

1-1 By: Birdwell, et al. S.B. No. 213
 1-2 (In the Senate - Filed March 11, 2015; March 16, 2015, read
 1-3 first time and referred to Committee on Education; April 28, 2015,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 10, Nays 0; April 28, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Garcia	X			
1-12 Huffines	X			
1-13 Kolthorst	X			
1-14 Rodríguez	X			
1-15 Seliger			X	
1-16 Taylor of Collin	X			
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 213 By: Bettencourt

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the functions and duties of the University
 1-23 Interscholastic League.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 7.055(b)(41), Education Code, is amended
 1-26 to read as follows:

1-27 (41) The commissioner shall adopt rules relating to
 1-28 extracurricular activities under Section 33.081 and approve or
 1-29 disapprove University Interscholastic League rules and procedures
 1-30 under Section 67.72(c) [~~33.083~~].

1-31 SECTION 2. Section 33.094(d), Education Code, is amended to
 1-32 read as follows:

1-33 (d) The University Interscholastic League may adopt rules
 1-34 necessary to implement this section, provided that the rules must
 1-35 be approved by the commissioner in accordance with Section 67.72(c)
 1-36 [~~33.083(b)~~].

1-37 SECTION 3. Section 33.203, Education Code, is amended by
 1-38 adding Subsections (c) and (d) to read as follows:

1-39 (c) In addition to the forms required by Subsection (a),
 1-40 each student participating in an extracurricular athletic activity
 1-41 must submit a completed University Interscholastic League form
 1-42 entitled "Preparticipation Physical Evaluation--Physical
 1-43 Examination."

1-44 (d) An affirmative answer on the "Preparticipation Physical
 1-45 Evaluation--Medical History" form indicating a cardiac or
 1-46 neurological history requires a person signing the
 1-47 "Preparticipation Physical Evaluation--Physical Examination"
 1-48 form, in accordance with rules adopted by the University
 1-49 Interscholastic League, to refer the student to the student's
 1-50 treating physician. The student's treating physician must provide
 1-51 a written statement indicating that, in the physician's
 1-52 professional judgment, it is safe for the student to participate in
 1-53 practice and play in an extracurricular athletic activity.

1-54 SECTION 4. Section 38.153, Education Code, is amended by
 1-55 adding Subsections (c) and (d) to read as follows:

1-56 (c) Not later than September 1 of each year, the
 1-57 superintendent of a school district and the person who serves the
 1-58 function of a superintendent for an open-enrollment charter school
 1-59 shall submit to the University Interscholastic League a notarized
 1-60 document stating:

2-1 (1) that the district or school has formed a
 2-2 concussion oversight team as required by Subsection (a);

2-3 (2) the name and occupation of each person serving on
 2-4 the concussion oversight team and confirming that each person has
 2-5 completed the training required by Section 38.154(c);

2-6 (3) that the concussion oversight team has established
 2-7 and is using the return-to-play protocol as required by Subsection
 2-8 (b);

2-9 (4) the number of full-time athletic trainers employed
 2-10 by the district or school; and

2-11 (5) the number of coaches employed by the district or
 2-12 school who have completed the concussion training required by
 2-13 Section 38.158 and the number of coaches employed by the district or
 2-14 school who have not completed the required concussion training.

2-15 (d) Not later than October 1 of each year, the notarized
 2-16 statements submitted under Subsection (c) must be available to the
 2-17 public on the University Interscholastic League's Internet
 2-18 website. The University Interscholastic League is responsible for
 2-19 ensuring each year that statements are obtained from each school
 2-20 district and open-enrollment charter school subject to this
 2-21 section.

2-22 SECTION 5. Section 51.406(b), Education Code, is amended to
 2-23 read as follows:

2-24 (b) To the extent that any of the following laws require
 2-25 reporting by a university system or an institution of higher
 2-26 education, a university system or institution of higher education
 2-27 is not required to make the report on or after September 1, 2013,
 2-28 unless legislation enacted by the 83rd Legislature that becomes law
 2-29 expressly requires the institution or system to make the report:

2-30 (1) Section 7.109;

2-31 (2) ~~Section 33.083;~~

2-32 ~~[(3)]~~ Section 59.07;

2-33 (3) ~~[(4)]~~ Section 130.086;

2-34 (4) ~~[(5)]~~ Section 325.007, Government Code;

2-35 (5) ~~[(6)]~~ Section 669.003, Government Code;

2-36 (6) ~~[(7)]~~ Section 2005.007, Government Code;

2-37 (7) ~~[(8)]~~ Section 2054.097, Government Code;

2-38 (8) ~~[(9)]~~ Chapter 2114, Government Code; and

2-39 (9) ~~[(10)]~~ Section 2205.041, Government Code.

