

By: Darby

H.B. No. 3564

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of Angelo State University to the Texas Tech University System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. AMENDMENT. Subtitle F, Title 3, Education Code, is amended by adding Chapter 109A to read as follows:

CHAPTER 109A. ANGELO STATE UNIVERSITY

Sec. 109A.001. ESTABLISHMENT; SCOPE. (a) Angelo State University is a general academic teaching institution located in the city of San Angelo.

(b) The university is a component institution of the Texas Tech University System and is under the management and control of the board of regents of the Texas Tech University System. The board of regents has the same powers and duties concerning Angelo State University as are conferred on the board by statute concerning Texas Tech University and Texas Tech University Health Sciences Center.

Sec. 109A.002. COURSES AND DEGREES; RULES; JOINT APPOINTMENTS. (a) The board of regents, with the approval of the Texas Higher Education Coordinating Board, may prescribe courses at the university leading to customary degrees as are offered at leading American educational institutions and may award those degrees, including baccalaureate, master's, and doctoral degrees and their equivalents.

1 (b) A new department, school, or degree program may not be
2 instituted at the university without the prior approval of the
3 Texas Higher Education Coordinating Board.

4 (c) The board of regents shall adopt other rules for the
5 operation, control, and management of the university as may be
6 necessary for the conduct of the university as one of the first
7 class.

8 (d) The board may make joint faculty appointments in Angelo
9 State University and in other institutions under its governance.
10 The salary of a person who receives a joint appointment shall be
11 apportioned to the appointing institutions on the basis of services
12 rendered.

13 Sec. 109A.003. OBLIGATIONS AND BENEFITS OF STATE LAW. The
14 university is subject to the obligations and entitled to the
15 benefits of all laws of this state applicable to all other state
16 institutions of higher education, except that this subchapter
17 prevails to the extent of any conflict between this subchapter and
18 any other law of this state.

19 Sec. 109A.004. MILITARY TRAINING. The university may not
20 require a student to participate in military training as a
21 condition for admission to or graduation from the university.

22 SECTION 2. TRANSFER OF GOVERNANCE OF UNIVERSITY. The
23 governance, control, management, and property of Angelo State
24 University are transferred from the board of regents of the Texas
25 State University System to the board of regents of the Texas Tech
26 University System. The transfer is governed by Sections 3 through 7
27 of this Act.

1 SECTION 3. POWERS AND DUTIES; RULES AND POLICIES. (a) When
2 the transfer takes effect, the board of regents of the Texas Tech
3 University System shall govern, operate, manage, and control Angelo
4 State University and all land, buildings, facilities,
5 improvements, equipment, supplies, and property belonging to and
6 constituting Angelo State University under the powers and duties
7 conferred by law on the board of regents.

8 (b) Rules and policies adopted by the board of regents of
9 the Texas State University System to govern the university that are
10 in effect when the transfer takes effect are continued in effect
11 until adopted, repealed, or superseded by the board of regents of
12 the Texas Tech University System. The board of regents of the Texas
13 Tech University System may adopt rules and policies applicable to
14 the university in anticipation of the transfer authorized by this
15 Act.

16 SECTION 4. CONTRACTS AND WRITTEN OBLIGATIONS, INCLUDING
17 BONDS. Contracts and written obligations of every kind and
18 character entered into by the board of regents of the Texas State
19 University System for and on behalf of Angelo State University,
20 including bonds, are considered ratified, confirmed, and validated
21 by the board of regents of the Texas Tech University System on the
22 effective date of the transfer. In those contracts and written
23 obligations, the board of regents of the Texas Tech University
24 System is substituted for and stands and acts in the place of the
25 board of regents of the Texas State University System to the extent
26 permitted by law.

27 SECTION 5. EFFECT OF TRANSFER ON STUDENTS AND EMPLOYEES.

1 (a) The transfer of the governance of Angelo State University under
2 this Act does not affect the status of any student of the
3 university.

4 (b) The transfer of the governance of Angelo State
5 University under this Act does not affect the employment status or
6 accrued benefits of a person employed by the university when the
7 transfer takes effect.

8 SECTION 6. CURRENT FUNDING. All funds that, on the
9 effective date of the transfer, have been appropriated or dedicated
10 to or are held for the use and benefit of Angelo State University
11 under the governance of the board of regents of the Texas State
12 University System are transferred to the board of regents of the
13 Texas Tech University System for the use and benefit of Angelo State
14 University.

15 SECTION 7. LEGISLATIVE INTENT; ROLE OF COORDINATING BOARD.
16 It is the intent of the legislature that the transfer of the
17 governance of Angelo State University from the board of regents of
18 the Texas State University System to the board of regents of the
19 Texas Tech University System be made without disrupting the
20 students, faculty, staff, or programs of the university. If those
21 boards of regents are unable to agree as to any matter relating to
22 the transfer, the Texas Higher Education Coordinating Board on
23 application of either board of regents shall resolve the
24 disagreement consistent with the intent of this section and the
25 provisions of this Act as the coordinating board determines is in
26 the best interest of this state and the institutions under the
27 governance of the boards of regents. The coordinating board may

1 issue any orders or take any other action the coordinating board
2 considers appropriate to enforce this section or to facilitate the
3 transfer consistent with this Act and the intent of the
4 legislature.

