



THE TEXAS A&M UNIVERSITY SYSTEM  
Office of General Counsel

June 3, 2014

**RECEIVED**

JUN 09 2014

The Honorable Greg Abbott  
Attorney General of Texas

Office of the Attorney General  
Attention: Opinions Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # ML-47591-14  
I.D. # 47591

**RQ-1204-GA**

RE: Constitutional Excellence Funding for Programs of Texas A&M University at Galveston and Other Texas A&M University Branch Campuses

On behalf of Phil Adams, Chairman of the Board of Regents of The Texas A&M University System,<sup>1</sup> I respectfully request your opinion on the interpretation of Article 7, Section 18 of the Texas Constitution as explained below.

Question Presented

Can Texas A&M University (Texas A&M) use funds received from the Available University Fund (AUF) under Article 7, Section 18(f) of the Texas Constitution, commonly known as “excellence funding,” for the programs of Texas A&M University at Galveston (TAMUG) or any other branch campus of Texas A&M established in the state of Texas?

Analysis

Article 7, Section 18 authorizes AUF expenditures for two distinct purposes at eligible institutions: debt service on PUF bonds for capital projects (capital funding) and “the support and maintenance” of eligible institutions (excellence funding).<sup>2</sup> TAMUG is eligible for capital funding.<sup>3</sup> Further analysis is required to determine whether TAMUG is eligible for excellence funding.

Section 18(f) authorizes excellence funding “for the support and maintenance of The Texas A&M University System administration, Texas A&M University, and Prairie View A&M University.”<sup>4</sup> While TAMUG is not eligible in its own right for excellence funding under Section 18(f), the question becomes whether excellence funding appropriated to Texas A&M can be used for programs at TAMUG as a branch campus of Texas A&M. There are issues unique to TAMUG that create questions regarding its eligibility as a Texas A&M branch campus. Those

<sup>1</sup> This opinion request is made pursuant to section 402.042(b)(6) of the Texas Government Code.

<sup>2</sup> See TEX. CONST. art. VII, § 18(a), (f); LEGISLATIVE BUDGET BOARD, FINANCING HIGHER EDUCATION IN TEXAS: LEGISLATIVE PRIMER, at 11 (Feb. 2013). The A&M System Board of Regents authorizes capital funding at its eligible System institutions and the Board is also responsible making equitable appropriations of excellence funding between its eligible institutions. See *id.*

<sup>3</sup> See TEX. CONST. art. VII, § 18(a)(4).

<sup>4</sup> See TEX. CONST. art. VII, § 18(f).

issues are not presented by any other Texas A&M branch campus established in the state of Texas.<sup>5</sup>

This letter examines TAMUG's relationship to Texas A&M, the AUF purposes authorized by the Constitution, and then explains the constitutional arguments for and against excellence funding being used for TAMUG programs as part of Texas A&M. Ultimately, the Constitution does not appear to provide a clear answer. However, the Constitution does appear to provide a clear, affirmative answer in the case of other Texas A&M branch campuses established in the state.

#### TAMUG's Relationship to Texas A&M University

A brief discussion of TAMUG's history is necessary to understand the university's current connection to Texas A&M. TAMUG's website concisely states its current relationship with Texas A&M: "TAMUG is a branch campus of Texas A&M University. Graduates receive the Aggie Ring and a Texas A&M University diploma."<sup>6</sup> Also, Texas A&M's accreditation<sup>7</sup> includes TAMUG as a branch campus.<sup>8</sup> TAMUG faculty members recommended for tenure through the TAMUG review process are then reviewed by Texas A&M's Executive Vice President and Provost and President before submission to the Chancellor and Board.<sup>9</sup> TAMUG tenure candidates are submitted to the Board of Regents as part of Texas A&M's tenure agenda item. Without question, TAMUG is a part of Texas A&M and not a separate university, although a branch campus with a special role and mission.

TAMUG's branch campus status evolved over many years as a result of actions by both the legislature and the A&M System Board of Regents (previously called the Board of Directors). The institution which became TAMUG was created by the legislature in 1931: "There shall be organized and established in one of the harbors of the State of Texas a Nautical School of the purpose of instructing boys in the practice of seamanship, ship construction, naval architecture, wireless telegraph, engineering and the science of navigation," and the school was placed under the "management and direction of the Board of Directors of the Texas Agricultural and Mechanical College."<sup>10</sup> This enabling legislation prohibited the school from ever receiving

---

<sup>5</sup> This opinion request is limited to branch campuses located in the state. Texas A&M has a branch campus located outside the United States (Texas A&M at Qatar), and this branch campus is funded through the Qatar Foundation, including administrative costs incurred in College Station relating to the Qatar campus.

