

1-1 By: Darby, et al. (Senate Sponsor - Duncan) H.B. No. 3564
1-2 (In the Senate - Received from the House April 26, 2007;
1-3 April 27, 2007, read first time and referred to Subcommittee on
1-4 Higher Education; May 10, 2007, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 10, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the transfer of Angelo State University to the Texas
1-9 Tech University System.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. AMENDMENT. Subtitle F, Title 3, Education Code,
1-12 is amended by adding Chapter 109A to read as follows:

1-13 CHAPTER 109A. ANGELO STATE UNIVERSITY

1-14 Sec. 109A.001. ESTABLISHMENT; SCOPE. (a) Angelo State
1-15 University is a general academic teaching institution located in
1-16 the city of San Angelo.

1-17 (b) The university is a component institution of the Texas
1-18 Tech University System and is under the management and control of
1-19 the board of regents of the Texas Tech University System. The board
1-20 of regents has the same powers and duties concerning Angelo State
1-21 University as are conferred on the board by statute concerning
1-22 Texas Tech University and Texas Tech University Health Sciences
1-23 Center.

1-24 Sec. 109A.002. COURSES AND DEGREES; RULES; AFFILIATION
1-25 AGREEMENTS; JOINT APPOINTMENTS. (a) The board of regents, with the
1-26 approval of the Texas Higher Education Coordinating Board, may
1-27 prescribe courses at the university leading to customary degrees as
1-28 are offered at leading American educational institutions and may
1-29 award those degrees, including baccalaureate, master's, and
1-30 doctoral degrees and their equivalents.

1-31 (b) A new department, school, or degree program may not be
1-32 instituted at the university without the prior approval of the
1-33 Texas Higher Education Coordinating Board.

1-34 (c) The board of regents shall adopt rules for the
1-35 operation, control, and management of the university as may be
1-36 necessary for the conduct of the university as one of the first
1-37 class.

1-38 (d) The board may enter into an affiliation or coordination
1-39 agreement with any other entity or institution in this state to
1-40 further the purposes of the university.

1-41 (e) The board may make joint faculty appointments in Angelo
1-42 State University and in other institutions under its governance.
1-43 The board may make a joint faculty appointment in Angelo State
1-44 University concurrently with the appointment of the faculty member
1-45 by another institution of higher education in accordance with an
1-46 affiliation agreement described by Subsection (d). The salary of a
1-47 person who receives a joint appointment shall be apportioned to the
1-48 appointing institutions on the basis of services rendered.

1-49 Sec. 109A.003. OBLIGATIONS AND BENEFITS OF STATE LAW. The
1-50 university is subject to the obligations and entitled to the
1-51 benefits of all laws of this state applicable to all other state
1-52 institutions of higher education, except that this subchapter
1-53 prevails to the extent of any conflict between this subchapter and
1-54 any other law of this state.

1-55 Sec. 109A.004. MILITARY TRAINING. The university may not
1-56 require a student to participate in military training as a
1-57 condition for admission to or graduation from the university.

1-58 SECTION 2. TRANSFER OF GOVERNANCE OF UNIVERSITY. The
1-59 governance, control, management, and property of Angelo State
1-60 University are transferred from the board of regents of the Texas
1-61 State University System to the board of regents of the Texas Tech
1-62 University System. The transfer is governed by Sections 3 through 7
1-63 of this Act.

1-64 SECTION 3. POWERS AND DUTIES; RULES AND POLICIES. (a) When

2-1 the transfer takes effect, the board of regents of the Texas Tech
 2-2 University System shall govern, operate, manage, and control Angelo
 2-3 State University and all land, buildings, facilities,
 2-4 improvements, equipment, supplies, and property belonging to and
 2-5 constituting Angelo State University under the powers and duties
 2-6 conferred by law on the board of regents.

2-7 (b) Rules and policies adopted by the board of regents of
 2-8 the Texas State University System to govern the university that are
 2-9 in effect when the transfer takes effect are continued in effect
 2-10 until adopted, repealed, or superseded by the board of regents of
 2-11 the Texas Tech University System. The board of regents of the Texas
 2-12 Tech University System may adopt rules and policies applicable to
 2-13 the university in anticipation of the transfer authorized by this
 2-14 Act.

