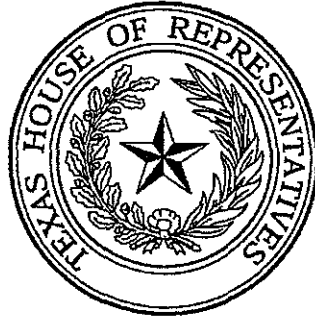


Senfronia Thompson  
Chair, Local and Consent Calendars  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910



Jim Pitts  
Chair, Appropriations Committee  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910

**RECEIVED**

MAY 02 2011

**OPINION COMMITTEE**

Texas House of Representatives

April 27, 2011

The Honorable Greg Abbott  
Office of the Attorney General  
Attn: Opinion Committee  
Post Office Box 12548  
Austin, Texas 78711-2548

FILE # M1-46736-11

I.D. # 46736

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**RQ-0967-GA**

RE: Whether monies generated from private sources and used by state institutions are considered public monies subject to the state legislature's appropriations process

Dear General Abbott:

Recently, a public university in the State of Texas has asserted the defense of sovereign immunity in an employment contract dispute. A large majority of the funds in the employment contract are derived from purely private sources. These sources are carefully detailed as part of the compensation sections of the employment contract. The Seventh Court of Appeals has ruled that a state institution is immune from suit for a breach of contract unless the defense is waived by the Legislature. The former employee is pursuing a legislative solution as directed by the Seventh Court of Appeals and Chapter 107 of the Civil Practices and Remedies Code. We are not interested in debating the merits of sovereign immunity of the particular claims of the parties involved. However, we respectfully request an opinion of the following question:

If a public university in a contract dispute invokes sovereign immunity, would monies generated from purely private sources by that public university's athletic department, including gifts, endowments, alumni and athletic supporter contributions, gate receipts from regular and post season athletic events, television revenues and shoe, apparel, or equipment endorsement revenue be considered subject to state appropriation authority as provided by the Texas Constitution?

We want to thank you in advance for your assistance and look forward to your response on this matter.

Sincerely,

Handwritten signature of Senfronia Thompson in cursive.

Senfronia Thompson  
State Representative District 141  
Chair  
Local and Consent Calendars Committee

Handwritten signature of Jim Pitts in cursive.

Jim Pitts  
State Representative District 10  
Chair  
Appropriations Committee