<sup>6</sup> <http://www.tamug.edu/about/TAMUGHHistory.html>.

<sup>7</sup> Texas A&M's accreditation to award baccalaureate, master's and doctoral degrees is through the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). See <http://www.tamu.edu/statements/accreditation.html>. This accrediting body "is the regional body for the accreditation of degree-granting institutions in the Southern States." See <http://www.sacscoc.org/>.

<sup>8</sup> <http://www.tamug.edu/about/index.html>.

<sup>9</sup> TAMUG's 2013-2014 *Guidelines and Procedures for: Annual Review, Promotion and Tenure, Post-tenure review*. See <http://www.tamug.edu/faculty/Documents/TAMUG-Guidelines-Procedures-2013-2014-Rev07312013.pdf>.

<sup>10</sup> See Act of May 28, 1931, 42<sup>nd</sup> Leg., R.S., ch. 255, §§ 1, 2, 1931 Tex. Gen. Laws 423 (codified as TEX. CIV. STAT. ANN. art. 2615b).

appropriated funds for its support.<sup>11</sup> Thus, the school was at its inception clearly separate from the Agricultural and Mechanical College of Texas.

The Higher Education Coordinating Act of 1965 identified TAMUG as the Texas Maritime Academy and defined it as a “general academic teaching institution” listed separately from “Texas A&M University, Main University.”<sup>12</sup> By virtue of being a “general academic teaching institution,” the maritime academy was also defined as an “institution of higher education.”<sup>13</sup>

TAMUG was also recognized as the Texas Maritime Academy in 1971 as part of the codification of Title 3 of the Education Code.<sup>14</sup> This provision codified section 87.201 of the Education Code which, aside from a change in the school’s name, differed little from its original enabling legislation: “The Texas Maritime Academy, located in Galveston, is a school for the purpose of instructing boys in the practice of seamanship, ship construction, naval architecture, wireless telegraph, engineering, and the science of navigation. It is under the management and control of the board of directors of The Texas A & M University System.”<sup>15</sup> This legislation also codified into the Education Code the designation of the Texas Maritime Academy as a “general academic teaching institution” separate from “Texas A&M University, Main University”.<sup>16</sup>

TAMUG’s original enabling statute was also amended in 1971 to provide that the “school created or any school created under this Act may provide instruction for all students in educational programs related to the general field of marine resources.”<sup>17</sup> In response to the enactment of this legislation, the Board of Directors of the A&M System began to take a series of actions to connect and later merge Texas A&M and TAMUG. These actions were apparently designed to integrate TAMUG into the academic programs of Texas A&M while developing and preserving TAMUG’s character as a special-purpose campus.

In 1971 the Board of Directors voted to establish:

an educational unit of the Texas A&M University to be known as the College of Marine and Maritime Resources, consisting of the Maritime Academy, the Moody Marine Institute, and the Galveston Coastal Zone Laboratory, and such other units from time to time as may be determined by the Board of Directors and approved by the Coordinating Board as being necessary for the implementation of the authorizing legislation.<sup>18</sup>

---

<sup>11</sup> See *id.* at § 4A, 1931 Tex. Gen. Laws 424, *repealed by* Act of April 16, 1959, 56<sup>th</sup> Leg., R.S., ch. 128, § 1, 1959 Tex. Gen. Laws 219.

<sup>12</sup> See Higher Education Coordinating Act of 1965, Act of February 25, 1965, 59<sup>th</sup> Leg., R.S., ch. 12, § 1, 1965 Tex. Gen. Laws 28 (codified as TEX. CIV. STAT. ANN. art. 2919e-2, § 2).

<sup>13</sup> See *id.*

<sup>14</sup> See Act of May 22, 1971, 62<sup>nd</sup> Leg., R.S., ch. 1024, art. 1, § 1, 1971 Tex. Gen. Laws 3206 (codified as Tex. Educ. Code § 87.201).

<sup>15</sup> See *id.*

<sup>16</sup> See *id.* at art. 1, § 1, 1971 Tex. Gen. Laws 3131 (codified as Tex. Educ. Code § 61.003(3)).

