

EDUCATION CODE CHAPTER 95, SUBTITLE E

ADMINISTRATION OF THE TEXAS STATE UNIVERSITY SYSTEM

SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

<p>§ 95.01. <b>BOARD OF REGENTS.</b> The organization, control, and management of the state university system is vested in the Board of Regents, Texas State University System. Acts 1971, 62nd Leg., p. 3218, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.</p>	<p>Board vested with authority over system.</p>
<p>§ 95.02. <b>BOARD MEMBERS: APPOINTMENT, QUALIFICATIONS, TERMS.</b> The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring February 1 of odd-numbered years. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. Acts 1971, 62nd Leg., p. 3218, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2837, ch. 484, art. III, § 3, eff. June 19, 1983.</p>	<p>Board terms expire February 1 of odd-numbered years.</p>
<p>§ 95.03. <b>BOARD MEETINGS.</b> The board shall provide for regular meetings for the transaction of business pertaining to the affairs of the state university system. The chairman or a majority of the members of the board by petition may at any time call a special meeting of the board and fix the time and place thereof. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</p>	<p>Regular Meetings: Required. Special Meetings: Either chair or board majority may call.</p>
<p>§ 95.04. <b>PER DIEM; EXPENSES.</b> Members of the board shall receive a per diem payment as provided by the legislature and shall in addition be reimbursed for the actual expenses incurred by them in the performance of their duties. Payment shall be made out of the appropriation for the support and maintenance of the state university system as the board may direct. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</p>	<p>Board members receive <u>per diem</u> plus expenses.</p>
<p>§ 95.05. <b>QUORUM.</b> Five members of the board shall be a quorum for the transaction of business at any meeting and, unless a greater number is required by the board's rules, the act of a majority of the members present at any meeting shall be the act of the board. Added by Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983.</p>	<p>Quorum is five members. Majority of those present acts for the board.</p>
<p>§ 95.06. <b>SYSTEM CENTRAL ADMINISTRATION OFFICE; EXECUTIVE OFFICER.</b> (a) The central administration office of the university system shall provide oversight and coordination of the activities of each component institution within the system. (b) The board shall appoint an executive officer of the university system and determine the executive officer's term of office, salary, and duties. (c) The executive officer shall recommend a plan for the organization of the university system and the appointment of a president for each component institution within the system. (d) The executive officer is responsible to the board for the general management and success of the university system, and the board shall cooperate with the executive officer to carry out that responsibility. (e) In addition to other powers and duties provided by this code or other law, the central administration office of the system shall recommend necessary policies and rules to the governing board of the system to ensure conformity with all laws and rules and to provide uniformity in data collection and financial reporting procedures. Added by Acts 1989, 71st Leg., ch. 464, § 3, eff. June 14, 1989.</p>	<p>Chancellor Duties: oversight and coordination, recommendation of policies.</p>

<b>SUBCHAPTER B. POWERS AND DUTIES OF BOARD</b>	
<p>§ 95.21. <b>GENERAL RESPONSIBILITIES AND AUTHORITY OF BOARD.</b> (a) The board is responsible for the general control and management of the universities in the system and may erect, equip, and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge presidents or principals, teachers, treasurers, and other employees; fix the salaries of the persons employed; and perform such other acts as in the judgment of the board contribute to the development of the universities in the system or the welfare of their students. (b) The board has authority to promulgate and enforce such rules, regulations, and orders for the operation, control, and management of the university system and its institutions as the board may deem either necessary or desirable. When a power is vested in the board, the board may adopt a rule, regulation, or order delegating such power to any officer, employee, or committee as the board may designate. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</p>	<p>Board granted. Plenary authority over system institutions, including rule-making power.</p>
<p>§ 95.22. <b>INSPECTION OF UNIVERSITIES.</b> The board as a whole or by committee shall visit each university under its control and management at least once during each scholastic year, inspect its work, and gather information which will enable the board to perform its duties intelligently and effectively. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</p>	<p>By committee or as a whole, Board must visit each university annually.</p>
<p>§ 95.23. <b>LOCAL COMMITTEES OF BOARD.</b> At least once a year each local committee of the board shall meet on the campus of the institution for which the local committee is responsible for reporting to the board. At the meeting, the local committee shall confer with the institution's officials and carefully examine all phases of the operations of the institution. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.</p>	<p>Each institution has a local committee that must meet annually with campus officials.</p>
<p>§ 95.24. <b>ADMISSION; DIPLOMAS AND CERTIFICATES.</b> The board may determine the conditions on which students may be admitted to the universities, the grades of certificates issued, the conditions for the award of certificates and diplomas, and the authority by which certificates and diplomas are signed. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.</p>	<p>Board determines conditions of admissions and graduation.</p>
<p>§ 95.25. <b>TEACHING CERTIFICATES.</b> Diplomas and teachers certificates of each of the system universities authorize the holders to teach in the public schools. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.</p>	<p>Graduates "authorized" to teach in public schools. Probably obsolete in view of state certification</p>
<p>§ 95.27. <b>ANNUAL REPORT TO GOVERNOR.</b> The board shall make an annual report to the governor showing the general condition of the affairs of each university in the system and making recommendations for its future management and welfare. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.</p>	<p>Board must submit annual report to governor, including recommendations.</p>

