

BILL ANALYSIS

Senate Research Center

S.B. 1223
By: Hughes
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Authorizing statutes for health-related and general academic institutions are structured differently when it comes to suits against the institution. Statutes for some institutions do not have language addressing such suits or designating their venue. Other statutes discuss suits and their venue but state clearly that immunity to suit or liability is not waived. The University of Texas at Tyler (UT-Tyler) appears to be the only public institution of higher education (IHE) with authorizing language that explicitly includes legislative consent to suit against the school. This language weakening the sovereign immunity of UT-Tyler as a state entity places the university on an unequal footing relative to other general academic institutions. S.B. 1223 corrects this anomaly by removing language from Section 76.04, Education Code, granting legislative consent to suits against the school, thereby preserving the sovereign immunity protections for UT-Tyler extended to other public IHEs in Texas.

As proposed, S.B. 1223 amends current law relating to suits against the University of Texas at Tyler.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 76.04, Education Code, as follows:

Sec. 76.04. New heading: VENUE. Provides that the venue for a suit against The University of Texas at Tyler (UT-Tyler) is in Smith or Travis County. Deletes existing text authorizing the board of regents of The University of Texas System to sue and be sued in the name of UT-Tyler, authorizing UT-Tyler to be impleaded by service of citation on its president, and providing that legislative consent to suits against UT-Tyler is granted.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2017.