Natural Resource Funds

Texas

Permanent University Fund
Synopsis

Market Value

Permanent University Fund
$14.4 billion

Fund Highlights

- The Texas Permanent University Fund, established in 1876, is likely the world’s oldest natural resource fund.
- The objective of the Fund is to provide a sustainable source of financing for the University of Texas and the Texas A&M University systems.
- The Fund is financed by proceeds from oil, gas and mineral production on University of Texas lands, which were given to the Permanent University Fund in 1876 and 1883 by the State of Texas.
- Approximately 5 percent of the Fund’s average value over the previous three years is withdrawn annually. Withdrawals must be used to fund academic programs or cover university debt payments.
- The Fund seeks an average annual real return on its investments of about 5 percent.
- The Fund is world-leading on oversight and transparency requirements. One internal and two external audits are made public, the government-appointed Board of Regents and the Texas Legislature both oversee the Fund, and fund activities and investment details are published.
The Texas State Constitution establishes the Permanent University Fund.

- In 1883, the University of Texas was given an additional one million acres of land, bringing the total to 2.1 million acres or approximately 1.3 percent of the total surface area of Texas.²

- Constitutional amendment increases the maximum amount that can be issued in bonds from 20% to 30% of the Fund's value. In addition, all existing institutions within the University of Texas and Texas A&M University systems were now eligible to benefit from the Fund’s bond proceeds.

- Constitutional amendment allows the Fund to issue bonds in an amount not to exceed 20% of the Fund’s value and also allows investment in corporate stocks and bonds.

- A constitutional amendment removes all restrictions on Fund investments. More flexible “prudent person” investment criteria begin to apply.

- Legislation is passed allowing the University of Texas Board or Regents to hire the independent University of Texas Investment Management Company to assume investment management responsibilities for the Fund.

**Fund Inception**

- The 1876 Texas State Constitution, Article 7 Section 11 established the Permanent University Fund. Through this Fund, the University of Texas was given approximately one million acres of land, along with the natural resources underneath, in compensation for the appropriation of some of the University’s existing lands, specifically its lands bordering railroads.²

- Legislation is passed allowing the University of Texas Board or Regents to hire the independent University of Texas Investment Management Company to assume investment management responsibilities for the Fund.

**Fund Objectives**

- The Permanent University Fund is a development and future generations savings fund promoting higher education in Texas.

- The Fund seeks to balance present and future needs of the 18 component institutions and six agencies belonging to the University of Texas and Texas A&M University.⁴ Specifically, it supports the universities’ debt issuance and education spending.⁵
Each box represents a regulatory standard essential for promoting consistent use of and safeguarding resource revenues. White boxes highlight regulatory gaps in fund governance.

**GOOD GOVERNANCE STANDARDS AND GAPS IN REGULATION**

**15/16**

Good Governance Standards Met

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**OPERATIONS**

- Objectives are Clear
- Rule for How Much Can be Withdrawn in Any Given Year
- Rule for Which Revenues Must be Deposited and When
- Exceptions to Rules are Clarified

**INVESTMENT**

- Use of Resource Revenues as Collateral
- Domestic Investment is Explicitly Prohibited*
- Investment Risk Limitations
- Publication of Specific Investments

**MANAGEMENT**

- Penalties for Misconduct by Fund Managers & Staff
- Ethical & Conflict of Interests Standards for Managers & Staff
- The Detailed Responsibilities of Fund Managers & Staff
- The Role of Government Agencies in Fund Management

**TRANSPARENCY AND OVERSIGHT**

- Public Disclosure of Independent External Audits
- Public Disclosure of Internal Audit Results
- Formalized Oversight Mechanism
- Public Disclosure of Regularly Compiled Fund Reports

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*Economically targeted investment in Texas is permitted (see page 8).
Fund Structure

- The Permanent University Fund is the resource wealth fund where the revenue from non-renewable resources belonging to the University of Texas are deposited. Other revenues from lands belonging to the University of Texas are not deposited into the Permanent University Fund.

