians being educated, trained, developed, and  
 3-36 prepared for a career in medicine by the schools of medicine in The  
 3-37 University of Texas System, the Texas Tech University System  
 3-38 [~~Health Sciences Center~~], the Texas A&M University Medical Program,  
 3-39 and the University of North Texas Health Science Center at Fort  
 3-40 Worth to be compensated by those schools while the resident  
 3-41 physicians are undergoing education, training, development, and  
 3-42 preparation. The legislature further finds that the delivery of  
 3-43 quality medical care to the citizens of this state has been and will  
 3-44 continue to be enhanced by the expansion of family practice  
 3-45 residency programs as provided by Sections 61.501 through 61.505 of  
 3-46 this code and intends that nothing in this chapter be interpreted or  
 3-47 implemented in a manner that will deter the development or  
 3-48 expansion of family practice residency programs or will deter the  
 3-49 legislative goal of having at least 25 percent of the first-year  
 3-50 residency positions devoted to family medicine.

3-51 SECTION 8. Subdivisions (1) and (3), Section 59.01,  
 3-52 Education Code, are amended to read as follows:

3-53 (1) "Medical staff or students" means medical doctors,  
 3-54 doctors of osteopathy, dentists, veterinarians, and podiatrists  
 3-55 appointed to the faculty or professional medical staff employed for  
 3-56 student health services by The University of Texas System, The  
 3-57 Texas A&M University System, the Texas Tech University System  
 3-58 [~~Health Sciences Center~~], or the University of North Texas Health  
 3-59 Science Center at Fort Worth, either full time or who, although  
 3-60 appointed less than full time (including volunteers), either devote  
 3-61 their total professional service to such appointment or provide  
 3-62 services to patients by assignment from the department chairman;  
 3-63 and interns, residents, fellows, and medical or dental students,  
 3-64 veterinary students, and students of osteopathy participating in a  
 3-65 patient-care program in The University of Texas System, The Texas  
 3-66 A&M University System, the Texas Tech University System [~~Health  
 3-67 Sciences Center~~], or the University of North Texas Health Science  
 3-68 Center at Fort Worth.

3-69 (3) "Board" means the board of regents of The

4-1 University of Texas System, the board of regents of The Texas A&M  
4-2 University System, the board of regents of the Texas Tech  
4-3 University System, or the board of regents of the University of  
4-4 North Texas.

4-5 SECTION 9. Subsections (a) and (c), Section 59.02,  
4-6 Education Code, are amended to read as follows:

4-7 (a) Each board may establish a separate self-insurance fund  
4-8 to pay any damages adjudged in a court of competent jurisdiction or  
4-9 a settlement of any medical malpractice claim against a member of  
4-10 the medical staff or students arising from the exercise of his  
4-11 appointment, duties, or training with The University of Texas  
4-12 System, The Texas A&M University System, the Texas Tech University  
4-13 System [~~Health Sciences Center~~], or the University of North Texas  
4-14 Health Science Center at Fort Worth.

4-15 (c) On the establishment of each fund, transfers to the fund  
4-16 shall be made in an amount and at such intervals as determined by  
4-17 the board. Each board may receive and accept any gifts or donations  
4-18 specified for the purposes of this subchapter and deposit those  
4-19 gifts or donations into the fund. Each board may invest money  
4-20 deposited in the fund, and any income received shall be retained in  
4-21 the fund. The money shall be deposited in any of the approved  
4-22 depository banks of The University of Texas System, The Texas A&M  
4-23 University System, the Texas Tech University System [~~Health  
4-24 Sciences Center~~], or the University of North Texas Health Science  
4-25 Center at Fort Worth. All expenditures from the funds shall be paid  
4-26 pursuant to approval by the boards.

4-27 SECTION 10. Section 59.06, Education Code, is amended to  
4-28 read as follows:

4-29 Sec. 59.06. LIMITATION ON APPROPRIATED FUNDS. Funds  
4-30 appropriated by the legislature to either system, to the Texas Tech  
4-31 University Health Sciences Center, to the Texas Tech University  
4-32 Health Sciences Center at El Paso, or to the University of North  
4-33 Texas Health Science Center at Fort Worth from the General Revenue  
4-34 Fund may not be used to establish or maintain the fund, to purchase  
4-35 insurance, or to employ private legal counsel.

4-36 SECTION 11. Subdivision (5), Section 61.003, Education  
4-37 Code, is amended to read as follows:

4-38 (5) "Medical and dental unit" means The Texas A&M  
4-39 University System Health Science Center and its component  
4-40 institutions, agencies, and programs; the Texas Tech University  
4-41 Health Sciences Center; the Texas Tech University Health Sciences  
4-42 Center at El Paso; The University of Texas Medical Branch at  
4-43 Galveston; The University of Texas Southwestern Medical Center at  
4-44 Dallas; The University of Texas Medical School at San Antonio; The  
4-45 University of Texas Dental Branch at Houston; The University of  
4-46 Texas M. D. Anderson Cancer Center; The University of Texas  
4-47 Graduate School of Biomedical Sciences at Houston; The University  
4-48 of Texas Dental School at San Antonio; The University of Texas  
4-49 Medical School at Houston; The University of Texas Health Science  
4-50 Center--South Texas and its component institutions, if established  
4-51 under Subchapter N, Chapter 74; the nursing institutions of The  
4-52 Texas A&M University System and The University of Texas System; and  
4-53 The University of Texas School of Public Health at Houston; and such  
4-54 other medical or dental schools as may be established by statute or  
4-55 as provided in this chapter.

