

1-1 By: Zaffirini S.B. No. 1604
1-2 (In the Senate - Filed March 8, 2013; March 20, 2013, read
1-3 first time and referred to Committee on Higher Education;
1-4 April 22, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 22, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Seliger</u>	X		
1-10	<u>Watson</u>	X		
1-11	<u>Birdwell</u>	X		
1-12	<u>Duncan</u>	X		
1-13	<u>Patrick</u>	X		
1-14	<u>West</u>	X		
1-15	<u>Zaffirini</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1604 By: Zaffirini

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

1-19 relating to asset management and acquisition by institutions of
1-20 higher education.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 73.115, Education Code, is amended by
1-23 adding Subsection (g) to read as follows:

1-24 (g) In any contract for the acquisition of goods and
1-25 services to which an institution of higher education is a party, a
1-26 provision required by applicable law to be included in the contract
1-27 is considered to be a part of the executed contract without regard
1-28 to:

1-29 (1) whether the provision appears on the face of the
1-30 contract; or

1-31 (2) whether the contract includes any provision to the
1-32 contrary.

1-33 SECTION 2. Chapter 64, Property Code, as added by Chapter
1-34 918 (S.B. 1368), Acts of the 82nd Legislature, Regular Session,
1-35 2011, is amended by adding Section 64.0011 to read as follows:

1-36 Sec. 64.0011. APPLICATION TO INSTITUTIONS OF HIGHER
1-37 EDUCATION. This chapter does not apply to residential property for
1-38 which an institution of higher education is a co-owner.

1-39 SECTION 3. Subsection (d), Section 66.08, Education Code,
1-40 is amended to read as follows:

1-41 (d) The board of directors of the corporation shall have
1-42 nine members, determined as follows:

1-43 (1) seven [~~six~~] members appointed by the board, of
1-44 whom:

1-45 (A) three must be members of the board;

1-46 (B) [and the other] three must have a substantial
1-47 background and expertise in investments; and

1-48 (C) one must be a qualified individual as
1-49 determined by the board, which may include

1-50 [~~(2)~~] the chancellor of The University of Texas
1-51 System; and

1-52 (2) [~~(3)~~] two members appointed by the board of regents of
1-53 The Texas A&M University System, at least one of whom must have a
1-54 substantial background and expertise in investments.

1-55 SECTION 4. Section 74.002, Education Code, is repealed.

1-56 SECTION 5. Subsection (b), Section 85.25, Education Code,
1-57 is amended to read as follows:

1-58 (b) The board may grant, sell, lease, or otherwise dispose
1-59 of the lands and mineral interests under its jurisdiction [~~that do~~
1-60 ~~not comprise any portion of the original main campus of Texas A&M~~

2-1 University] to other units or agencies of government, or to any
2-2 individual, group of individuals, corporation, or other entity,
2-3 under terms and conditions the board considers [~~it deems~~] best in
2-4 the public interest.

2-5 SECTION 6. Subsections (c) and (d), Section 85.25,
2-6 Education Code, are repealed.

2-7 SECTION 7. (a) The board of regents of The University of
2-8 Texas System may acquire by purchase, exchange, gift, or otherwise,
2-9 for campus and other university purposes, all or any part of the
2-10 land described in this section, and all improvements located on the
2-11 land, in or near the City of Brownsville, Cameron County, Texas,
2-12 consisting of multiple parcels, the boundaries of which tracts of
2-13 land are more specifically described in Subsections (b), (c), and
2-14 (d) of this section.

2-15 (b) All or any part of the land described as follows:

2-16 BEGINNING at the intersection of West University Boulevard
2-17 and Ringgold Road;

2-18 THENCE Northeast along the South right of way line of
2-19 Ringgold Road to the intersection of Ringgold Road/Ridgely Road
2-20 with the common property line between Lots 11 and 12, Block 14,
2-21 Colonia Alta Vista, recorded in Volume 8, Page 39, Map Records of
2-22 Cameron County, Texas;

2-23 THENCE continuing in a Northeasterly direction along the
2-24 common property line between Lots 11 and 12, Block 14, Colonia Alta
2-25 Vista, to the Southwesterly right of way line of East Jackson Road;

2-26 THENCE Southeast along the Southwesterly right of way line of
2-27 East Jackson Road to the intersection of East Jackson Road and East
2-28 24th Street;

2-29 THENCE Northeast along the South right of way line of East
2-30 24th Street to the Southwest right of way line of U. S. Highways
2-31 77/83;

2-32 THENCE South along the Southwest right of way line of U. S.
2-33 Highways 77/83, continuing past the intersection of the frontage
2-34 road with West University Boulevard and following the Easternmost
2-35 property line of an approximately 21.5-acre tract identified in the
2-36 Cameron County Appraisal District Records as Parcel 62191;