2-15 SECTION 4. CONTRACTS AND CERTAIN WRITTEN OBLIGATIONS.
 2-16 Contracts and written obligations of every kind and character
 2-17 entered into by the board of regents of the Texas State University
 2-18 System for and on behalf of Angelo State University, other than
 2-19 bonds, are considered ratified, confirmed, and validated by the
 2-20 board of regents of the Texas Tech University System on the
 2-21 effective date of the transfer. In those contracts and written
 2-22 obligations, the board of regents of the Texas Tech University
 2-23 System is substituted for and stands and acts in the place of the
 2-24 board of regents of the Texas State University System to the extent
 2-25 permitted by law.

2-26 SECTION 5. EFFECT OF TRANSFER ON STUDENTS AND EMPLOYEES.
 2-27 (a) The transfer of the governance of Angelo State University under
 2-28 this Act does not affect the status of any student of the
 2-29 university.

2-30 (b) The transfer of the governance of Angelo State
 2-31 University under this Act does not affect the employment status or
 2-32 accrued benefits of a person employed by the university when the
 2-33 transfer takes effect.

2-34 SECTION 6. CURRENT FUNDING. All funds that, on the
 2-35 effective date of the transfer, have been appropriated or dedicated
 2-36 to or are held for the use and benefit of Angelo State University
 2-37 under the governance of the board of regents of the Texas State
 2-38 University System are transferred to the board of regents of the
 2-39 Texas Tech University System for the use and benefit of Angelo State
 2-40 University.

2-41 SECTION 7. LEGISLATIVE INTENT; ROLE OF COORDINATING BOARD.
 2-42 It is the intent of the legislature that the transfer of the
 2-43 governance of Angelo State University from the board of regents of
 2-44 the Texas State University System to the board of regents of the
 2-45 Texas Tech University System be made without disrupting the
 2-46 students, faculty, staff, or programs of the university. If those
 2-47 boards of regents are unable to agree as to any matter relating to
 2-48 the transfer, the Texas Higher Education Coordinating Board on
 2-49 application of either board of regents shall resolve the
 2-50 disagreement consistent with the intent of this section and the
 2-51 provisions of this Act as the coordinating board determines is in
 2-52 the best interest of this state and the institutions under the
 2-53 governance of the boards of regents. The coordinating board may
 2-54 issue any orders or take any other action the coordinating board
 2-55 considers appropriate to enforce this section or to facilitate the
 2-56 transfer consistent with this Act and the intent of the
 2-57 legislature.

2-58 SECTION 8. AMENDMENT. Section 55.1724(a), Education Code,
 2-59 is amended to read as follows:

2-60 (a) In addition to the other authority granted by this
 2-61 subchapter, the board of regents of the Texas State University
 2-62 System may acquire, purchase, construct, improve, renovate,
 2-63 enlarge, or equip property, buildings, structures, facilities,
 2-64 roads, or related infrastructure for the following institutions to
 2-65 be financed by the issuance of bonds in accordance with this
 2-66 subchapter and in accordance with a systemwide revenue financing
 2-67 program adopted by the board in aggregate principal amounts not to
 2-68 exceed the following:

- 2-69 (1) [~~Angelo State University, \$20 million,~~

- 3-1 ~~(2)~~ Lamar University--Beaumont, \$8 million;
- 3-2 (2) ~~(3)~~ Lamar Institute of Technology, \$2 million;
- 3-3 (3) ~~(4)~~ Lamar State College--Orange, \$3.5 million;
- 3-4 (4) ~~(5)~~ Lamar State College--Port Arthur, \$2.75
- 3-5 million;
- 3-6 (5) ~~(6)~~ Sam Houston State University, \$7.5 million;
- 3-7 (6) ~~(7)~~ Texas State University--San Marcos, \$19.7
- 3-8 million; and
- 3-9 (7) ~~(8)~~ Sul Ross State University, \$17.5 million.

3-10 SECTION 9. AMENDMENT. Section 55.1734(a), Education Code,

3-11 is amended to read as follows:

3-12 (a) In addition to the other authority granted by this

3-13 subchapter, the board of regents of the Texas State University

3-14 System may issue in accordance with this subchapter and in

3-15 accordance with a systemwide revenue financing program adopted by

3-16 the board bonds for the following institutions not to exceed the

3-17 following aggregate principal amounts to finance projects

3-18 specified as follows:

3-19 (1) ~~Angelo State University, \$16,917,550 to expand~~

3-20 ~~and renovate institutional facilities;~~

3-21 ~~(2)~~ Lamar University--Beaumont, \$21,792,096 to

3-22 renovate and repair campus buildings;

3-23 (2) ~~(3)~~ Lamar Institute of Technology, \$5,301,960

3-24 to renovate Gentry Hall and convert it to classroom and laboratory

3-25 use;