<sup>17</sup> See Act of May 25, 1971, 62<sup>nd</sup> Leg., R.S., ch. 943, § 1, 1971 Tex. Gen. Laws 2865.

<sup>18</sup> A&M System Board of Directors Minute Order No. 206-71 (July 1971).

Several changes to the institution's name were approved by the Board following 1971, with the name being changed to "Moody College of Marine Sciences and Maritime Resources," later authorizing the President of Texas A&M University to take actions and seek necessary approvals to change the name to the "Moody College," and finally to change Moody College to "Texas A&M University at Galveston."<sup>19</sup> Also, the Board approved a variety of administrative changes to the institution such as changing the institution's chief executive's title from "Dean" to "Provost" to "President" during this time period.<sup>20</sup>

In 1981, section 87.201 of the Education Code was revised to redesignate the institution as Texas A&M University at Galveston, clarify its role and mission as including "undergraduate educational programs related to the general field of marine resources," and recognize that TAMUG's degrees were "offered under the name and authority of Texas A&M University at College Station."<sup>21</sup> TAMUG therefore does not have separate authority to offer degrees apart from Texas A&M.

In 1987, section 87.201 was further clarified to reference TAMUG as an institution of higher education and to clarify the special purpose of its undergraduate academic programs ("instruction in marine and maritime studies in science, engineering, and business and for research and public service" related to marine resources).<sup>22</sup> Also, the 1987 revision added a new subsection (b) to section 87.201 designating TAMUG as a research institute supporting Texas A&M and the University of Texas at Austin marine sciences and oceanography academic degree programs.<sup>23</sup>

In 1990, the Board of Regents authorized:

the Chancellor to work with the President of Texas A&M University and the President of Texas A&M University at Galveston to take any and all actions necessary to begin the implementation of transition plans for the merger of Texas A&M University at Galveston into Texas A&M University during the biennium beginning September 1, 1991.<sup>24</sup>

This action also renamed Texas A&M's College of Geosciences as the College of Geosciences and Maritime Studies.<sup>25</sup> After the plans for the transition were developed as directed, Texas A&M sought authority to implement TAMUG's merger into the university. In November 1991, the Board of Regents authorized the merger of TAMUG into Texas A&M effective January 1, 1992, and it changed the TAMUG's president's title to "Vice President for Research Policy and Professor of Oceanography, Texas A&M University".<sup>26</sup> A 1994 Texas A&M Internal Audit Department letter indicates that the Commissioner of the Texas Higher Education Coordinating

---

<sup>19</sup> Minute Order Nos. 255-72 (August 1972), 207-76 (September 1976), 212-79 (July 1979).

<sup>20</sup> Minute Order Nos. 284-71 (August 1971), 35-74 (February 1974), 232-77 (September 1977).

<sup>21</sup> See Act of May 30, 1981, 67<sup>th</sup> Leg., R.S., ch. 799, § 1, 1981 Tex. Gen. Laws 3051-52.

<sup>22</sup> See Act of May 29, 1987, 70<sup>th</sup> Leg., R.S., ch. 1098, § 1, 1987 Tex. Gen. Laws 3732-33.

<sup>23</sup> See *id.*

<sup>24</sup> Minute Order No. 292-90 (October 1990).

<sup>25</sup> *Id.*

<sup>26</sup> Minute Order Nos. 385-91, 388-91 (November 1991).

Board and the university's accrediting body recognized the merger in 1992 and 1993, respectively.<sup>27</sup>

In 1997, section 87.201 was amended to recognize the Board of Regents' authority to "designate Texas A&M University at Galveston as a branch campus of Texas A&M University; however, such designation, if made, shall not change the role and mission of Texas A&M University at Galveston as specified in this section."<sup>28</sup> Several months after the amendment to section 87.201 became effective, the Board of Regents rescinded its earlier minute order to merge TAMUG and Texas A&M and designated TAMUG "as a branch of Texas A&M University, effective September 1, 1997." The Board further provided that "Texas A&M University at Galveston will remain a special purpose institution of higher education" with the role and mission stated in section 87.201.<sup>29</sup>

#### AUF

Article 7, Section 18(e) of the Texas Constitution defines the AUF as follows: "The available university fund consists of the distributions made to it from the total return on all investment assets of the permanent university fund, including the net income attributable to the surface of permanent university fund land." As explained below, the constitution historically has provided for the AUF to be used only for capital funding purposes. Excellence funding was not authorized until 1983.