2-37 THENCE continuing along the property line of the 21.5-acre
2-38 tract as it turns West, to a point at which the 21.5-acre parcel
2-39 property line intersects the Easternmost property line of an
2-40 approximately 47.96-acre tract identified in the Cameron County
2-41 Appraisal District Records as Parcel 384258;

2-42 THENCE South following the Easternmost property line of the
2-43 47.96-acre tract to its Southernmost point;

2-44 THENCE Northwest along the Southern property line of the
2-45 47.96-acre tract and continuing in a Northwesterly direction beyond
2-46 the Southwest corner of the 47.96-acre tract and along the Southern
2-47 property line of an approximately 17.4-acre tract whose Eastern
2-48 property line shares a common property line with the Western
2-49 property line of the 47.96-acre tract, to the Southwest corner of
2-50 the 17.4-acre tract;

2-51 THENCE North along the Western property line of the 17.4-acre
2-52 tract to West University Boulevard;

2-53 THENCE Northwest along the Eastern right of way line of West
2-54 University Boulevard to the intersection of West University
2-55 Boulevard and Ringgold Road, to the point of BEGINNING;

2-56 But expressly excluding Lot 1, Block 3, and Lot 6, Block 4,
2-57 University Park Subdivision Unit 1, and Lot 2, Block 3, University
2-58 Park Subdivision Unit 2.

2-59 (c) All or any part of an irregularly shaped parcel
2-60 containing approximately 432 acres in Cameron County, Texas, more
2-61 specifically described as follows:

2-62 BEGINNING at a point on the northern right of way line of
2-63 Texas Highway 100 that is approximately 1.3 miles east of the
2-64 intersection of Texas Highway 100 and U. S. Highways 77/83 and which
2-65 point is the midpoint of a resaca that intersects Texas Highway 100,
2-66 for the most southerly southwest corner of the tract;

2-67 THENCE along the northern right of way line of Texas Highway
2-68 100 and continuing in an easterly direction for a distance of
2-69 approximately 3,400 feet, to the most southerly southeast corner of

3-1 the tract;

3-2 THENCE in a northerly direction for approximately 3,400 feet

3-3 for the most easterly northeast corner of this tract;

3-4 THENCE west for approximately 500 feet to the westernmost

3-5 edge of a resaca;

3-6 THENCE following the meandering of the resaca north and west

3-7 to a point that is approximately 850 feet north of the point at

3-8 which the resaca turns north for a second time;

3-9 THENCE continuing west for a distance of approximately 3,400

3-10 feet to the most northerly northwest corner of the tract;

3-11 THENCE south for approximately 2,000 feet to a southwesterly

3-12 corner of the tract;

3-13 THENCE east for approximately 2,800 feet ;

3-14 THENCE south for approximately 800 feet to the midpoint of a

3-15 resaca;

3-16 THENCE following the meanderings of that resaca east and then

3-17 south to the point of BEGINNING.

3-18 (d) All or any part of an approximately 750.402-acre tract

3-19 described in a deed recorded as Document No. 6590, Official Public

3-20 Records of Cameron County, more specifically described as follows:

3-21 Being 750.402 Acres of land, more or less, out of Share 14 of

3-22 the Espiritu Santo Grant in Cameron County; Texas and being out of a

3-23 1,635.53 Acre Tract conveyed to Milton E. Wentz and wife, Monica C.

3-24 Wentz from G. Philip Wardner, Trustee by deed dated January 15, 1959

3-25 and recorded in Volume 671, Page 8 of the Cameron County Deed

3-26 Records; said 750.402 Acre Tract being more particularly located

3-27 and described as follows:

3-28 BEGINNING at a 1/2 inch iron pin with a yellow plastic cap

3-29 stamped "M&R INC" set on the west line of the Olmito Townsite as

3-30 recorded in Volume 8, Page 83 of the Cameron County Map Records and

3-31 being the intersection of the north right-of-way line of U.S.

3-32 Expressway 77 & 83 (r.o.w. varies) with the east line of said Share

3-33 14 for the southeast corner of this tract;

3-34 THENCE, along the north right-of-way line of U.S: Expressway

3-35 77 & 83, North 45 deg 12 min 33 sec West a distance of 2919.87 feet

3-36 to a 1/2 inch iron pin found for a corner of this tract;

3-37 THENCE, continuing along the north right-of-way line of U.S.

3-38 Expressway 77 & 83, North 40 deg 48 min 33 sec West a distance of

3-39 1303.84 feet to a 1/2 inch iron pin with a yellow plastic cap

3-40 stamped "M&R INC" set for a corner of this tract;

3-41 THENCE, continuing along the north right-of-way line of U.S.

