

## **BILL ANALYSIS**

Senate Research Center  
86R2978 SOS-D

S.B. 440  
By: Hughes  
State Affairs  
3/19/2019  
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 appears to be the only public institution of higher education 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. 440 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 institutions of higher education in Texas.

As proposed, S.B. 440 amends current law relating to a suit 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: SUITS. Provides that the venue for a suit against The University of Texas at Tyler (institution) is in Smith or Travis County. Prohibits this section from being construed as granting legislative consent for a suit against the board of regents of The University of Texas System (board) or the institution, except as authorized by law. Deletes existing text authorizing the board to sue and be sued in the name of the institution. Deletes existing text authorizing the institution to be impleaded by service of citation on its president, and granting legislative consent to suits against the institution.

SECTION 2. Makes application of Section 76.04, Education Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.