

EDUCATION CODE

TITLE 3. HIGHER EDUCATION

SUBTITLE H. RESEARCH IN HIGHER EDUCATION

CHAPTER 142. NORMAN HACKERMAN ADVANCED RESEARCH PROGRAM; ADVANCED
TECHNOLOGY PROGRAM

Sec. 142.001. DEFINITIONS. In this chapter:

(1) "Applied research" means research directed at gaining the knowledge or understanding necessary to meet a specific and recognized need, including the discovery of new scientific knowledge that has specific objectives relating to products or processes.

(1-a) "Basic research" means research the primary object of which is to gain a fuller fundamental knowledge of the subject under study.

(2) "Coordinating board" has the meaning assigned by Section 141.001 of this code.

(3) "Eligible institution" means:

(A) an institution of higher education; or

(B) a private or independent institution of higher education.

(3-a) "Institution of higher education," "medical and dental unit," and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(4) "Research program" means the Norman Hackerman advanced research program established under this chapter.

(5) "Faculty member" means a person who is tenured or is in a tenure track position or a research professional employed by an eligible institution.

(6) "Technology program" means the advanced technology program established under this chapter.

Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.08, eff. June 20, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1250 (H.B. 58), Sec. 1, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1335 (S.B. 44), Sec. 1, eff.

June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 7.018(a), eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 7.018(b), eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 540 (H.B. 2631), Sec. 2, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 52, eff. September 1, 2013.

Sec. 142.002. NORMAN HACKERMAN ADVANCED RESEARCH PROGRAM; PURPOSE. The Norman Hackerman advanced research program is established to encourage and provide support for basic research conducted by faculty members and students in astronomy, atmospheric science, biological and behavioral sciences, chemistry, computer sciences, earth sciences, engineering, information science, mathematics, material sciences, oceanography, physics, environmental issues affecting the Texas-Mexico border region, the reduction of industrial, agricultural, and domestic water use, social sciences, and related disciplines in eligible institutions. Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.08, eff. June 20, 1987. Amended by Acts 1993, 73rd Leg., ch. 876, Sec. 1, eff. Aug. 30, 1993; Acts 1999, 76th Leg., ch. 1500, Sec. 1, eff. June 19, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1335 (S.B. 44), Sec. 2, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 540 (H.B. 2631), Sec. 3, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 53, eff. September 1, 2013.

Sec. 142.0025. ADVANCED TECHNOLOGY PROGRAM; PURPOSE. (a) It is essential to the state's economic growth that the state exploit the potential of technology to advance the development and growth of technology and that industry be promoted and expanded. The advanced technology program is established as a

means to accomplish this purpose.

(b) Providing appropriated funds to faculty members of institutions of higher education and private or independent institutions of higher education to conduct applied research is important to the state's welfare and, consequently, is an important public purpose for the expenditure of public funds because the applied research will enhance the state's economic growth by:

- (1) educating the state's scientists and engineers;
- (2) creating new products and production processes;

and

(3) contributing to the application of science and technology to state businesses.

Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.08, eff. June 20, 1987.

Transferred, redesignated and amended from Education Code, Section 143.002 by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 54, eff. September 1, 2013.

Sec. 142.003. ADMINISTRATION; GUIDELINES AND PROCEDURES.

(a) The coordinating board shall administer the technology program and the research program.

(b) The coordinating board shall appoint an advisory committee that consists of experts in the specified research areas of both programs to advise the coordinating board regarding the coordinating board's development of research priorities, guidelines, and procedures for the selection of specific projects at eligible institutions.

(c) The guidelines and procedures developed for the research program by the coordinating board must:

(1) provide for awards on a competitive, peer review basis for specific projects at eligible institutions; and

(2) require that, as a condition of receiving an award, an eligible institution must use a portion of the award to support, in connection with the project for which the award is made, basic research conducted by:

(A) graduate or undergraduate students, if the eligible institution is a medical and dental unit; or

(B) undergraduate students, if the eligible institution is any other eligible institution.

(d) The guidelines and procedures developed for the technology program by the coordinating board must:

(1) provide for determining whether an institution of higher education or private or independent institution of higher education qualifies as an eligible institution for the purposes of the technology program by demonstrating exceptional capability to attract federal, state, and private funding for scientific and technical research and having an exceptionally strong research staff and the necessary equipment and facilities; and

(2) provide for awards on a competitive, peer review basis for specific projects at eligible institutions.