3-42 Expressway 77 & 83, North 45 deg 12 min 33 sec West a distance of

3-43 989.45 feet to a 1/2 inch iron pin with a yellow plastic cap stamped

3-44 "M&R INC" set on the west line of said Share 14 for the southwest

3-45 corner of this tract;

3-46 THENCE, along the west line of said Share 14 and being the

3-47 east line of San Carlos Estates Subdivision as recorded in Volume 8,

3-48 Page 37 of the Cameron County Map Records, North 07 deg 38 min 21 sec

3-49 East, at 5500.20 feet a 1/2 inch iron pin with a yellow plastic cap

3-50 stamped "M&R INC" set on lane for reference, a total distance of

3-51 5553.85 feet to a point on the centerline of Cameron County Drainage

3-52 District No. One Main Drain No. 2 for the northwest corner of this

3-53 tract;

3-54 THENCE, along the approximate centerline of said Main Drain

3-55 No. 2 the following courses:

3-56 North 75 deg 11 min 53 sec East a distance of 386.52 feet,

3-57 North 74 deg 56 min 03 sec East a distance of 665.61 feet;

3-58 South 88 deg 38 min 55 sec East a distance of 198.80 feet;

3-59 and South 54 deg 01 min 55 sec East a distance of 362.78 feet to a

3-60 point for a corner of this tract;

3-61 THENCE, out of said Main Drain No. 2, North 07 deg 16 min 53

3-62 sec East, at 55.82 feet a 1/2 inch iron pin with a yellow plastic cap

3-63 stamped "M&R INC" set on line for reference, at 1059.55 feet a 1/2

3-64 inch iron pin with a yellow plastic cap stamped "M&R INC" set on

3-65 line for reference, a total distance of 1243.64 feet to a point

3-66 within the Resaca De Las Flores for a corner of this tract;

3-67 THENCE, through said resaca, South 66 deg 59 min 07 sec East a

3-68 distance of 1028:24 feet and South 41 deg 59 min 07 sec East a

3-69 distance of 715.00 feet to a point for a corner of this tract;

4-1 THENCE, out of said resaca, North 42 deg 44 min 53 sec East a
4-2 distance of 639.80 feet to a point in the center of a drain ditch for
4-3 a corner of this tract;

4-4 THENCE, along the approximate center of said drain ditch,
4-5 North 78 deg 12 min 53 sec East a distance of ~~[88.63 feet to a 1/2~~
4-6 ~~inch iron pin with a yellow plastic cap stamped "M&R INC" set for a~~
4-7 ~~corner of this tract;~~

4-8 THENCE, continuing along the approximate center of said drain
4-9 ditch, North 81 deg 58 min 00 sec East a distance of 474.27 feet to a
4-10 point within a drain ditch and being on the east line of said Share
4-11 14 for the northeast corner of this tract;

4-12 THENCE, through said drain ditch and along the east line of
4-13 said Share 14 also being the west line of Parker Tract Subdivision
4-14 as recorded in Volume 4, Page 40 of the Cameron County Map Records,
4-15 South 07 deg 13 min West, at 1844.59 feet a point on the centerline
4-16 of said Main Drain No. 2 for the northwest corner of Saint Francis
4-17 of Assisi Subdivision as recorded in Cabinet I, Slot 895-B of the
4-18 Cameron County Map Records, at 2669.69 feet a concrete monument
4-19 found for the southwest corner of said Saint Francis of Assisi
4-20 Subdivision, a total distance of 3913.73 feet to a point for the
4-21 southwest corner of said Parker Tract Subdivision and for the
4-22 northwest corner of Olmito Gardens Tract No. I as recorded in Volume
4-23 6, Page 41 of the Cameron County Map Records and for a corner of this
4-24 tract;

4-25 THENCE, continuing along the east line of said Share 14,
4-26 South 07 deg 14 min 40 sec West, at 6145.84 feet the common corner
4-27 between said Olmito Gardens Tract No. 1 and said Olmito Townsite, a
4-28 total distance of 6342.28 feet to the POINT OF BEGINNING.
4-29 Containing 750.402 Acres of land, more or less.

4-30 (e) The title to the land shall be taken in the name of the
4-31 board of regents of The University of Texas System and shall be
4-32 subject to the control and management of the board in the same
4-33 manner and to the same extent that the lands now owned by The
4-34 University of Texas System are held and controlled.

4-35 SECTION 8. This Act takes effect immediately if it receives
4-36 the vote of two-thirds of all the members elected to each house, as
4-37 provided by Section 39, Article III, Texas Constitution. If this
4-38 Act does not receive the vote necessary for immediate effect, this
4-39 Act takes effect September 1, 2013.

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