

1-1 By: Duncan S.B. No. 2146
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Finance; April 16, 2009,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 16, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2146 By: Duncan

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the annual allocation of certain constitutional funds
1-10 to eligible agencies and institutions of higher education.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 62.021, Education Code, is amended by
1-13 amending Subsection (a) and adding Subsections (a-1), (a-2), (e),
1-14 and (f) to read as follows:

1-15 (a) In each state fiscal year beginning with the state
1-16 fiscal year ending August 31, 2011 [~~2008~~], an eligible institution
1-17 is entitled to receive an amount allocated in accordance with this
1-18 section from the funds appropriated for that year by Section 17(a),
1-19 Article VII, Texas Constitution. The comptroller shall distribute
1-20 funds allocated under this subsection only on presentation of a
1-21 claim and issuance of a warrant in accordance with Section 403.071,
1-22 Government Code. The comptroller may not issue a warrant from any
1-23 funds allocated under this subsection before the delivery of goods
1-24 or services described in Section 17, Article VII, Texas
1-25 Constitution, except for the payment of principal or interest on
1-26 bonds or notes or for a payment for a book or other published
1-27 library material as authorized by Section 2155.386, Government
1-28 Code. The allocation of funds under this subsection is made in
1-29 accordance with an equitable formula consisting of the following
1-30 elements: space deficit, facilities condition, institutional
1-31 complexity, and a separate allocation for the Texas State Technical
1-32 College System. The annual amounts allocated by the formula are as
1-33 follows:

1-34 (1) \$3,559,433 [~~\$3,434,348~~] to Midwestern State
1-35 University;

1-36 (2) \$27,846,476 [~~\$26,137,233~~] to the University of
1-37 North Texas;

1-38 (3) \$8,771,265 [~~\$8,139,391~~] to the University of
1-39 North Texas Health Science Center at Fort Worth;

1-40 (4) \$12,311,123 [~~\$12,882,348~~] to The University of
1-41 Texas--Pan American;

1-42 (5) \$5,057,420 [~~\$4,186,790~~] to The University of
1-43 Texas at Brownsville;

1-44 (6) \$8,425,937 [~~\$7,025,771~~] to Stephen F. Austin
1-45 State University;

1-46 (7) to the following component institutions of the
1-47 Texas State University System:

1-48 (A) \$8,330,933 [~~\$11,210,508~~] to Lamar
1-49 University;

1-50 (B) \$2,332,463 to the Lamar Institute of
1-51 Technology;

1-52 (C) \$1,235,752 [~~\$1,115,048~~] to Lamar State
1-53 College--Orange;

1-54 (D) \$1,244,694 [~~(C) \$1,190,119~~] to Lamar State
1-55 College--Port Arthur;

1-56 (E) \$11,893,110 [~~(D) \$9,916,306~~] to Sam Houston
1-57 State University;

1-58 (F) \$21,863,258 [~~(E) \$19,799,276~~] to Texas
1-59 State University--San Marcos;

1-60 (G) \$1,625,061 [~~(F) \$2,043,772~~] to Sul Ross
1-61 State University; and

1-62 (H) \$445,379 [~~(G) \$379,831~~] to Sul Ross State
1-63 University--Rio Grande College;