- All funds from the Permanent University Fund that are distribution to the University of Texas and Texas A&M University systems must first pass through the Available University Fund. The Available University Fund is an account at the Texas State Treasury.

Fund Deposit Rules

Permanent University Fund:
- 100 percent of oil, gas and mineral revenues (primarily royalties) from University of Texas lands are deposited into the Fund each year. This includes income from investments.

Available University Fund:
- Each year, the University of Texas Board of Regents determines how much to transfer from the Permanent University Fund into the Available University Fund. For 2013, this is equal to 4.75 percent of the trailing 12-quarter average of the Permanent University Fund’s net value. This amount is raised to 5 percent if the average annual rate of return exceeds the benchmarks set by the University of Texas Investment Management Company by 0.25 percent or more.

- In addition to transfers from the Permanent University Fund, surface income from Permanent University Fund land goes directly to the Available University Fund, bypassing the Permanent University Fund. Surface income includes leases and revenue that is considered to be renewable, such as grazing fees.

Exceptions to Deposit Rules:
The annual deposit amount from the Permanent University Fund into the Available University Fund is subject to the following overriding conditions:

- The amount must be enough to pay the debt on Permanent University Fund bonds.
- There is no increase from the preceding year if it harms the Fund’s purchasing power over a rolling 10-year period.
- The amount cannot exceed 7 percent of the Fund’s average net fair market value in any fiscal year.
Operational Laws, Rules and Policies

Fund Withdrawal Rules

- All funds withdrawn from the Permanent University Fund must go to the Available University Fund.

- Withdrawals from the Available University Fund are divided as such:
  - Two-thirds to the University of Texas system
  - One-third to the Texas A&M University system

- Funds can only be withdrawn from the Available University Fund for two purposes:
  - To issue bonds in order to finance construction and renovation, major library acquisitions and the purchase of research and educational equipment. However, the University of Texas and Texas A&M University systems may only issue bonds up to 20 percent and 10 percent respectively of the Fund’s book value.
  - After debt payments, any residual funds from the Available University Fund may be spent on academic excellence programs, including scholarships and fellowships, student services, organized research, institutional support and library books.
Operational Laws, Rules and Policies

Flow of Funds

Permanent University Fund lands

Mineral and oil receipts

Surface income

Annual distribution of investment income equal to 4.75% – 5.0% of 12-quarter average of the Fund’s net value

Available University Fund

2/3 of funds

1/3 of funds

University of Texas system

Texas A&M University system
Investment Laws, Rules and Policies

Investment Authority
The University of Texas Board of Regents is the governing body for the University of Texas system. Members are appointed by the Governor of Texas. The Board of Regents contracts the University of Texas Investment Management Company to invest funds under the control and management of the University of Texas.\(^{12}\)

Investment Objectives
- In order to preserve the purchasing power of the Fund's assets and meet annual distribution obligations, the University of Texas Investment Management Company’s seeks to earn an average annual real return of 4.75 to 5.0 percent over a rolling ten-year period.\(^{13}\)
- The Permanent University Fund seeks to generate high returns in periods of low inflation in order to offset lower real returns when inflation rises.\(^{14}\)

Investment Strategy
The Fund’s investments are diversified using the following target asset allocation:\(^{15}\)
- 45 percent – developed country equity
- 20 percent – emerging markets equity
- 13.5 percent – natural resources (investments in resources such as energy, minerals, and livestock, either through direct ownership or indirectly through a security whose value is tied to the resource)
- 9.5 percent – investment grade fixed-income
- 6.5 percent – real estate
- 5.5 percent – fixed-income rated below investment grade

The Fund adheres to the following investment restrictions:\(^{16}\)
- No more than 5 percent of the market value of the Fund’s fixed income investments may be invested in any single bond issuer
- No more than 25 percent of the market value of the Fund’s equity investments may be invested in any one industry and no more than 5 percent may be invested in any single corporation
- No more than 7.5 percent of the combined market value of the Fund’s fixed income and equity investments may be invested in any single corporation
Policy on In-State Investments

Fund assets may invest in Texas through economically targeted investments. These are investments in which at least half of the investment is allocated to economic development in Texas or in local Texas businesses.¹⁸
The University of Texas System Board of Regents is appointed by the Governor.

