By Hale

H.B. No. 1657

A BILL TO BE ENTITLED

AN ACT

amending and reenacting Title 3, Texas Education Code, a nonsubstantive revision of the higher education laws of this state; repealing the statutes replaced by the code; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Title 3, Texas Education Code, is amended and reenacted to read as follows:

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TITLE 3. HIGHER EDUCATION

SUBTITLE A. HIGHER EDUCATION IN GENERAL

CHAPTER 51. PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION

SUBCHAPTER A. CONTROL OF FUNDS BY CERTAIN INSTITUTIONS

Sec. 51.001. INSTITUTIONS TO WHICH APPLICABLE. Subject to Section 51.008 of this code, the provisions of this subchapter apply to:

(1) each institution and branch of The University of Texas System;

(2) each institution, agency, and service of The Texas A & M University System;

(3) Texas A & I University;

(4) Texas Tech University;

(5) East Texas State University;

(6) North Texas State University;

(7) Sam Houston State University;

(8) Stephen F. Austin State University;

(9) Southwest Texas State University;

(10) Sul Ross State University;

(11) West Texas State University; and

(12) each public junior college to the extent possible.

(V.A.C.S. Art. 2654d, Sec. 1 (part), 1a.)

Sec. 51.002. FUNDS SUBJECT TO CONTROL. (a) The governing board of each institution listed in Section 51.001 of this code may retain control of the following sums of money collected at the institution, subject to Section 51.008 of this code.

(1) student fees of all kinds;

(2) charges for use of rooms and dormitories;

(3) receipts from meals, cafes, and cafeterias;

(4) fees on deposit refundable to students under certain conditions;

(5) receipts from school athletic activities;

(6) income from student publications and other student activities;

(7) receipts from the sale of publication products and miscellaneous supplies and equipment;

(8) students' voluntary deposits of money for safe-keeping;

(9) all other fees and local institutional income of a strictly local nature arising out of and by virtue of the educational activities, research, or demonstrations carried on by the institution; and

(10) donations and gifts to the institution.

(b) The provisions of this subchapter do not apply to any income derived from the permanent university fund. (V.A.C.S. Art. 2654d, Sec. 1 (part), 5 (part), 6.)

Sec. 51.003. DEPOSITORIES. (a) The governing board of each institution may select depository banks as places of deposit for the funds enumerated in Section 51.002 of this code.

(b) The funds shall be deposited in the depository bank or banks within seven days from the date of collection.

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(c) The governing board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time it deems the deposits inadequately secured. The depository banks selected may pledge their securities to protect the funds.

(d) A depository shall pay interest on the deposits at a rate agreed on by the depository and the governing board.

(e) Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office. Venue for a suit to recover an amount claimed by the state to be due on a surety bond is in Travis County. (V.A.C.S. Art. 2654d, Sec. 2.)

Sec. 51.004. SEPARATE ACCOUNTS; TRUST FUNDS; INTEREST. (a) Separate accounts shall be kept on the books of the institution showing the sources of all sums collected and the purposes for which disbursements are made.

(b) All trust funds, including gifts, grants, and bequests received, establishing or adding to endowment funds, loan and scholarship funds, and funds for other current restricted purposes, shall be credited to separate accounts and shall not be commingled with the general income from student fees or other institutional income.

(c) If the governing board so elects, deposits of all funds not specifically required to be deposited to special accounts may be deposited in a single bank account if the records of the institution clearly reflect the balances attributable to general funds and various categories of trust funds.

(d) Interest received from depository banks for funds on deposit may be credited to an appropriate account in either general funds or trust funds in relation to the sources of temporary investments in time deposits, if the disposition of the earnings was not specified by the grantor. Interest received from the trust funds time deposits shall be available for loans, scholarships, fellowships, institutional research, faculty aid, and other lawful purposes. (V.A.C.S. Art. 2654d, Sec. 3.)

Sec. 51.005. REPORTS. (a) True and full accounts shall be kept by the governing board and by the employees of the institution of all funds collected from all sources and of all sums paid out and the persons to whom and the purposes for which the sums are paid; and the governing board shall biennially, or more often if the board so orders, print a complete report of all the sums collected, all expenditures, and all sums remaining on hand.

(b) The report shall be printed in even-numbered years between September 1 and January 1. It shall show the true condition of all funds as of the August 31 preceding as well as the collections and expenditures for the preceding two years.

(c) The governing board shall furnish copies of the report to the governor, state treasurer, comptroller of public accounts, state auditor, and attorney general. At least three copies of the report shall be furnished to the State Board of Control. Each member of the House Appropriations Committee, the Senate Finance Committee, and the house and senate committees on education of

each regular session of the legislature shall be furnished a copy of the report within a week after the selection of each committee. (V.A.C.S. Art. 2654d, Sec. 4.)