<p>§ 95.28. <b>DISBURSEMENT OF FUNDS.</b> All appropriations made by the legislature for the support and maintenance of the system universities, for the purchase of land or buildings for the universities, for the erection or repair of buildings, for the purchase of apparatus, libraries, or equipment of any kind, or for any other improvement of any kind shall be disbursed under the direction and authority of the board. The board may formulate rules for the general control and management of the universities, for the auditing and approving of accounts, and for the issuance of vouchers and warrants which are necessary for the efficient administration of the universities. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.</p>	<p>Board disburses all legislative appropriations and may create structure to accomplish this.</p> <p><b>COMMENT: § 95.29</b> Suggests that central, fiscal and legislative functions were intended.</p>
<p>§ 95.29. <b>FINANCIAL STATEMENTS AND RECOMMENDATIONS.</b> The board shall file in each house of the legislature at each of its regular biennial sessions a statement of the receipts and expenditures of each of the system universities, showing the amount of salaries paid to the various teachers, contingent expenses, expenditures for improvements, and other items of expense. The board shall also file its recommendations for appropriations for the universities. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.</p>	<p>Board must account biennially to legislature as to financial operations and make recommendations.</p>
<p>§ 95.30. <b>EMINENT DOMAIN.</b> The board has the power of eminent domain to acquire for the use of the system universities the lands necessary and proper for carrying out their purposes, in the manner prescribed in Title 4, Chapter 21, of the Property Code. The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Section 21.021 of the Property Code. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1987, 70th Leg., ch. 403, § 1, eff. Sept. 1, 1987.</p>	<p>Board has power of eminent domain in order to fulfill a public purpose.</p>
<p>§ 95.31. <b>ACQUISITION OF LAND; PROCEDURES.</b> The board may acquire land, including the improvements thereupon, needed for the proper operation of a system university. The acquisition may be by grant, purchase, lease, exchange, gift, devise, or by condemnation. If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1161, ch. 434, § 4, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 403, § 1, eff. Sept. 1, 1987.</p>	<p>Board may acquire land by any lawful means, including condemnation, i.e., by eminent domain.</p>
<p>§ 95.32. <b>DORMITORIES.</b> (a) The board may enter into contracts with persons, firms, or corporations for the erection of dormitories at a university, and may purchase or lease lands and other appurtenances for the construction of the dormitories, provided that the state incurs no liability for the buildings or the sites. (b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings. (c) The board may adopt rules and regulations it deems reasonable requiring any class or classes of students to reside in the dormitories or other buildings. Absolute management and control of the dormitories constructed is vested in the board. Acts 1971, 62nd Leg., p. 3221, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1162, ch. 434, § 5, eff. June 19, 1975.</p>	<p>Board had broad powers to erect and pay for dormitories and to require students to live in them.</p>

<p>§ 95.33. <b>MANAGEMENT OF PROPERTY.</b> The board of regents of the Texas State University System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the Texas State University System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the Texas State University System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. Added by Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</p>	<p>Board alone owns, manages and controls system property.</p> <p>Can sell land at fair market value.</p> <p>May grant grazing leases not to exceed 10 years.</p>
<p>§ 95.34. <b>DONATIONS, GIFTS, GRANTS, AND ENDOWMENTS.</b> (a) The board may accept donations, gifts, grants, and endowments for the universities under its control to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the universities. All money accepted under the authority of this section shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds. (b) The board may deposit in one or more appropriate accounts created by the board all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the board. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system or universities in the system. Added by Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</p>	<p>Board may accept and manage gifts, grants, and endowments.</p>
<p>§ 95.36. <b>MANAGEMENT AND LEASE OF LAND.</b> (a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its control. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the system and the system universities. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas. (b) Except as provided in Subsection (c) of this section, any money received by virtue of this section and the income from the investment of such money shall be deposited in the State Treasury to the credit of a special fund to be known as the Texas State University System special mineral fund, to be used exclusively for the university system and the universities in the system. However, no money shall ever be expended from this fund except as authorized by the General Appropriations Act. (c) All money received by virtue of the lease of land given to the board by a will, instrument in writing, or other means shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds. Money deposited in a special fund may be used by the board for payment of principal and interest on revenue bonds or notes issued by the board and for any other use or purpose which in the judgment of the board may be for the good of the university system or the universities in the system. Added by Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983.</p>	<p>Board has plenary authority to lease land, including oil, gas, and other mineral interests.</p> <p>Texas GLO approval not required but Board instructed not to sell for less than GLO rate.</p> <p>Monies to be deposited into special, earmarked funds in state treasury.</p> <p>Board has broad discretion in expending non-earmarked funds.</p>

§ 95.37. **DELINQUENT STUDENT LOAN ACCOUNTS; VENUE.** A suit by the Texas State University System on its own behalf or on behalf of a component institution of the Texas State University System to recover a delinquent student loan, account, or debt owed to the Texas State University System or a component institution of the Texas State University System shall be brought in Travis County. Added by Acts 1987, 70th Leg., ch. 403, § 2, eff. Sept. 1, 1987.

Lawsuits to collect delinquent loans are filed in Travis County.