86R11889 KJE-F

By:  West, et al. S.B. No. 709

(Frullo, Stucky, Zerwas, Walle, et al.)

Substitute the following for S.B. No. 709:

By:  Howard C.S.S.B. No. 709

A BILL TO BE ENTITLED

AN ACT

relating to the allocation and use of the annual constitutional appropriation to certain agencies and institutions of higher education.

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

SECTION 1.  Section 62.021, Education Code, is amended by amending Subsections (a), (a-1), (b), and (c) and adding Subsection (a-3) to read as follows:

(a)  In each state fiscal year beginning with the state fiscal year ending August 31, 2021 [~~2016~~], an eligible institution is entitled to receive an amount allocated in accordance with this section from the funds appropriated for that year by Section 17(a), Article VII, Texas Constitution. The comptroller shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. An eligible institution may not present a claim to be paid from any funds allocated under this subsection before the delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on bonds or notes or for a payment for a book or other published library material as authorized by Section 2155.386, Government Code. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, and a separate allocation for the Texas State Technical College System. The annual amounts allocated by the formula are as follows:

(1)  $4,933,200 [~~$3,374,275~~] to Midwestern State University;

(2)  to the following component institutions of the University of North Texas System:

(A)  $37,346,563 [~~$25,041,370~~] to the University of North Texas;

(B)  $15,125,502 [~~$11,394,570~~] to the University of North Texas Health Science Center at Fort Worth; and

(C)  $3,354,441 [~~$1,408,669~~] to the University of North Texas at Dallas[~~, $135,593 of which must be used for the University of North Texas at Dallas College of Law~~];

(3)  $11,277,793 [~~$7,757,442~~] to Stephen F. Austin State University;

(4)  to the following component institutions of the Texas State University System:

(A)  $13,141,181 [~~$9,401,255~~] to Lamar University;

(B)  $2,553,130 [~~$1,720,347~~] to the Lamar Institute of Technology;

(C)  $1,488,396 [~~$1,129,562~~] to Lamar State College--Orange;

(D)  $2,217,102 [~~$1,438,523~~] to Lamar State College--Port Arthur;

(E)  $18,236,811 [~~$11,553,239~~] to Sam Houston State University;

(F)  $37,606,478 [~~$24,775,170~~] to Texas State University;

(G)  $2,151,723 [~~$1,423,682~~] to Sul Ross State University; and

(H)  $472,890 [~~$273,825~~] to Sul Ross State University-Rio Grande College;

(5)  $11,719,335 [~~$7,773,229~~] to Texas Southern University;

(6)  to the following component institutions of the Texas Tech University System:

(A)  $49,874,746 [~~$32,817,206~~] to Texas Tech University;

(B)  $21,652,392 [~~$15,581,597~~] to Texas Tech University Health Sciences Center;

(C)  $6,792,999 [~~$3,546,735~~] to Angelo State University; and

(D)  $5,557,572 [~~$4,156,050~~] to Texas Tech University Health Sciences Center--El Paso;

(7)  $14,554,133 [~~$9,897,706~~] to Texas Woman's University;

(8)  to the following component institutions of the University of Houston System:

(A)  $54,514,004 [~~$35,180,036~~] to the University of Houston;

(B)  $3,542,817 [~~$2,850,574~~] to the University of Houston--Victoria;

(C)  $7,726,043 [~~$5,336,744~~] to the University of Houston--Clear Lake; and

(D)  $10,828,344 [~~$7,835,252~~] to the University of Houston--Downtown;

(9)  to the following component institutions of The Texas A&M University System:

(A)  $11,478,824 [~~$7,424,229~~] to Texas A&M University--Corpus Christi;

(B)  $7,462,394 [~~$4,473,273~~] to Texas A&M International University;

(C)  $8,858,060 [~~$5,977,371~~] to Texas A&M University--Kingsville;

(D)  $7,446,495 [~~$4,776,272~~] to West Texas A&M University;

(E)  $11,123,859 [~~$7,190,875~~] to Texas A&M University--Commerce; and

(F)  $2,050,273 [~~$1,215,922~~] to Texas A&M University--Texarkana; and

(10)  $8,662,500 [~~$5,775,000~~] to the Texas State Technical College System Administration and the following component campuses, but not its extension centers or programs:

(A)  Texas State Technical College-Harlingen;

(B)  Texas State Technical College--Marshall;

(C)  Texas State Technical College--West Texas; [~~and~~]

(D)  Texas State Technical College--Waco;

(E)  Texas State Technical College--Fort Bend; and

(F)  Texas State Technical College--North Texas.