2-40 SECTION 6. Chapter 67, Education Code, is amended by adding
 2-41 Subchapter E to read as follows:

2-42 SUBCHAPTER E. UNIVERSITY INTERSCHOLASTIC LEAGUE

2-43 Sec. 67.71. DEFINITIONS. In this subchapter:

2-44 (1) "League" means the University Interscholastic
 2-45 League.

2-46 (2) "Rule" or "contest rule" means a rule or procedure
 2-47 included in the league's constitution and contest rules.

2-48 SECTION 7. Sections 33.083(b) and (d), Education Code, are
 2-49 transferred to Subchapter E, Chapter 67, Education Code, as added
 2-50 by this Act, redesignated as Section 67.72, Education Code, and
 2-51 amended to read as follows:

2-52 Sec. 67.72. UNIVERSITY INTERSCHOLASTIC LEAGUE.

2-53 (a) ~~[(b)]~~ The University Interscholastic League is a state agency
 2-54 that is part of The University of Texas at Austin [and must submit
 2-55 its rules and procedures to the commissioner for approval or
 2-56 disapproval]. The funds belonging to the league [University
 2-57 Interscholastic League] shall be deposited with the university [The
 2-58 University of Texas at Austin] for the benefit of the league and
 2-59 shall be subject to audits by the university [The University of
 2-60 Texas at Austin], The University of Texas System, and the state
 2-61 auditor. Copies of annual audits shall be furnished, on request, to
 2-62 members of the legislature.

2-63 (b) The league:

2-64 (1) creates and administers interscholastic contests,
 2-65 including academic, music, and athletic contests, for member
 2-66 schools;

2-67 (2) adopts and enforces contest rules;

2-68 (3) creates local committees to assist in the
 2-69 administration of interscholastic contests; and

3-1 (4) performs any duty necessary to administer
3-2 interscholastic contests in the state for member schools.

3-3 (c) The league must submit all contest rules and procedures
3-4 to the commissioner of education for approval or disapproval.

3-5 (d) League contest rules are not subject to Chapter 2001,
3-6 Government Code.

3-7 (e) [~~(d)~~] The league [University Interscholastic League]
3-8 shall file annually with the governor and the presiding officer of
3-9 each house of the legislature a complete and detailed written
3-10 report accounting for all funds received and disbursed by the
3-11 league [University Interscholastic League] during the preceding
3-12 fiscal year. The form of the annual report and the reporting time
3-13 are as provided by the General Appropriations Act.

3-14 SECTION 8. Section 33.0831, Education Code, is transferred
3-15 to Subchapter E, Chapter 67, Education Code, as added by this Act,
3-16 redesignated as Section 67.73, Education Code, and amended to read
3-17 as follows:

3-18 Sec. 67.73 [33.0831]. [UNIVERSITY INTERSCHOLASTIC] LEAGUE
3-19 RULES: FISCAL IMPACT STATEMENT. (a) The legislative council of
3-20 the league [University Interscholastic League] may not take final
3-21 action on a new or amended rule that would result in additional
3-22 costs for a member school unless a fiscal impact statement
3-23 regarding the rule has been completed in accordance with this
3-24 section.

3-25 (b) For purposes of Subsection (a), final action by the
3-26 legislative council means:

3-27 (1) submitting a rule to school superintendents, if
3-28 the submission is required under the legislative council's
3-29 procedures; or

3-30 (2) submitting a rule approved by the council to the
3-31 commissioner of education for the commissioner's approval under
3-32 Section 67.72(c) [33.083(b)], if the rule does not require
3-33 submission to school superintendents under the legislative
3-34 council's procedures.

3-35 (c) A fiscal impact statement regarding a rule must include:

3-36 (1) a projection of the costs to member schools of
3-37 complying with the rule during the five-year period following the
3-38 effective date of the rule; and

3-39 (2) an explanation of the methodology used to analyze
3-40 the fiscal impact of the rule and determine the costs projection
3-41 required by Subdivision (1).

3-42 (d) If a fiscal impact statement is prepared for a rule, a
3-43 copy of the statement must be attached to the rule when it is
3-44 submitted for approval to school superintendents, if applicable,
3-45 and when it is submitted to the commissioner of education for
3-46 approval.