Section 18(f) addresses annual distributions from the AUF and provides:

Out of one-third of the annual distribution from the permanent university fund to the available university fund, there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the Board of Regents of The Texas A&M University System under this section and prior law, and the remainder of that one-third of the annual distribution to the available university fund shall be appropriated to the Board of Regents of The Texas A&M University System which shall have the authority and duty in turn to appropriate an equitable portion of the same for the support and maintenance of The Texas A&M University System administration, Texas A&M University, and Prairie View A&M University. The Board of Regents of The Texas A&M University System, in making just and equitable appropriations to Texas A&M University and Prairie View A&M University, shall exercise its discretion with due regard to such criteria as the board may deem appropriate from year to year.<sup>30</sup>

The current AUF provisions have developed as follows. According to the Texas Constitution of 1876, the interest accruing on the Permanent University Fund (PUF) was "subject to

---

<sup>27</sup> See Letter from Charley Clark, Director, to Jerry Gaston, Executive Associate Provost (April 13, 1994) (OGC Historical File re: TAMUG Merger).

<sup>28</sup> Act of May 2, 1997, 75<sup>th</sup> Leg., R.S., ch. 132, § 1, 1997 Tex. Gen. Laws 257.

<sup>29</sup> See Minute Order No. 120-97 (July 1997).

<sup>30</sup> Tex. Const. art. VII, § 18(f).



appropriation by the Legislature” to help accomplish<sup>31</sup> the establishment, organization, and provide for the maintenance, support and direction of the University of Texas, which included “an Agricultural, and Mechanical department.”<sup>32</sup> The Agricultural and Mechanical College of Texas was created in 1871<sup>33</sup> and authorized by the Constitution in 1876.<sup>34</sup>

The income from the PUF became known as the Available University Fund, and in 1931 the legislature established a formula for determining the respective AUF share of the Agricultural and Mechanical College of Texas and the University of Texas to be spent by the governing board of each institution for construction and permanent improvements on the campuses.<sup>35</sup> This formula remained statutory until it was incorporated into the Constitution in 1983 in Article 7, Section 18.

Article 7, Section 18 of the Constitution, as adopted in 1947, authorized the governing boards of the Agricultural and Mechanical College of Texas and the University of Texas to issue bonds for “constructing, equipping or acquiring buildings and other permanent improvements,” with the bonds to be paid from the income of the PUF, although the term AUF is not specifically referenced.<sup>36</sup> The boards were also authorized to pledge their share of the income of the PUF as established by the 1931 legislation to secure payment on such bonds.<sup>37</sup> In 1956 and 1966, this provision was amended to expand a list of institutions eligible for the PUF bonds and the corresponding authority of the governing boards to pledge their share of the income from the PUF for this purpose.<sup>38</sup>

The 1983 amendment of Article 7, Section 18 is significant for several reasons related to this analysis. First, a new subsection (a) listed A&M System entities eligible for capital funding (PUF bonds payable from the A&M System’s share of the AUF): “the Texas A&M University System administration *and the following component institutions of the system...Texas A&M University at Galveston[.]*”<sup>39</sup> Subsection (a) remains unchanged from the 1983 amendment, clearly establishing TAMUG’s eligibility for capital funding through the AUF.

Also, this amendment created a subsection (e) that defined the AUF, established the share of the UT and A&M Systems, and authorized a new form of AUF distribution, excellence funding, for the “support and maintenance” of the system administration and the listed institutions.<sup>40</sup> This

---

<sup>31</sup> TEX. CONST. art. VII, § 11 (amended in 1930).

<sup>32</sup> See TEX. CONST. art. VII, §§ 10, 11.

<sup>33</sup> Act approved April 17, 1871, 6 H.P.N. Gammel, THE LAWS OF TEXAS 1822-1897, at 938 (Austin, Gammel Book Co. 1898).

<sup>34</sup> See TEX. CONST. art. VII, § 13.

<sup>35</sup> Act of April 8, 1931, 42<sup>nd</sup> Leg., R.S., ch. 42, § 1, 1931 Tex. Gen. Laws 63 (amending Tex. Rev. Civ. Stat. art. 2592).

<sup>36</sup> See Tex. Const. art. VII, § 18 (amended 1956).