4-56 SECTION 12. Subdivision (1), Section 61.501, Education  
4-57 Code, is amended to read as follows:

4-58 (1) "Medical school" means the medical school at The  
4-59 University of Texas Health Science Center at Houston, the medical  
4-60 school at The University of Texas Health Science Center at Dallas,  
4-61 the medical school at The University of Texas Health Science Center  
4-62 at San Antonio, The University of Texas Medical Branch at  
4-63 Galveston, the Texas Tech University Health Sciences Center, the  
4-64 medical school at the Texas Tech University Health Sciences Center  
4-65 at El Paso, the Baylor College of Medicine, the college of  
4-66 osteopathic medicine at the University of North Texas Health  
4-67 Science Center at Fort Worth, or the Texas A&M University Medical  
4-68 Program.

4-69 SECTION 13. Section 62.021, Education Code, is amended by

5-1 adding Subsection (e-1) to read as follows:

5-2 (e-1) Whereas the Texas Tech University Health Sciences  
5-3 Center at El Paso was created as a separate institution of higher  
5-4 education by an Act of the 83rd Legislature, Regular Session, 2013,  
5-5 which was approved by a vote of more than two-thirds of the  
5-6 membership of each house of the legislature, the Texas Tech  
5-7 University Health Sciences Center at El Paso is entitled to  
5-8 participate in the funding provided by Section 17, Article VII,  
5-9 Texas Constitution, beginning with the annual appropriation for the  
5-10 state fiscal year beginning September 1, 2015, and the Texas Tech  
5-11 University Health Sciences Center at El Paso shall be included in  
5-12 the allocation made for each 10-year allocation period under  
5-13 Section 17(d), Article VII, Texas Constitution, beginning with the  
5-14 allocation made in 2015.

5-15 SECTION 14. Subsection (c), Section 63.002, Education Code,  
5-16 is amended to read as follows:

5-17 (c) The amount available for distribution from the fund may  
5-18 be appropriated only for programs that benefit medical research,  
5-19 health education, or treatment programs at the following  
5-20 health-related institutions of higher education:

- 5-21 (1) The University of Texas Health Science Center at
- 5-22 San Antonio;
- 5-23 (2) The University of Texas M. D. Anderson Cancer
- 5-24 Center;
- 5-25 (3) The University of Texas Southwestern Medical
- 5-26 Center at Dallas;
- 5-27 (4) The University of Texas Medical Branch at
- 5-28 Galveston;
- 5-29 (5) The University of Texas Health Science Center at
- 5-30 Houston;
- 5-31 (6) The University of Texas Health Science Center at
- 5-32 Tyler;
- 5-33 (7) The University of Texas Health Science
- 5-34 Center--South Texas and its component institutions, if established
- 5-35 under Subchapter N, Chapter 74;
- 5-36 (8) The Texas A&M University Health Science Center;
- 5-37 (9) the University of North Texas Health Science
- 5-38 Center at Fort Worth;
- 5-39 (10) the Texas Tech University Health Sciences Center;

5-40 [~~and~~]

- 5-41 (11) the Texas Tech University Health Sciences Center
- 5-42 at El Paso; and
- 5-43 (12) Baylor College of Medicine, if a contract between
- 5-44 Baylor College of Medicine and the Texas Higher Education
- 5-45 Coordinating Board is in effect under Section 61.092.

5-46 SECTION 15. The board of regents of the Texas Tech  
5-47 University System, as soon as practicable following the effective  
5-48 date of this Act consistent with available resources, any required  
5-49 approval by the Texas Higher Education Coordinating Board, and the  
5-50 goal of minimizing unnecessary disruption of existing programs,  
5-51 students, faculty, and staff in El Paso, shall:

- 5-52 (1) establish the Texas Tech University Health
- 5-53 Sciences Center at El Paso in accordance with this Act; and
- 5-54 (2) assign existing programs and facilities of the
- 5-55 system located in El Paso County to the center to the extent those
- 5-56 programs and facilities support the mission and purposes of the
- 5-57 center.

5-58 SECTION 16. (a) Except as provided by Subsection (b) of  
5-59 this section, this Act takes effect immediately if it receives a  
5-60 vote of two-thirds of all the members elected to each house, as  
5-61 provided by Section 39, Article III, Texas Constitution. If this  
5-62 Act does not receive the vote necessary for immediate effect, this  
5-63 Act takes effect September 1, 2013.

5-64 (b) If this Act does not receive a vote of two-thirds of all  
5-65 the members elected to each house, Section 13 of this Act does not  
5-66 take effect.

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