3-47 SECTION 9. Subchapter E, Chapter 67, Education Code, as
3-48 added by this Act, is amended by adding Section 67.74 to read as
3-49 follows:

3-50 Sec. 67.74. LOCAL COMMITTEES. (a) A local committee
3-51 created to assist the league in the administration of
3-52 interscholastic contests is subject to the open meetings
3-53 requirements under Chapter 551, Government Code, and public
3-54 information requirements under Chapter 552, Government Code, in the
3-55 same manner that the board of trustees of a school district is
3-56 subject to those laws. In addition to any other applicable
3-57 exceptions, the exceptions found in Sections 552.114 and 552.135,
3-58 Government Code, apply to a local committee.

3-59 (b) Any money collected by a local committee for committee
3-60 use are not funds belonging to the league and may not be deposited
3-61 in a university account.

3-62 (c) A local committee shall:

3-63 (1) collect and expend funds in accordance with league
3-64 rules; and

3-65 (2) report revenue and expenditures on an annual basis
3-66 to the league.

3-67 SECTION 10. Sections 33.085, 33.091, 33.209, and 67.26,
3-68 Education Code, are transferred to Subchapter E, Chapter 67,
3-69 Education Code, as added by this Act, redesignated as Sections

4-1 67.75, 67.76, 67.77, and 67.78, Education Code, respectively, and
 4-2 amended to read as follows:

4-3 Sec. 67.75 [~~33.085~~]. AUTHORITY [~~OF UNIVERSITY~~
 4-4 ~~INTERSCHOLASTIC LEAGUE~~] REGARDING ACTIVITIES INVOLVING SPORTS
 4-5 OFFICIALS. (a) In this section, "sports official" [+
 4-6 [~~(1) "League" means the University Interscholastic~~
 4-7 ~~League.~~

4-8 [~~(2) "Sports official"~~] means a person who officiates,
 4-9 judges, or in any manner enforces contest rules in any official
 4-10 capacity with respect to and during the course of an
 4-11 interscholastic athletic team competition and who is a member of a
 4-12 league-recognized local chapter or association of sports
 4-13 officials. The term includes a referee, umpire, linesman, judge,
 4-14 or any other person similarly involved in supervising competitive
 4-15 play. The term does not include a league board member or a league
 4-16 official who is acting in an official capacity to supervise,
 4-17 administer, or enforce the league constitution or league contest
 4-18 rules.

4-19 (b) The league may require a sports official, as a condition
 4-20 of eligibility to officiate a contest sponsored by the league, to:

4-21 (1) be registered with the league and comply with the
 4-22 registration requirements of Subsection (c);

4-23 (2) have completed initial and continuing education
 4-24 programs regarding league rules;

4-25 (3) be a member in good standing of a local chapter or
 4-26 association of sports officials recognized by the league for that
 4-27 purpose; and

4-28 (4) agree to abide by league rules, including fee
 4-29 schedules and travel reimbursement guidelines for payment by school
 4-30 districts or open-enrollment charter schools to a sports official.

4-31 (c) In registering with the league, a sports official must
 4-32 be required to provide directory information required by the league
 4-33 and submit to a criminal background check.

4-34 (d) The league may not charge a sports official who
 4-35 completes a program under Subsection (b)(2) a fee for more than one
 4-36 program described by Subsection (b)(2).

4-37 (e) The league may charge and collect a registration fee
 4-38 only to defray the cost of registering sports officials and shall
 4-39 post the amount of the fee on the league's Internet website and make
 4-40 the information available at other places the league determines
 4-41 appropriate. The amount of the fee may not exceed the amount
 4-42 reasonably determined by the league to be necessary to cover the
 4-43 cost of administering registration.

4-44 (f) The league may revoke or suspend the league registration
 4-45 of a sports official determined by the league to have violated the
 4-46 provisions of the league constitution or contest rules governing
 4-47 sports officials or other league policy applicable to sports
 4-48 officials. Before the league may take action to revoke or suspend a
 4-49 sports official's registration, the league shall notify and consult
 4-50 with the local chapter or association of sports officials of which
 4-51 the sports official is a member. The local chapter or association
 4-52 may, on or before the 15th day after the date notice is received
 4-53 from the league, take action to adjudicate the alleged violation.
 4-54 If after the 15th day after the date notice is received from the
 4-55 league the local chapter or association has failed to take action
 4-56 against the sports official or takes action that the league finds to
 4-57 be insufficient, the league may take action against the sports
 4-58 official. The league shall adopt rules to provide a sports official
 4-59 with the opportunity for an appeals process before the league
 4-60 revokes or suspends the sports official's registration. In
 4-61 adopting rules under this subsection, the league shall make a
 4-62 determination of the actions and subsequent sanctions that would be
 4-63 considered sufficient under this subsection.

4-64 (g) The league may not sponsor or organize or attempt to
 4-65 sponsor or organize any association of sports officials in which
 4-66 the majority of the membership is composed of sports officials who
 4-67 officiate team sports.