<sup>37</sup> See *id.*

<sup>38</sup> See Tex. Const. art. VII, § 18 (amended 1966 and 1983)

<sup>39</sup> See Act of May 25, 1983, 68<sup>th</sup> Leg., R.S., H.J.R. 19, § 3, 1983 Tex. Gen. Laws 6707-08 (emphasis supplied).

<sup>40</sup> See *id.* at 1983 Tex. Gen. Laws 6707-08, 1609-10.

subsection provided that, from the A&M System's share of the AUF after the payment of principal and interest due on bonds and notes: "the remainder of that one-third share of the available university fund shall be appropriated to" the A&M System Board "which shall have the authority and duty in turn to appropriate an equitable portion of the same for the support and maintenance of The Texas A&M University System administration, Texas A&M University, and Prairie View A&M University."<sup>41</sup> In 1999, the AUF "support and maintenance" distribution was moved to subsection (f) and revised to its current form.<sup>42</sup>

#### Are TAMUG Programs Eligible for Excellence Funding?

While TAMUG is eligible for capital funding under Article 7, Section 18 by virtue of being listed in subsection (a), are its programs eligible for excellence funding from the AUF? Clearly, TAMUG is not eligible for excellence funding in its own right because it is not listed in Section 18(f). However, are the programs of TAMUG eligible for excellence funding appropriated to Texas A&M because TAMUG is now a branch campus of Texas A&M? The text of Section 18 is unclear as to TAMUG's eligibility through Texas A&M.

The following factors support TAMUG's excellence funding eligibility by virtue of Texas A&M's eligibility. First, Article 7, Section 18(f) of the Constitution does not define "support and maintenance," meaning that it does not restrict proper uses of this funding, such as the types of administrative expenses or specific academic programs eligible for support.<sup>43</sup> In contrast, Section 18(a) expressly states the Texas A&M programs or parts eligible for PUF bonds payable from the AUF: "*Texas A&M University, including its medical college which the legislature may authorize as a separate medical institution.*"<sup>44</sup> Section 18(f) also does not place geographical restrictions on those Texas A&M programs or expenses eligible for excellence funding, meaning that a branch campus of Texas A&M outside of College Station or Brazos County could be eligible.<sup>45</sup>

This lack of a geographic restriction in Section 18(f) is significant because Section 18(h), which authorizes legislative approval of construction projects at all institutions eligible for PUF bonds payable from the AUF, makes an exception for "the University of Texas at Austin, *Texas A&M University in College Station*, and Prairie View A&M University."<sup>46</sup> Sections 18(a) and (h) containing these restrictions were originally adopted in 1983 along with Section 18(e) authorizing excellence funding, implying that the legislature could have restricted Texas A&M's eligible excellence funding expenditures, but it did not.<sup>47</sup> Finally, while TAMUG is listed separately from Texas A&M in Section 18(a) regarding capital funding, this can be explained by the timing of this subsection's adoption. When Section 18 was revised in 1983, TAMUG had not yet been formally merged with Texas A&M, so TAMUG's separate reference from Texas

---

<sup>41</sup> See *id.* at 1983 Tex. Gen. Laws 6709-10.

<sup>42</sup> Act of May 13, 1999, 76<sup>th</sup> Leg., R.S., H.J.R. 58, § 2, 1999 Tex. Gen. Laws 6611.

<sup>43</sup> See Tex. Const. art. VII, § 18(f).

<sup>44</sup> Tex. Const. art. VII, § 18(a) (emphasis supplied).

<sup>45</sup> See Tex. Const. art. VII, § 18(f) (emphasis supplied).

<sup>46</sup> Tex. Const. art. VII, § 18(h).

<sup>47</sup> See Act of May 25, 1983, 68<sup>th</sup> Leg., R.S., H.J.R. 19, § 3, 1983 Tex. Gen. Laws 6707-11.

A&M was appropriate to ensure that PUF bonds payable from the AUF could be issued for that campus.

