

CHAPTER 27

S.B. No. 380

AN ACT

relating to the distribution of state funds appropriated for elementary, secondary, and higher education

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 16.260, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding Subsections (c)(5) and (d)(2) of this section, and except as otherwise provided by this subsection, a payment from the foundation school fund to a school district for August 1995 shall be made on September 1, 1995. If the commissioner of education determines that a school district will experience extreme hardship if the payment is delayed under this subsection, the payment to that district may be made on or before August 25, 1995. This subsection expires September 2, 1995.

SECTION 2. Section 403.093, Government Code, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding any other provision of this section, the comptroller may not transfer the revenue from occupation taxes that the comptroller would transfer in August 1995 to the

foundation school fund before September 1, 1995. This subsection expires September 15, 1995.

SECTION 3. Subsection (d), Section 74.602, Property Code, is amended to read as follows:

(d) *The state treasurer shall transfer one-half of the balance of the unclaimed money fund to the foundation school fund on July 15, 1995. This subsection expires September 1, 1995 [On the effective date of this Act, the state treasurer shall transfer \$1.5 million from the unclaimed money fund to the state ethics fund].*

SECTION 4. Section 61.059, Education Code, is amended by adding Subsection (l) to read as follows:

(l) *The board may not include in any formula under this section funding based on the number of doctoral students who have a total of 131 or more semester credit hours of doctoral work at an institution of higher education.*

SECTION 5. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.066 to read as follows:

Sec. 54.066. **TUITION RATES FOR CERTAIN DOCTORAL STUDENTS.** *The governing board of an institution of higher education may charge a resident doctoral student who has more semester credit hours of doctoral work than allowed for purposes of state funding under Section 61.059(l) tuition at the rate charged nonresident doctoral students.*

SECTION 6. Subchapter F, Chapter 403, Government Code, is amended by adding Section 403.0935 to read as follows:

Sec. 403.0935. **ACCOUNT FOR CERTAIN GENERAL REVENUE APPROPRIATIONS TO CERTAIN INSTITUTIONS OF HIGHER EDUCATION.** (a) *This section applies only to general revenue appropriations to institutions of higher education that are not the appropriations made under Article VII, Section 17, of the Texas Constitution.*

(b) *The higher education appropriations account is a special account in the general revenue fund.*

(c) *The comptroller shall retain the appropriations to each institution of higher education in the general revenue fund until the appropriations are transferred to the higher education appropriations account in accordance with this section.*

(d) *Notwithstanding any other law, on September 1, 1994, the comptroller, as a ministerial duty, shall:*

(1) *transfer from the general revenue fund to the higher education appropriations account an amount equal to $\frac{1}{3}$ of the total appropriations to institutions of higher education for the fiscal year beginning September 1, 1994; and*

(2) *make available to each institution of higher education an amount equal to $\frac{1}{3}$ of the total appropriations for that fiscal year to which the institution is entitled.*

(e) *Notwithstanding any other law, on September 1, 1995, the comptroller shall make available from the general revenue fund to each institution of higher education an amount equal to $\frac{1}{3}$ of the total appropriations to the institution for the fiscal year beginning September 1, 1994.*

(f) *In this section, "institution of higher education" means an institution of higher education, as defined by Section 61.003, Education Code, other than a public junior college or public technical institute, as those terms are defined by that section, and other than hospital operations at The University of Texas M. D. Anderson Cancer Center, The University of Texas Medical Branch Hospital, and The University of Texas Health Center at Tyler.*

(g) *This section expires October 1, 1995.*

SECTION 7. Subchapter F, Chapter 403, Government Code, is amended by adding Section 403.0936 to read as follows:

Sec. 403.0936. **GENERAL REVENUE APPROPRIATIONS TO PUBLIC JUNIOR COLLEGES.** (a) *The comptroller shall retain the appropriations to each public junior college in the general revenue fund until the appropriations are transferred to the higher education appropriations account established under Section 403.0935 in accordance with this section.*

(b) *Notwithstanding any other law, on September 1, 1994, the comptroller, as a ministerial duty, shall:*

(1) *transfer from the general revenue fund to the higher education appropriations account an amount equal to $\frac{4}{5}$ s of the total appropriations to public junior colleges for the fiscal year beginning September 1, 1994; and*

(2) *distribute, in the manner and at the times provided by Section 130.0031, Education Code, to each public junior college an amount equal to $\frac{4}{5}$ s of the total appropriations for that fiscal year to which the institution is entitled.*

(c) *Notwithstanding Section 130.0031, Education Code, on September 1, 1995, the comptroller, as a ministerial duty, shall distribute from the general revenue fund to each public junior college an amount equal to $\frac{2}{3}$ s of the total appropriations to the public junior college for the fiscal year beginning September 1, 1994.*

(d) *In this section, "public junior college" has the meaning assigned by Section 61.003, Education Code.*

(e) *This section expires October 1, 1995.*

SECTION 8. (a) Section 403.0935, Government Code, as added by this Act, applies to general revenue appropriations beginning with the fiscal year that begins September 1, 1994.

(b) Section 403.0936, Government Code, as added by this Act, applies to general revenue appropriations beginning with the fiscal year that begins September 1, 1994.

(c) Section 54.066, Education Code, as added by this Act, applies beginning with the 1993-1994 academic year.

(d) Subsection (l), Section 61.059, Education Code, as added by this Act, applies to formulas for fiscal years that begin on or after September 1, 1993.

SECTION 9. Any savings to the general revenue fund that results from the addition of Subsection (l), Section 61.059, Education Code, shall be allocated to institutions of higher education for the purpose of retiring tuition revenue bonds issued for capital improvement projects in the South Texas/Border Initiative.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 25, 1993: Yeas 31, Nays 0; the Senate concurred in House amendments on April 5, 1993: Yeas 30, Nays 1; passed the House, with amendments, on March 29, 1993: Yeas 135, Nays 4, one present not voting.

Approved April 13, 1993.

Effective April 13, 1993.