4-68 (h) The league may set rates or fee schedules payable by a
 4-69 school district or open-enrollment charter school to a sports

5-1 official.

5-2 (i) Before the league may take any action that amends rules
5-3 related to the activities of sports officials, other than an action
5-4 against an individual sports official under Subsection (f), the
5-5 league must submit the proposed action for public review and
5-6 comment, including:

5-7 (1) notifying registered sports officials of the
5-8 proposed action by e-mail not later than the 30th day before the
5-9 date set for action on the proposal; and

5-10 (2) posting the proposal on the league's Internet
5-11 website for at least 30 consecutive days before the date set for
5-12 action on the proposal.

5-13 Sec. 67.76 [~~33.091~~]. PREVENTION OF ILLEGAL STEROID USE [~~+~~
5-14 ~~RANDOM TESTING~~]. (a) In this section:

5-15 (1) [~~"League" means the University Interscholastic~~
5-16 ~~League.~~

5-17 [~~(2)~~] "Parent" includes a guardian or other person
5-18 standing in parental relation.

5-19 (2) [~~(3)~~] "Steroid" means an anabolic steroid as
5-20 described by Section 481.104, Health and Safety Code.

5-21 (b) [~~The league shall adopt rules prohibiting a student from~~
5-22 ~~participating in an athletic competition sponsored or sanctioned by~~
5-23 ~~the league unless:~~

5-24 [~~(1) the student agrees not to use steroids and, if the~~
5-25 ~~student is enrolled in high school, the student submits to random~~
5-26 ~~testing for the presence of illegal steroids in the student's body,~~
5-27 ~~in accordance with the program established under Subsection (d),~~
5-28 ~~and~~

5-29 [~~(2) the league obtains from the student's parent a~~
5-30 ~~statement signed by the parent and acknowledging that:~~

5-31 [~~(A) the parent's child, if enrolled in high~~
5-32 ~~school, may be subject to random steroid testing;~~

5-33 [~~(B) state law prohibits possessing, dispensing,~~
5-34 ~~delivering, or administering a steroid in a manner not allowed by~~
5-35 ~~state law;~~

5-36 [~~(C) state law provides that bodybuilding,~~
5-37 ~~muscle enhancement, or the increase of muscle bulk or strength~~
5-38 ~~through the use of a steroid by a person who is in good health is not~~
5-39 ~~a valid medical purpose;~~

5-40 [~~(D) only a licensed practitioner with~~
5-41 ~~prescriptive authority may prescribe a steroid for a person; and~~

5-42 [~~(E) a violation of state law concerning steroids~~
5-43 ~~is a criminal offense punishable by confinement in jail or~~
5-44 ~~imprisonment in the Texas Department of Criminal Justice.~~

5-45 [~~(c)~~] The league shall:

5-46 (1) develop an educational program for students
5-47 engaged in extracurricular athletic activities sponsored or
5-48 sanctioned by the league, parents of those students, and coaches of
5-49 those activities regarding the health effects of steroid use; and

5-50 (2) make the program available to school districts.

5-51 (c) [~~(c-1)~~] A school district shall require that each
5-52 district employee who serves as an athletic coach at or above the
5-53 seventh grade level for an extracurricular athletic activity
5-54 sponsored or sanctioned by the league complete:

5-55 (1) the educational program developed by the league
5-56 under Subsection (b) [~~(c)~~]; or

5-57 (2) a comparable program developed by the district or
5-58 a private entity with relevant expertise.

5-59 [~~(d) The league shall adopt rules for the annual~~
5-60 ~~administration of a steroid testing program under which high school~~
5-61 ~~students participating in an athletic competition sponsored or~~
5-62 ~~sanctioned by the league are tested at multiple times throughout~~
5-63 ~~the year for the presence of steroids in the students' bodies. The~~
5-64 ~~testing program must:~~

5-65 (1) require the random testing of a statistically
5-66 significant number of high school students in this state who
5-67 participate in athletic competitions sponsored or sanctioned by the
5-68 league;

5-69 (2) provide for the selection of specific students

6-1 ~~described by Subdivision (1) for testing through a process that~~
 6-2 ~~randomly selects students from a single pool consisting of all~~
 6-3 ~~students who participate in any activity for which the league~~
 6-4 ~~sponsors or sanctions athletic competitions,~~

6-5 ~~[(3) be administered at approximately 30 percent of~~
 6-6 ~~the high schools in this state that participate in athletic~~
 6-7 ~~competitions sponsored or sanctioned by the league,~~