- 2-1 (8) \$8,894,700 [~~\$11,156,463~~] to Texas Southern
 2-2 University;
 2-3 (9) to the following component institutions of the
 2-4 Texas Tech University System:
 2-5 (A) \$23,936,088 [~~\$26,829,477~~] to Texas Tech
 2-6 University;
 2-7 (B) \$16,973,569 [~~\$17,849,441~~] to Texas Tech
 2-8 University Health Sciences Center; and
 2-9 (C) \$3,743,027 [~~\$3,585,802~~] to Angelo State
 2-10 University;
 2-11 (10) \$10,169,695 [~~\$8,424,209~~] to Texas Woman's
 2-12 University;
 2-13 (11) to the following component institutions of the
 2-14 University of Houston System:
 2-15 (A) \$35,885,768 [~~\$35,276,140~~] to the University
 2-16 of Houston;
 2-17 (B) \$2,393,921 [~~\$2,282,883~~] to the University
 2-18 of Houston--Victoria;
 2-19 (C) \$5,214,167 [~~\$6,001,337~~] to the University of
 2-20 Houston--Clear Lake; and
 2-21 (D) \$7,435,238 [~~\$9,628,151~~] to the University of
 2-22 Houston--Downtown;
 2-23 (12) to the following component institutions of The
 2-24 Texas A&M University System:
 2-25 (A) \$7,139,067 [~~\$8,278,993~~] to Texas A&M
 2-26 University--Corpus Christi;
 2-27 (B) \$3,796,436 [~~\$3,130,211~~] to Texas A&M
 2-28 International University;
 2-29 (C) \$5,046,885 [~~\$5,052,232~~] to Texas A&M
 2-30 University--Kingsville;
 2-31 (D) \$4,652,995 [~~\$4,776,890~~] to West Texas A&M
 2-32 University;
 2-33 (E) \$5,193,232 [~~\$5,345,678~~] to Texas A&M
 2-34 University--Commerce; and
 2-35 (F) \$1,307,907 [~~\$1,646,352~~] to Texas A&M
 2-36 University--Texarkana; and
 2-37 (13) \$5,775,000 to the Texas State Technical College
 2-38 System Administration and the following component campuses, but not
 2-39 its extension centers or programs:
 2-40 (A) Texas State Technical College--Harlingen;
 2-41 (B) Texas State Technical College--Marshall;
 2-42 (C) Texas State Technical College--West Texas;
 2-43 and
 2-44 (D) Texas State Technical College--Waco.

2-45 (a-1) This subsection applies only to the state fiscal years
 2-46 ending August 31, 2009, and August 31, 2010, and is intended as a
 2-47 correction necessary to ensure an equitable distribution of the
 2-48 funds appropriated by Section 17(a), Article VII, Texas
 2-49 Constitution, for the five-year period ending August 31, 2010, in
 2-50 accordance with the equitable formula prescribed by Section 17(d),
 2-51 Article VII, Texas Constitution. In each state fiscal year to which
 2-52 this subsection applies, an eligible institution is entitled to
 2-53 receive an amount allocated in accordance with this subsection from
 2-54 the funds appropriated for each of those years by Section 17(a),
 2-55 Article VII, Texas Constitution. The comptroller shall distribute
 2-56 funds allocated under this subsection only on presentation of a
 2-57 claim and issuance of a warrant in accordance with Section 403.071,
 2-58 Government Code. The comptroller may not issue a warrant from any
 2-59 funds allocated under this subsection before the delivery of goods
 2-60 or services described in Section 17, Article VII, Texas
 2-61 Constitution, except for the payment of principal or interest on
 2-62 bonds or notes or for a payment for a book or other published
 2-63 library material as authorized by Section 2155.386, Government
 2-64 Code. The allocation of funds under this subsection is made in
 2-65 accordance with an equitable formula consisting of the following
 2-66 elements: space deficit, facilities condition, institutional
 2-67 complexity, and a separate allocation for the Texas State Technical
 2-68 College System. The annual amounts allocated by the formula are as
 2-69 follows:

- 3-1 (1) \$3,810,377 to Midwestern State University;
- 3-2 (2) \$27,122,688 to the University of North Texas;
- 3-3 (3) \$7,994,676 to the University of North Texas Health
- 3-4 Science Center at Fort Worth;
- 3-5 (4) \$13,176,801 to The University of Texas--Pan
- 3-6 American;
- 3-7 (5) \$4,284,677 to The University of Texas at
- 3-8 Brownsville;
- 3-9 (6) \$6,907,643 to Stephen F. Austin State University;
- 3-10 (7) to the following component institutions of the
- 3-11 Texas State University System:
- 3-12 (A) \$8,028,333 to Lamar University;
- 3-13 (B) \$1,825,332 to the Lamar Institute of
- 3-14 Technology;
- 3-15 (C) \$1,140,745 to Lamar State College--Orange;
- 3-16 (D) \$1,217,124 to Lamar State College--Port
- 3-17 Arthur;
- 3-18 (E) \$10,184,001 to Sam Houston State University;
- 3-19 (F) \$20,258,249 to Texas State University--San
- 3-20 Marcos;
- 3-21 (G) \$2,090,896 to Sul Ross State University; and
- 3-22 (H) \$388,203 to Sul Ross State University--Rio
- 3-23 Grande College;
- 3-24 (8) \$11,283,387 to Texas Southern University;
- 3-25 (9) to the following component institutions of the
- 3-26 Texas Tech University System:
- 3-27 (A) \$27,446,657 to Texas Tech University;
- 3-28 (B) \$14,854,763 to Texas Tech University Health
- 3-29 Sciences Center; and
- 3-30 (C) \$3,667,497 to Angelo State University;
- 3-31 (10) \$8,615,167 to Texas Woman's University;
- 3-32 (11) to the following component institutions of the
- 3-33 University of Houston System:
- 3-34 (A) \$36,091,539 to the University of Houston;
- 3-35 (B) \$2,335,692 to the University of
- 3-36 Houston--Victoria;
- 3-37 (C) \$5,355,874 to the University of
- 3-38 Houston--Clear Lake; and
- 3-39 (D) \$9,548,995 to the University of
- 3-40 Houston--Downtown;
- 3-41 (12) to the following component institutions of The
- 3-42 Texas A&M University System:
- 3-43 (A) \$8,471,116 to Texas A&M University--Corpus
- 3-44 Christi;
- 3-45 (B) \$3,202,241 to Texas A&M International
- 3-46 University;
- 3-47 (C) \$5,167,540 to Texas A&M
- 3-48 University--Kingsville;
- 3-49 (D) \$4,886,159 to West Texas A&M University;
- 3-50 (E) \$5,684,047 to Texas A&M
- 3-51 University--Commerce; and
- 3-52 (F) \$1,684,587 to Texas A&M
- 3-53 University--Texarkana; and
- 3-54 (13) \$5,775,000 to the Texas State Technical College
- 3-55 System Administration and the following component campuses, but not
- 3-56 its extension centers or programs:
- 3-57 (A) Texas State Technical College--Harlingen;
- 3-58 (B) Texas State Technical College--Marshall;
- 3-59 (C) Texas State Technical College--West Texas;
- 3-60 and
- 3-61 (D) Texas State Technical College--Waco.
- 3-62 (a-2) This subsection and Subsection (a-1) expire September
- 3-63 1, 2010.
- 3-64 (e) Whereas the University of North Texas at Dallas was
- 3-65 created as an institution of higher education by Chapter 25 (S.B.
- 3-66 576), Acts of the 77th Legislature, Regular Session, 2001, which
- 3-67 was approved by a vote of more than two-thirds of the membership of
- 3-68 each house of the legislature, the University of North Texas at
- 3-69 Dallas is entitled to participate in the funding provided by

4-1 Section 17, Article VII, Texas Constitution, as soon as the
4-2 University of North Texas at Dallas operates as a general academic
4-3 teaching institution.

4-4 (f) Pursuant to the annual allocation amounts shown in
4-5 Subsections (a) and (a-1) for each year of the remaining 10-year
4-6 allocation period established under Section 17(d), Article VII,
4-7 Texas Constitution, that ends in 2015, the comptroller shall
4-8 distribute to the Lamar Institute of Technology a portion of the
4-9 total annual appropriation under Section 17(a), Article VII, Texas
4-10 Constitution.

4-11 SECTION 2. Section 62.024, Education Code, is amended to
4-12 read as follows:

4-13 Sec. 62.024. AMOUNT OF ALLOCATION INCREASED. In accordance
4-14 with Section 17(a), Article VII, Texas Constitution, for each state
4-15 fiscal year beginning with the state fiscal year ending August 31,
4-16 2008, the amount of the annual constitutional appropriation under
4-17 that subsection is increased to \$262.5 million. [~~Before the state~~
4-18 ~~fiscal year ending August 31, 2008, the amount of the annual~~
4-19 ~~constitutional appropriation under that subsection is \$175~~
4-20 ~~million.]~~

4-21 SECTION 3. This Act takes effect immediately if it receives
4-22 a vote of two-thirds of all the members elected to each house, as
4-23 provided by Section 39, Article III, Texas Constitution. If this
4-24 Act does not receive the vote necessary for immediate effect, this
4-25 Act takes effect September 1, 2009.

4-26 * * * * *