

CHAPTER 752

H.B. No. 102

AN ACT

relating to the recruitment of women and ethnic minorities into programs of engineering and applied science at institutions of higher education.

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

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. ENGINEERING AND SCIENCE RECRUITMENT FUND

Sec. 51.601. FINDINGS AND PURPOSE. (a) *The legislature finds that women and members of racial and ethnic minorities are underrepresented in programs of engineering and science at institutions of higher education located in the State of Texas; that a shortage of engineers and scientists exists in the State of Texas; and that it is in the public interest of the state to support recruitment of women and members of ethnic minorities into science and engineering programs. The purpose of this subchapter is to establish a framework to support the recruitment of women and members of ethnic minorities into engineering and science programs.*

(b) *Exercise of the authority and powers granted in this subchapter is hereby declared to be a public and governmental function, exercised for a public purpose, and a matter of public necessity.*

Sec. 51.602. DEFINITIONS. In this subchapter:

- (1) "Commissioner" means the commissioner of education.
- (2) "Coordinating board" means the Coordinating Board, Texas College and University System, or its successor.
- (3) "Fund" means the engineering and science recruitment fund.
- (4) "Contributions" means gifts, grants, donations, and the market value of in-kind contributions from public and private entities including the federal government, but excluding state appropriations.
- (5) "Institution of higher education" means a public institution of higher education as defined by Subdivision (8) of Section 61.003 of the Education Code.
- (6) "Underrepresented minority group" means racial or ethnic minorities who are members of an underrepresented racial or ethnic group in engineering and applied science programs at institutions of higher education.

Sec. 51.603. FUND. (a) The engineering and science recruitment fund is created as a special fund in the State Treasury.

- (b) *The fund consists of:*
 - (1) *donations from private sources;*
 - (2) *appropriations; and*
 - (3) *grants from the federal government.*
- (c) *For any biennium the legislature may not appropriate to the fund an amount that exceeds the amount of donations from private sources during the preceding biennium.*
- (d) *The commissioner shall administer the fund in accordance with the rules of the State Board of Education.*
- (e) *The commissioner may accept federal and private grants for the purposes of the fund.*

Sec. 51.604. USE OF FUND. The commissioner shall allocate the fund to eligible nonprofit organizations for the purpose of:

- (1) *establishing or operating educational programs to assist women or minority group members in preparing for or participating in programs leading to an undergraduate degree in engineering or science from an institution of higher education; and*
- (2) *disseminating information concerning:*
 - (A) *educational and career opportunities in engineering and science; and*
 - (B) *the fund and programs funded under this subchapter.*

Sec. 51.605. FUND ALLOCATION. (a) The commissioner shall allocate the fund in accordance with guidelines adopted by the State Board of Education. Funding shall be allocated in proportion to the percentage of women and underrepresented minority group students participating in eligible programs. The guidelines must ensure that programs approved for funding:

- (1) *use professional volunteers at each level of instruction;*
- (2) *require parental involvement;*
- (3) *coordinate with public school preparation for scientific and mathematical careers;*
- (4) *coordinate with postsecondary educational institutions;*
- (5) *involve organizations of women and minority group members;*
- (6) *provide demonstrated professional leadership in educational activities for women and minority group members; and*
- (7) *are compatible with state and federal laws governing education.*

- (b) *The commissioner shall allocate the fund as follows:*

(1) the commissioner shall first allocate available funds to provide to each eligible program an amount equal to, at most, 50 percent of the amount of contributions the program received during the preceding fiscal year, as certified by the chief executive officer of the institution applying for the funds and verified by the commissioner;

(2) after all grants have been made under Subdivision (1) of this subsection for which applications have been received by a date set by rule of the board, the commissioner may allocate funds for the establishment or continued operation of eligible programs that have not received contributions; and

(3) the commissioner may allocate any amount remaining in the fund on January 1 of each year among the institutions receiving grants under Subdivision (1) of this subsection in proportion to each program's share of the total amount allocated under that subdivision.

(c) Preference shall be given to programs that stress the development of mathematical and scientific competence.

(d) In making allocations, the commissioner may solicit advice from public or private organizations working for the recruitment of women or minority group members into engineering and science careers.

(e) The comptroller shall issue warrants drawn on the fund on receipt of vouchers approved by the commissioner.

(f) The State Board of Education shall adopt rules establishing procedures by which an entity must apply for funding and account for any funds received.

Sec. 51.606. **ELIGIBLE PROGRAMS.** (a) To be eligible to receive funds under this subchapter, a program must:

(1) be operated by an organization that:

(A) qualifies for exemption from federal income tax under Section 501, Internal Revenue Code; and

(B) does not distribute net earnings to any private shareholder or other individual; and

(2) serve groups of women or minority group members who, considering their percentage of the Texas population, are underrepresented in engineering and applied science programs at institutions of higher education.

(b) The coordinating board shall determine on an annual basis which groups meet the requirements set out in Subdivision (2) of Subsection (a) of this section and shall certify that determination to the commissioner of education.

Sec. 51.607. **ADVISORY COMMITTEE.** (a) The Minority Recruitment Advisory Committee is established to advise the commissioner on an annual basis of the eligibility of each program funded under this subchapter.

(b) The initial committee shall be composed of three designees of the commissioner of education.

(c) In addition, the committee members shall include the chairman of the House Higher Education Committee or his designee and the chairman of the Senate Education Committee or his designee.

(d) The committee members serve terms of two years. The terms of office for the committee shall commence on the effective date of this Act. All committee members are eligible for reappointment to consecutive terms.

Sec. 51.608. **PROGRAM REVIEW.** Each eligible program receiving funds under this subchapter shall prepare an annual report giving an account of the use of the funds and including an educational progress report of the program participants.

SECTION 2. Subchapter L, Chapter 51, Education Code, as added by Chapter 647, Acts of the 69th Legislature, Regular Session, 1985, is redesignated as Subchapter N of that chapter, and the subchapter heading is amended to read as follows:

SUBCHAPTER N [L]. PARTNERSHIPS BETWEEN COMMUNITY/JUNIOR
COLLEGES AND UPPER-LEVEL UNIVERSITIES OR CENTERS

SECTION 3. 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 by the House on May 5, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 102 on May 31, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 102 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 102 on June 1, 1987, by the following vote: Yeas 31, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.