There are factors, however, supporting TAMUG's ineligibility for excellence funding. TAMUG is listed explicitly in Section 18(a), while it is not mentioned in Section 18(f), allowing one to conclude that it is eligible for the former and ineligible for the latter. The Texas Legislative Budget Board's legislative primer on financing higher education supports this conclusion, indicating that TAMUG is eligible for capital funding from the AUF but not excellence funding.<sup>48</sup> The text of Sections 18(a) and (f) also implies that TAMUG is distinct from Texas A&M for purposes of AUF distributions, both capital funding and excellence funding. When Section 18 was last amended in 1999, TAMUG was a legislatively-authorized branch of Texas A&M, yet its treatment as a separate component was not changed in subsection (a), nor was its lack of mention changed in subsection (f) regarding excellence funding.<sup>49</sup>

The original version of the joint resolution (HJR 58) resulting in the 1999 amendment proposed to restructure all AUF distributions and would have made TAMUG eligible for all AUF distributions along with 8 other A&M System institutions and agencies.<sup>50</sup> Of course, this version was replaced by a committee substitute, but it is clear that the author viewed TAMUG as being separate from Texas A&M. Also, the house bill analysis of the committee substitute of HJR58 that was finally passed made the following statement about the pre-adoption status of excellence funding: "The remainder of the AUF is used for system administration for the UT and TAMU systems and for 'excellence' funding for UT Austin, TAMU *College Station*, and Prairie View A&M."<sup>51</sup> This statement indicates a legislative understanding prior to the passage of HJR 58 that a reference to Texas A&M for purposes of excellence funding eligibility was limited to the College Station campus.

#### Other Branch Campuses

The A&M System has no current plans to establish any other Texas A&M branch campus. If, however, the Board of Regents in the future should approve the creation of a Texas A&M branch campus<sup>52</sup> in the state in accordance with state law,<sup>53</sup> we believe the campus would be eligible for AUF excellence funding as part of Texas A&M. As discussed above, Article 7, Section 18(f)

---

<sup>48</sup> LEGISLATIVE BUDGET BOARD, FINANCING HIGHER EDUCATION IN TEXAS: LEGISLATIVE PRIMER, at 11-12 (Feb. 2013).

<sup>49</sup> See Act of May 13, 1999, 76<sup>th</sup> Leg., R.S., H.J.R. 58, § 2, 1999 Tex. Gen. Laws 6611.

<sup>50</sup> Tex. H.J.R. 58, 76<sup>th</sup> Leg., R.S., § 1 (1999) (introduced version).

<sup>51</sup> HOUSE APPROPRIATIONS COMM., BILL ANALYSIS, Tex. H.J.R. 58, 76<sup>th</sup> Leg., R.S. (May 3, 1999), p.2 (emphasis supplied). Of course the constitutional text did not contain this reference to College Station.

<sup>52</sup> The Texas Higher Education Coordinating Board defines "branch campus" to mean "A major, secondary location of an institution offering multiple programs, usually with its own administrative structure and usually headed by a Dean. A branch campus must be established by the Legislature or approved by the Coordinating Board." 19 Tex. Admin. Code § 5.73(2).

<sup>53</sup> See, e.g., TEX. EDUC. CODE ANN. § 61.0512(g) (Vernon Supp. 2013) (requiring Coordinating Board approval before an institution offers off-campus courses for credit); 19 Tex. Admin. Code §§ 4.270-4.279, 5.73(3), 5.76(d) (applicable Coordinating Board requirements).



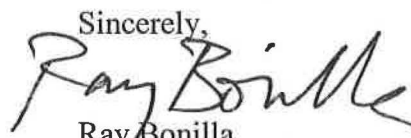
Hon. Greg Abbott  
June 3, 2014  
Page 9

contains no restrictions on the Texas A&M programs or geographic location of such programs for which the university's excellence funding may be used.<sup>54</sup>

Conclusion

TAMUG is a branch campus of Texas A&M as designated by the A&M System Board of Regents and authorized by section 87.201 of the Education Code. Under Article 7, Section 18 of the Texas Constitution, the eligibility of the programs of TAMUG for excellence funding as part of Texas A&M is unclear. However, any other Texas A&M branch campus established in the state by the Board of Regents would be eligible for excellence funding as part of the university. We seek your opinion regarding the eligibility of TAMUG and any other branch campus in this state for such funding.

Thank you for consideration of this question. If you should have any questions or need additional information, please contact me at (979) 458-6122.

Sincerely,  
  
Ray Bonilla  
General Counsel

cc: Chairman Phil Adams, A&M System Board of Regents  
Members, A&M System Board of Regents  
Chancellor John Sharp  
Interim President Mark Hussey, Texas A&M University  
Admiral Robert Smith, Texas A&M University at Galveston

---

<sup>54</sup> See Tex. Const. art. VII, § 18(f).