6-8 ~~[(4) provide for a process for confirming any initial~~
 6-9 ~~positive test result through a subsequent test conducted as soon as~~
 6-10 ~~practicable after the initial test, using a sample that was~~
 6-11 ~~obtained at the same time as the sample used for the initial test,~~

6-12 ~~[(5) require the testing to be performed only by an~~
 6-13 ~~anabolic steroid testing laboratory with a current certification~~
 6-14 ~~from the Substance Abuse and Mental Health Services Administration~~
 6-15 ~~of the United States Department of Health and Human Services, the~~
 6-16 ~~World Anti-Doping Agency, or another appropriate national or~~
 6-17 ~~international certifying organization, and~~

6-18 ~~[(6) provide for a period of ineligibility from~~
 6-19 ~~participation in an athletic competition sponsored or sanctioned by~~
 6-20 ~~the league for any student with a confirmed positive test result or~~
 6-21 ~~any student who refuses to submit to random testing.~~

6-22 ~~[(e) Results of a steroid test conducted under Subsection~~
 6-23 ~~(d) are confidential and, unless required by court order, may be~~
 6-24 ~~disclosed only to the student and the student's parent and the~~
 6-25 ~~activity directors, principal, and assistant principals of the~~
 6-26 ~~school attended by the student.~~

6-27 ~~[(f) From funds already appropriated, the agency shall pay~~
 6-28 ~~the costs of the steroid testing program established under~~
 6-29 ~~Subsection (d).~~

6-30 ~~[(g) The league may increase the membership fees required of~~
 6-31 ~~school districts that participate in athletic competitions~~
 6-32 ~~sponsored or sanctioned by the league in an amount necessary to~~
 6-33 ~~offset the cost of league activities under this section.~~

6-34 ~~[(h) Subsection (b)(1) does not apply to the use by a~~
 6-35 ~~student of a steroid that is dispensed, prescribed, delivered, and~~
 6-36 ~~administered by a medical practitioner for a valid medical purpose~~
 6-37 ~~and in the course of professional practice, and a student is not~~
 6-38 ~~subject to a period of ineligibility under Subsection (d)(6) on the~~
 6-39 ~~basis of that steroid use.]~~

6-40 ~~Sec. 67.77 [33.209]. INCORPORATION OF SAFETY REGULATIONS.~~
 6-41 ~~The league [University Interscholastic League] shall incorporate~~
 6-42 ~~the provisions of Sections 33.203-33.207 into the league's~~
 6-43 ~~constitution and contest rules.~~

6-44 ~~Sec. 67.78 [67.26]. [UNIVERSITY INTERSCHOLASTIC LEAGUE,]~~
 6-45 ~~VENUE FOR LEAGUE SUITS. Venue for suits brought against the league~~
 6-46 ~~[University Interscholastic League] or for suits involving the~~
 6-47 ~~interpretation or enforcement of the rules or regulations of the~~
 6-48 ~~league [University Interscholastic League] shall be in Travis~~
 6-49 ~~County, Texas. When the litigation involves a school district~~
 6-50 ~~located within Travis County, it shall be heard by a visiting judge.~~

6-51 ~~SECTION 11. (a) As soon as possible after the effective~~
 6-52 ~~date of this Act, the University Interscholastic League shall~~
 6-53 ~~modify its rules to reflect the changes made by this Act to Section~~
 6-54 ~~33.203, Education Code.~~

6-55 ~~(b) Sections 33.203(c) and (d), Education Code, as added by~~
 6-56 ~~this Act, apply only to a "Preparticipation Physical~~
 6-57 ~~Evaluation--Physical Examination" form signed on or after the~~
 6-58 ~~effective date of this Act. A "Preparticipation Physical~~
 6-59 ~~Evaluation--Physical Examination" form signed before the effective~~
 6-60 ~~date of this Act is governed by the law in effect immediately before~~
 6-61 ~~the effective date of this Act, and that law is continued in effect~~
 6-62 ~~for that purpose.~~

6-63 ~~SECTION 12. Section 33.084, Education Code, is repealed.~~

6-64 ~~SECTION 13. (a) Sections 33.203(c) and (d), Education~~
 6-65 ~~Code, as added by this Act, take effect immediately if this Act~~
 6-66 ~~receives a vote of two-thirds of all the members elected to each~~
 6-67 ~~house, as provided by Section 39, Article III, Texas Constitution.~~
 6-68 ~~If this Act does not receive the vote necessary for immediate~~
 6-69 ~~effect, Sections 33.203(c) and (d), Education Code, as added by~~

7-1 this Act, take effect September 1, 2015.

7-2 (b) Except as provided by Subsection (a) of this section,

7-3 this Act takes effect September 1, 2015.

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