3-26 (3) ~~(4)~~ Lamar State College--Orange, \$2,125,000 for

3-27 campus landscaping, renovation of the old library for physical

3-28 plant purposes, renovation of the Main Building and Electronics

3-29 Commerce Resource Center, and demolition of the old physical plant

3-30 building;

3-31 (4) ~~(5)~~ Lamar State College--Port Arthur,

3-32 \$7,650,000 to construct a performing arts and classroom building

3-33 and to expand the Gates Memorial Library and develop an adjacent

3-34 plaza;

3-35 (5) ~~(6)~~ Sam Houston State University, \$18 million to

3-36 renovate and expand the Farrington Building;

3-37 (6) ~~(7)~~ Texas State University--San Marcos,

3-38 \$18,436,500 to construct a business building; and

3-39 (7) ~~(8)~~ Sul Ross State University, \$15,175,000 to

3-40 renovate and expand the range animal science facility and science

3-41 building annex and to carry out other building renovations.

3-42 SECTION 10. AMENDMENT. Subchapter B, Chapter 55, Education

3-43 Code, is amended by adding Section 55.1769 to read as follows:

3-44 Sec. 55.1769. ANGELO STATE UNIVERSITY. (a) In addition to

3-45 the other authority granted by this subchapter, the board of

3-46 regents of the Texas Tech University System may issue bonds, in

3-47 accordance with this subchapter and with a systemwide revenue

3-48 financing program adopted by the board, in the aggregate principal

3-49 amounts not to exceed the amounts previously authorized for Angelo

3-50 State University by Sections 55.1724 and 55.1734, as those sections

3-51 existed immediately before this section took effect, less any

3-52 portion of those amounts for which bonds were issued under those

3-53 sections for the university before the date this section took

3-54 effect. Subject to Subsection (d), bonds issued under this section

3-55 for an amount previously authorized by Section 55.1724 or 55.1734

3-56 may be used only at Angelo State University for the purposes for

3-57 which the bonds for Angelo State University were authorized to be

3-58 issued under Section 55.1724 or 55.1734, as applicable.

3-59 (b) The board may pledge irrevocably to the payment of those

3-60 bonds all or any part of the revenue funds of an institution,

3-61 branch, or entity of the Texas Tech University System, including

3-62 student tuition charges. The amount of a pledge made under this

3-63 subsection may not be reduced or abrogated while the bonds for which

3-64 the pledge is made, or bonds issued to refund those bonds, are

3-65 outstanding.

3-66 (c) If sufficient funds are not available to the board to

3-67 meet its obligations under this section, the board may transfer

3-68 funds among institutions, branches, and entities of the Texas Tech

3-69 University System to ensure the most equitable and efficient

4-1 allocation of available resources for each institution, branch, or
 4-2 entity to carry out its duties and purposes.

4-3 (d) Any portion of the proceeds of bonds authorized by this
 4-4 section for one or more specified projects that is not required for
 4-5 the specified projects may be used to renovate existing structures
 4-6 and facilities at the university.

4-7 SECTION 11. AMENDMENT. Section 62.021(a), Education Code,
 4-8 is amended to read as follows:

4-9 (a) In each state fiscal year beginning with the state
 4-10 fiscal year ending August 31, 2008, an eligible institution is
 4-11 entitled to receive an amount allocated in accordance with this
 4-12 section from funds appropriated for that year by Section 17(a),
 4-13 Article VII, Texas Constitution. The comptroller shall distribute
 4-14 funds allocated under this subsection only on presentation of a
 4-15 claim and issuance of a warrant in accordance with Section 403.071,
 4-16 Government Code. The comptroller may not issue a warrant from any
 4-17 funds allocated under this subsection before the delivery of goods
 4-18 or services described in Section 17, Article VII, Texas
 4-19 Constitution, except for the payment of principal or interest on
 4-20 bonds or notes or for a payment for a book or other published
 4-21 library material as authorized by Section 2155.386, Government
 4-22 Code. The allocation of funds under this subsection is made in
 4-23 accordance with an equitable formula consisting of the following
 4-24 elements: space deficit, facilities condition, institutional
 4-25 complexity, and a separate allocation for the Texas State Technical
 4-26 College System. The annual amounts allocated by the formula are as
 4-27 follows:

- 4-28 (1) \$3,434,348 to Midwestern State University;
- 4-29 (2) \$26,137,233 to the University of North Texas;
- 4-30 (3) \$8,139,391 to the University of North Texas Health
 4-31 Science Center at Fort Worth;
- 4-32 (4) \$12,882,348 to The University of Texas--Pan
 4-33 American;
- 4-34 (5) \$4,186,790 to The University of Texas at
 4-35 Brownsville;
- 4-36 (6) \$7,025,771 to Stephen F. Austin State University;
- 4-37 (7) to the following component institutions of the
 4-38 Texas State University System:
 - 4-39 (A) \$11,210,508 to Lamar University;
 - 4-40 (B) \$1,115,048 to Lamar State College--Orange;
 - 4-41 (C) \$1,190,119 to Lamar State College--Port
 4-42 Arthur;
 - 4-43 (D) [~~\$3,585,802 to Angelo State University;~~
 - 4-44 [~~(E)~~] \$9,916,306 to Sam Houston State
 4-45 University;
 - 4-46 (E) [~~(F)~~] \$19,799,276 to Texas State
 4-47 University--San Marcos;
 - 4-48 (F) [~~(G)~~] \$2,043,772 to Sul Ross State
 4-49 University; and
 - 4-50 (G) [~~(H)~~] \$379,831 to Sul Ross State
 4-51 University-Rio Grande College;
 - 4-52 (8) \$11,156,463 to Texas Southern University;
 - 4-53 (9) to the following component institutions of the
 4-54 Texas Tech University System:
 - 4-55 (A) \$26,829,477 to Texas Tech University;
 - 4-56 (B) [~~(10)~~] \$17,849,441 to Texas Tech University
 4-57 Health Sciences Center; and
 - 4-58 (C) \$3,585,802 to Angelo State University;
 - 4-59 (10) [~~(11)~~] \$8,424,209 to Texas Woman's University;
 - 4-60 (11) [~~(12)~~] to the following component institutions
 4-61 of the University of Houston System:
 - 4-62 (A) \$35,276,140 to the University of Houston;
 - 4-63 (B) \$2,282,883 to the University of
 4-64 Houston--Victoria;
 - 4-65 (C) \$6,001,337 to the University of
 4-66 Houston--Clear Lake; and
 - 4-67 (D) \$9,628,151 to the University of
 4-68 Houston--Downtown;
 - 4-69 (12) [~~(13)~~] to the following component institutions

5-1 of The Texas A&M University System:
5-2 (A) \$8,278,993 to Texas A&M University--Corpus
5-3 Christi;
5-4 (B) \$3,130,211 to Texas A&M International
5-5 University;
5-6 (C) \$5,052,232 to Texas A&M
5-7 University--Kingsville;
5-8 (D) \$4,776,890 to West Texas A&M University;
5-9 (E) \$5,345,678 to Texas A&M
5-10 University--Commerce; and
5-11 (F) \$1,646,352 to Texas A&M
5-12 University--Texarkana; and
5-13 (13) [~~14~~] \$5,775,000 to the Texas State Technical
5-14 College System Administration and the following component
5-15 campuses, but not its extension centers or programs:
5-16 (A) Texas State Technical College--Harlingen;
5-17 (B) Texas State Technical College--Marshall;
5-18 (C) Texas State Technical College--West Texas;
5-19 and
5-20 (D) Texas State Technical College--Waco.

5-21 SECTION 12. AMENDMENT. Section 501.022, Labor Code, is
5-22 amended to read as follows:

5-23 Sec. 501.022. EMPLOYEES OF COMPONENT INSTITUTIONS OF TEXAS
5-24 TECH UNIVERSITY SYSTEM [~~EMPLOYEES~~]. (a) An eligible employee of
5-25 Texas Tech University, Texas Tech University Health Sciences
5-26 Center, Angelo State University, or another agency under the
5-27 direction and control of the board of regents of Texas Tech
5-28 University System [~~and Texas Tech University Health Sciences~~
5-29 ~~Center~~] is entitled to participate in the workers' compensation
5-30 program for state employees provided under this chapter.

5-31 (b) For purposes of this chapter, Texas Tech University is a
5-32 state agency and shall act in the capacity of employer.

5-33 (c) For purposes of this chapter, Texas Tech University
5-34 Health Sciences Center is a state agency and shall act in the
5-35 capacity of employer.

5-36 (d) For purposes of this chapter, Angelo State University is
5-37 a state agency and shall act in the capacity of employer.

5-38 SECTION 13. REPEALER. Subchapter B, Chapter 96, Education
5-39 Code, is repealed.

5-40 SECTION 14. EFFECTIVE DATE. This Act takes effect
5-41 September 1, 2007.

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