(a-1)  In [~~each state fiscal year beginning with~~] the state fiscal year ending August 31, 2020 [~~2017~~], an eligible institution is entitled to receive an amount allocated in accordance with this subsection from the funds appropriated for that year by Section 17(a), Article VII, Texas Constitution. The comptroller shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. An eligible institution may not present a claim to be paid from any funds allocated under this subsection before the delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on bonds or notes or for a payment for a book or other published library material as authorized by Section 2155.386, Government Code. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, and a separate allocation for the Texas State Technical College System. The annual amounts allocated by the formula are as follows:

(1)  $5,061,412 to Midwestern State University;

(2)  to the following component institutions of the University of North Texas System:

(A)  $37,562,056 to the University of North Texas;

(B)  $17,091,856 to the University of North Texas Health Science Center at Fort Worth; and

(C)  $2,113,004 to the University of North Texas at Dallas[~~, $203,390 of which must be used for the University of North Texas at Dallas College of Law~~];

(3)  $11,636,163 to Stephen F. Austin State University;

(4)  to the following component institutions of the Texas State University System:

(A)  $14,101,882 to Lamar University;

(B)  $2,580,521 to the Lamar Institute of Technology;

(C)  $1,694,343 to Lamar State College--Orange;

(D)  $2,157,784 to Lamar State College--Port Arthur;

(E)  $17,329,858 to Sam Houston State University;

(F)  $37,162,755 to Texas State University;

(G)  $2,135,523 to Sul Ross State University; and

(H)  $410,738 to Sul Ross State University-Rio Grande College;

(5)  $11,659,843 to Texas Southern University;

(6)  to the following component institutions of the Texas Tech University System:

(A)  $49,225,809 to Texas Tech University;

(B)  $23,372,396 to Texas Tech University Health Sciences Center;

(C)  $5,320,102 to Angelo State University; and

(D)  $6,234,075 to Texas Tech University Health Sciences Center--El Paso;

(7)  $14,846,558 to Texas Woman's University;

(8)  to the following component institutions of the University of Houston System:

(A)  $52,770,054 to the University of Houston;

(B)  $4,275,861 to the University of Houston--Victoria;

(C)  $8,005,116 to the University of Houston--Clear Lake; and

(D)  $11,752,877 to the University of Houston--Downtown;

(9)  to the following component institutions of The Texas A&M University System:

(A)  $11,136,344 to Texas A&M University--Corpus Christi;

(B)  $6,709,910 to Texas A&M International University;

(C)  $8,966,056 to Texas A&M University--Kingsville;

(D)  $7,164,408 to West Texas A&M University;

(E)  $10,786,313 to Texas A&M University--Commerce; and

(F)  $1,823,883 to Texas A&M University--Texarkana; and

(10)  $8,662,500 to the Texas State Technical College System Administration and the following component campuses, but not its extension centers or programs:

(A)  Texas State Technical College-Harlingen;

(B)  Texas State Technical College--Marshall;

(C)  Texas State Technical College--West Texas; [~~and~~]

(D)  Texas State Technical College--Waco;

(E)  Texas State Technical College--Fort Bend; and

(F)  Texas State Technical College--North Texas.

(a-3)  This subsection and Subsection (a-1) expire September 1, 2020.

(b)  Each governing board participating in the distribution of funds as described in this section may expend the funds without limitation, and as the governing board may decide in its sole discretion, for any and all purposes described in Section 17, Article VII, Texas [~~Section 17, of the~~] Constitution, including to purchase or contract for cloud computing services or other intangible assets with an expected useful life or for a contract period of more than one year [~~of Texas; provided, however, that for new construction, major repair and rehabilitation projects, and land acquisition projects, those funds may not be expended without the prior approval of the legislature or the approval, review, or endorsement, as applicable, of the coordinating board; and provided further that review and approval of major repair and rehabilitation shall apply only to projects in excess of $600,000~~].

(c)  Each governing board participating in the distribution of funds as described in this section may issue bonds and notes as authorized in Section 17, Article VII, Texas [~~Section 17, of the~~] Constitution [~~of Texas~~]. [~~For purposes of this chapter, the governing board of Texas Tech University may issue bonds and notes as authorized in Article VII, Section 17, of the Constitution of Texas, on behalf of both Texas Tech University and Texas Tech University Health Sciences Center, and the annual appropriations of both institutions may be combined and pledged by the governing body of Texas Tech University in support of such bonds and notes.~~]

SECTION 2.  Sections 62.021(a-2) and (f), Education Code, are repealed.

SECTION 3.  (a) The amounts allocated under Section 62.021(a-1), Education Code, as amended by this Act, apply to the state fiscal year beginning September 1, 2019.

(b)  The amounts allocated under Section 62.021(a), Education Code, as amended by this Act, apply to each state fiscal year beginning with the state fiscal year beginning September 1, 2020.

SECTION 4.  This Act takes effect August 31, 2019.