5 SECTION 8. AMENDMENT. Section 55.1724(a), Education Code,
6 is amended to read as follows:

7 (a) In addition to the other authority granted by this
8 subchapter, the board of regents of the Texas State University
9 System may acquire, purchase, construct, improve, renovate,
10 enlarge, or equip property, buildings, structures, facilities,
11 roads, or related infrastructure for the following institutions to
12 be financed by the issuance of bonds in accordance with this
13 subchapter and in accordance with a systemwide revenue financing
14 program adopted by the board in aggregate principal amounts not to
15 exceed the following:

- 16 (1) [~~Angelo State University, \$20 million,~~
17 [~~2~~] Lamar University--Beaumont, \$8 million;
18 (2) [~~3~~] Lamar Institute of Technology, \$2 million;
19 (3) [~~4~~] Lamar State College--Orange, \$3.5 million;
20 (4) [~~5~~] Lamar State College--Port Arthur, \$2.75
21 million;
22 (5) [~~6~~] Sam Houston State University, \$7.5 million;
23 (6) [~~7~~] Texas State University--San Marcos, \$19.7
24 million; and
25 (7) [~~8~~] Sul Ross State University, \$17.5 million.

26 SECTION 9. AMENDMENT. Section 55.1734(a), Education Code,
27 is amended to read as follows:

1 (a) In addition to the other authority granted by this
2 subchapter, the board of regents of the Texas State University
3 System may issue in accordance with this subchapter and in
4 accordance with a systemwide revenue financing program adopted by
5 the board bonds for the following institutions not to exceed the
6 following aggregate principal amounts to finance projects
7 specified as follows:

8 (1) [~~Angelo State University, \$16,917,550 to expand~~
9 ~~and renovate institutional facilities,~~

10 [~~(2)~~] Lamar University--Beaumont, \$21,792,096 to
11 renovate and repair campus buildings;

12 (2) [~~(3)~~] Lamar Institute of Technology, \$5,301,960
13 to renovate Gentry Hall and convert it to classroom and laboratory
14 use;

15 (3) [~~(4)~~] Lamar State College--Orange, \$2,125,000 for
16 campus landscaping, renovation of the old library for physical
17 plant purposes, renovation of the Main Building and Electronics
18 Commerce Resource Center, and demolition of the old physical plant
19 building;

20 (4) [~~(5)~~] Lamar State College--Port Arthur,
21 \$7,650,000 to construct a performing arts and classroom building
22 and to expand the Gates Memorial Library and develop an adjacent
23 plaza;

24 (5) [~~(6)~~] Sam Houston State University, \$18 million to
25 renovate and expand the Farrington Building;

26 (6) [~~(7)~~] Texas State University--San Marcos,
27 \$18,436,500 to construct a business building; and

1 (7) [~~(8)~~] Sul Ross State University, \$15,175,000 to
2 renovate and expand the range animal science facility and science
3 building annex and to carry out other building renovations.

4 SECTION 10. AMENDMENT. Subchapter B, Chapter 55, Education
5 Code, is amended by adding Section 55.1769 to read as follows:

6 Sec. 55.1769. ANGELO STATE UNIVERSITY. (a) In addition to
7 the other authority granted by this subchapter, the board of
8 regents of the Texas Tech University System may issue bonds in
9 accordance with this subchapter in the aggregate principal amounts
10 not to exceed the amounts previously authorized for Angelo State
11 University by Sections 55.1724 and 55.1734, as those sections
12 existed immediately before this section took effect, less any
13 portion of those amounts for which bonds were issued under those
14 sections for the university before the date this section took
15 effect. Subject to Subsection (d), bonds issued under this section
16 for an amount previously authorized by Section 55.1724 or 55.1734
17 may be used only at Angelo State University for the purposes for
18 which the bonds for Angelo State University were authorized to be
19 issued under Section 55.1724 or 55.1734, as applicable.

20 (b) The board may pledge irrevocably to the payment of those
21 bonds all or any part of the revenue funds of an institution,
22 branch, or entity of the Texas Tech University System, including
23 student tuition charges. The amount of a pledge made under this
24 subsection may not be reduced or abrogated while the bonds for which
25 the pledge is made, or bonds issued to refund those bonds, are
26 outstanding.

27 (c) If sufficient funds are not available to the board to

1 meet its obligations under this section, the board may transfer
2 funds among institutions, branches, and entities of the Texas Tech
3 University System to ensure the most equitable and efficient
4 allocation of available resources for each institution, branch, or
5 entity to carry out its duties and purposes.

6 (d) Any portion of the proceeds of bonds authorized by this
7 section for one or more specified projects that is not required for
8 the specified projects may be used to renovate existing structures
9 and facilities at the university.