The University of Texas system Board of Regents has ultimate responsibility for the Fund and approves any changes to investment and management policy.

An Audit Office performs internal audits of the University of Texas System.

The University of Texas Investment Management Company, headed by a Board of Directors, is responsible for day-to-day management of the Fund. The Board of Directors also appoints an Audit and Ethics Committee to oversee external audits. The Board consists of the Chancellor of the University of Texas system, three members from the University of Texas Board of Regents, three additional members appointed by the University of Texas Board of Regents and two members appointed by the Texas A&M University Board of Regents.

An external auditor reports to both the University of Texas Board of Regents and the University of Texas Investment Management Company's Audit and Ethics Committee.

The Texas State Auditor reports on the University of Texas Investment Management Company’s compliance with laws and regulations and publishes its findings.

The University of Texas Board of Regents releases annual reports to the Governor and the State Legislature regarding use of funds from the Available University Fund.
Oversight and Safeguards

Oversight Mechanisms

- The University of Texas Board of Regents, which has ultimate responsibility for the Permanent University Fund, monitors Fund activity to ensure the University of Texas Investment Management Company’s compliance with investment goals and policies.

- Arbitrary withdrawals from the Permanent University Fund are not allowed; all withdrawals must be approved by the University of Texas Board of Regents.

- A periodic review process of investment methodology is done by the University of Texas Investment Management Company’s Board of Directors, with any changes then needing approval by the University of Texas Board of Regents.

- The Boards of the University of Texas and Texas A&M University systems are required to publish reports on how funds from the Available University Fund are spent.

- Finances are subject to a regular and comprehensive internal audit by the University of Texas Auditing Office.

- Fund finances are subject to regular and independent external audits by an independent auditor and the Texas State Auditor that meet international standards.

Common Oversight Mechanisms or Safeguards Not Present in Texas

- There is little regular monitoring by citizens or civil society organizations.
## Transparency Laws, Rules and Policies

There is public disclosure of the following:

<table>
<thead>
<tr>
<th>Information</th>
<th>Disclosure</th>
</tr>
</thead>
<tbody>
<tr>
<td>When or how often Fund reports are published and made publicly available</td>
<td>yes</td>
</tr>
<tr>
<td>Which individuals or organizations are responsible for publishing Fund reports</td>
<td>yes</td>
</tr>
<tr>
<td>Size of the Fund(s)</td>
<td>yes</td>
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<tr>
<td>Deposit and withdrawal amounts</td>
<td>yes</td>
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<tr>
<td>Returns on investments</td>
<td>yes</td>
</tr>
<tr>
<td>Detailed asset allocation – geographic location</td>
<td>yes</td>
</tr>
<tr>
<td>Detailed asset allocation – asset class</td>
<td>yes</td>
</tr>
<tr>
<td>Detailed asset allocation – specific assets</td>
<td>yes</td>
</tr>
<tr>
<td>Natural resource prices and other fiscal assumptions used to calculate deposit and withdrawal amounts allowed under fiscal rules</td>
<td>yes</td>
</tr>
</tbody>
</table>
Annex:
List of Applicable Laws

Texas State Constitution Article 7, Section 11
http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.7.htm#7.11

Texas State Education Code Chapter 66: Permanent University Fund
http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.66.htm

Memorandum of Understanding for Investment Related Transactions and Accounting between the Comptroller of Public Accounts and University of Texas System: Permanent University Fund
http://www.utsystem.edu/cont/reports_publications/state_required_reports.htm

Vernon’s Texas Revised Civil Statutes Title 70, Chapter 9, Article 4413 (34e): State Trust Fund Periodic Reporting
http://www.statutes.legis.state.tx.us/Docs/CV/htm/CV.70.9.htm
Endnotes

10. Texas State Constitution Article 7 Section 18 (a) and (b). Available at: http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.7.htm
12. Texas State Education Code Chapter 66 Section 66.08. Available at: http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.66.htm