(e) The coordinating board shall encourage projects under the technology program that leverage funds from other sources and projects that propose innovative, collaborative efforts:

(1) across academic disciplines;

(2) among two or more eligible institutions; or

(3) between an eligible institution or institutions and private industry.

Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.08, eff. June 20, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1335 (S.B. 44), Sec. 3, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 55, eff. September 1, 2013.

Sec. 142.0035. TECHNOLOGY PROGRAM: PRIORITY RESEARCH AREAS. The technology program may provide support for faculty members to conduct research in areas determined by an advisory panel appointed by the coordinating board. Initial research areas shall include: agriculture, biotechnology, biomedicine, energy, environment, materials science, microelectronics, aerospace, marine science, aquaculture, telecommunications, manufacturing science, environmental issues affecting the Texas-Mexico border region, the reduction of industrial, agricultural, and domestic

water use, recycling, and related disciplines. The advisory committee appointed under Section 142.003(b) may add or delete priority research areas as the advisory committee considers warranted.

Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.08, eff. June 20, 1987. Amended by Acts 1989, 71st Leg., ch. 621, Sec. 1, eff. June 14, 1989; Acts 1991, 72nd Leg., ch. 303, Sec. 12, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 876, Sec. 2, eff. Aug. 30, 1993; Acts 1999, 76th Leg., ch. 1500, Sec. 2, eff. June 19, 1999.

Transferred, redesignated and amended from Education Code, Section 143.003 by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 56, eff. September 1, 2013.

Sec. 142.004. FUNDING. (a) The programs created under this chapter are funded by appropriations and by gifts, grants, and donations made for purposes of each program.

(b) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 540, Sec. 5, eff. June 17, 2011.

(c) The funds allocated for the research program may be expended to support the particular projects for which an award is made and may not be expended for the general support of ongoing research at an eligible institution or for the construction or remodeling of a facility.

(c-1) The funds allocated for the technology program may be:

(1) expended to support particular research projects for which an award is made, and may not be expended for the general support of ongoing research and instruction at an eligible institution or for the construction or remodeling of a facility; and

(2) used to match a grant provided by private industry for a particular collaborative research project with an eligible institution.

(d) Research projects shall be reviewed and funded each biennium.

(e) Supplies, materials, services, and equipment purchased with these funds shall not be subject to the purchasing authority of the comptroller.

(f) The advisory committee appointed under Section 142.003(b) shall determine when and to what extent funds appropriated under this chapter will be allocated to each program under this chapter unless the legislature specifies a division in the General Appropriations Act.

Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.08, eff. June 20, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. 3560), Sec. 1.88, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 540 (H.B. 2631), Sec. 4, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 540 (H.B. 2631), Sec. 5, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 57, eff. September 1, 2013.

Sec. 142.006. MERIT REVIEW. (a) The coordinating board shall appoint a committee that consists of experts in the specified research areas to evaluate the research program's effectiveness and report its findings to the coordinating board not later than January 31 of each odd-numbered year.

(b) The coordinating board shall appoint a committee consisting of representatives of higher education and private enterprise advanced technology research organizations to evaluate the technology program's effectiveness and report its findings to the coordinating board not later than January 31 of each odd-numbered year.

Added by Acts 1987, 70th Leg., ch. 823, Sec. 3.08, eff. June 20, 1987. Amended by Acts 2003, 78th Leg., ch. 820, Sec. 32, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 58, eff. September 1, 2013.

Sec. 142.007. CONFIDENTIALITY. Information submitted as part of a pre-proposal or proposal or related to the evaluation and

selection of research projects to be funded by the research program or technology program is confidential unless made public by coordinating board rule.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 33, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 58, eff. September 1, 2013.

Sec. 142.009. APPLIED RESEARCH FOR CLEAN COAL PROJECT AND OTHER PROJECTS FOR ELECTRICITY GENERATION. The coordinating board shall use money available for the purpose from legislative appropriations, including gifts, grants, and donations, to support at one or more eligible institutions applied research related to:

(1) the development, construction, and operation in this state of a clean coal project, as defined by Section 5.001, Water Code; or

(2) electricity generation using lignite coal deposits in this state or integrated gasification combined cycle technology.

Added by Acts 2007, 80th Leg., R.S., Ch. 1246 (H.B. 2608), Sec. 1, eff. June 15, 2007.

Transferred and redesignated from Education Code, Section 143.0051 by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 59, eff. September 1, 2013.