10 SECTION 11. AMENDMENT. Section 62.021(a), Education Code,
11 is amended to read as follows:

12 (a) In each state fiscal year beginning with the state
13 fiscal year ending August 31, 2008, an eligible institution is
14 entitled to receive an amount allocated in accordance with this
15 section from funds appropriated for that year by Section 17(a),
16 Article VII, Texas Constitution. The comptroller shall distribute
17 funds allocated under this subsection only on presentation of a
18 claim and issuance of a warrant in accordance with Section 403.071,
19 Government Code. The comptroller may not issue a warrant from any
20 funds allocated under this subsection before the delivery of goods
21 or services described in Section 17, Article VII, Texas
22 Constitution, except for the payment of principal or interest on
23 bonds or notes or for a payment for a book or other published
24 library material as authorized by Section 2155.386, Government
25 Code. The allocation of funds under this subsection is made in
26 accordance with an equitable formula consisting of the following
27 elements: space deficit, facilities condition, institutional

1 complexity, and a separate allocation for the Texas State Technical
2 College System. The annual amounts allocated by the formula are as
3 follows:

- 4 (1) \$3,434,348 to Midwestern State University;
5 (2) \$26,137,233 to the University of North Texas;
6 (3) \$8,139,391 to the University of North Texas Health
7 Science Center at Fort Worth;

8 (4) \$12,882,348 to The University of Texas--Pan
9 American;

10 (5) \$4,186,790 to The University of Texas at
11 Brownsville;

12 (6) \$7,025,771 to Stephen F. Austin State University;

13 (7) to the following component institutions of the
14 Texas State University System:

15 (A) \$11,210,508 to Lamar University;

16 (B) \$1,115,048 to Lamar State College--Orange;

17 (C) \$1,190,119 to Lamar State College--Port
18 Arthur;

19 (D) [~~\$3,585,802 to Angelo State University;~~

20 [~~(E)~~] \$9,916,306 to Sam Houston State
21 University;

22 (E) [~~(F)~~] \$19,799,276 to Texas State
23 University--San Marcos;

24 (F) [~~(G)~~] \$2,043,772 to Sul Ross State
25 University; and

26 (G) [~~(H)~~] \$379,831 to Sul Ross State
27 University--Rio Grande College;

1 (8) \$11,156,463 to Texas Southern University;

2 (9) to the following component institutions of the
3 Texas Tech University System:

4 (A) \$26,829,477 to Texas Tech University;

5 (B) [~~(10)~~] \$17,849,441 to Texas Tech University
6 Health Sciences Center; and

7 (C) \$3,585,802 to Angelo State University;

8 (10) [~~(11)~~] \$8,424,209 to Texas Woman's University;

9 (11) [~~(12)~~] to the following component institutions
10 of the University of Houston System:

11 (A) \$35,276,140 to the University of Houston;

12 (B) \$2,282,883 to the University of
13 Houston--Victoria;

14 (C) \$6,001,337 to the University of
15 Houston--Clear Lake; and

16 (D) \$9,628,151 to the University of
17 Houston--Downtown;

18 (12) [~~(13)~~] to the following component institutions
19 of The Texas A&M University System:

20 (A) \$8,278,993 to Texas A&M University--Corpus
21 Christi;

22 (B) \$3,130,211 to Texas A&M International
23 University;

24 (C) \$5,052,232 to Texas A&M
25 University--Kingsville;

26 (D) \$4,776,890 to West Texas A&M University;

27 (E) \$5,345,678 to Texas A&M

1 University--Commerce; and

2 (F) \$1,646,352 to Texas A&M

3 University--Texarkana; and

4 (13) [~~14~~] \$5,775,000 to the Texas State Technical
5 College System Administration and the following component
6 campuses, but not its extension centers or programs:

7 (A) Texas State Technical College--Harlingen;

8 (B) Texas State Technical College--Marshall;

9 (C) Texas State Technical College--West Texas;

10 and

11 (D) Texas State Technical College--Waco.

12 SECTION 12. AMENDMENT. Section 501.022, Labor Code, is
13 amended to read as follows:

14 Sec. 501.022. EMPLOYEES OF COMPONENT INSTITUTIONS OF TEXAS
15 TECH UNIVERSITY SYSTEM [~~EMPLOYEES~~]. (a) An eligible employee of
16 Texas Tech University, Texas Tech University Health Sciences
17 Center, Angelo State University, or another agency under the
18 direction and control of the board of regents of Texas Tech
19 University System [~~and Texas Tech University Health Sciences~~
20 ~~Center~~] is entitled to participate in the workers' compensation
21 program for state employees provided under this chapter.

22 (b) For purposes of this chapter, Texas Tech University is a
23 state agency and shall act in the capacity of employer.

24 (c) For purposes of this chapter, Texas Tech University
25 Health Sciences Center is a state agency and shall act in the
26 capacity of employer.

27 (d) For purposes of this chapter, Angelo State University is

1 a state agency and shall act in the capacity of employer.

2 SECTION 13. REPEALER. Subchapter B, Chapter 96, Education
3 Code, is repealed.

4 SECTION 14. EFFECTIVE DATE. This Act takes effect
5 September 1, 2007.