Sec. 51.006. FUNDS NOT TO BE USED TO INCREASE SALARIES. No part of any of the funds listed in Section 51.002 of this code shall ever be used to increase any salary beyond the sum fixed by the legislature in the general appropriations act, and the provisions of this subchapter are subordinate to the general appropriations act for the support of each institution. (V.A.C.S. Art. 2654d, Sec. 8a.)

Sec. 51.007. PENALTY. Any state officer, agent, employee, or member of a governing board of any of the above named institutions, or any other person who violates any provision of this subchapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $50 nor more than $500, and in addition may be sentenced to not less than 15 days nor more than three months in the county jail. Failure to print and furnish to the officers above named, the reports above specified, shall subject all of the members of the governing board of the institutions above mentioned to the penalties provided for in this section. Every day in excess of the number of days hereinabove provided for that any sum of money belonging to any of the funds enumerated in this subchapter, whether depositable in special depositories or whether those that should be deposited in the state treasury, shall be withheld from deposit at its proper place of deposit, shall constitute a separate offense and each day of such withholding shall subject the officer, agent, employee, or person so withholding said sum to the penalties herein provided for. (V.A.P.C. Art. 419b.)

Sec. 51.008. CERTAIN RECEIPTS TO BE DEPOSITED IN STATE TREASURY. (a) The governing board of every state institution of higher education is directed to designate special depository banks, subject to the approval of the state treasurer, for the purpose of receiving and keeping certain receipts of the institution separate and apart from funds now deposited in the state treasury. The receipts here referred to are described in Subsection (b) of this section. The state treasurer is directed to deposit the receipts, or funds representing such receipts, enumerated herein, in the special depository bank or banks nearest the institution credited with the receipts, so far as is practicable, and is authorized to withdraw such funds on drafts or checks prescribed by the state treasurer. The state treasurer is authorized to promulgate rules and regulations to require collateral security for the protection of such funds pursuant to the provisions of Articles 2529 and 2530, Revised Civil Statutes of Texas, 1925, as amended. For the purpose of facilitating the clearance and collection of the receipts herein enumerated, the state treasurer is hereby authorized to deposit such receipts in any state depository bank and transfer funds representing such receipts enumerated herein to the respective special depository banks. Banks so designated as special depository banks are hereby authorized to pledge their securities to protect such funds.

(b) The governing board of every state institution of higher education shall deposit in the state treasury all cash receipts accruing to any college or university under its control that may be derived from all sources except auxiliary enterprises, non-instructional services, agency and restricted funds, endowment funds, student loan funds, and Constitutional College Building Amendment funds. The state treasurer is directed to credit such receipts deposited by each such institution to a separate fund account for the institution depositing the receipts, but he shall not be required to keep separate accounts of types of funds deposited by each institution. For the purpose of facilitating the transferring of such institutional receipts to the state treasury, each institution shall open in a local depository bank a clearing account to which it shall deposit daily all such receipts, and shall, not less often than every seven days, make remittances therefrom to the state treasurer of all except $500 of the total balance in said clearing account, such remittances to be in the form of checks drawn on the clearing account, such remittances to be in the form of checks drawn on the clearing account by the duly authorized officers of the institution, and no disbursements other than remittances to the state treasury shall be made from such clearing account. All money so deposited in the state treasury shall be paid out on warrants drawn by the comptroller of public accounts as provided by law.

(c) The legislature is authorized to create revolving funds for the handling of funds of institutions of higher education, as enumerated herein, by making provision in each biennial appropriation bill enacted by the legislature.

(d) Nothing in this section affects the provisions of Title 47, Revised Civil Statutes of Texas, 1925, usually referred to as the State Depository Law. However, the limitation of deposits contained in Article 2532, Revised Civil Statutes of Texas, 1925, as amended, shall not apply insofar as the specific funds enumerated in this section are concerned.

(e) This section prevails over Sections 51.001-51.007 of this code to the extent of any conflict. (V.A.C.S. Art. 2543c.)

[Sections 51.009-51.050 reserved for expansion]

SUBCHAPTER B. GENERAL PROPERTY DEPOSITS: INVESTMENT AND USES

Sec. 51.051. INVESTMENT OF GENERAL PROPERTY DEPOSITS. The governing board of each institution of higher education may invest in United States government securities or may place on time deposit with a bank located in the state not more than 85 percent of the funds received as general property deposits authorized in Section 54.502 of this code. If the funds are placed on time deposit, they shall be secured by United States government securities. (V.A.C.S. Art. 2654d-1, Sec. 1.)

Sec. 51.052. STUDENT DEPOSIT FUND; COMPOSITION AND USES. (a) The student deposit fund consists of the income from the investment or time deposits of general property deposits and of

forfeited general property deposits. Any general property deposit which remains without call for refund for a period of four years from the date of last attendance of the student making the deposit shall be forfeited and become a part of the student deposit fund. Nothing in this section shall be construed to prohibit refund of any balance remaining in a general property deposit when made on proper demand and within the four-year limitation period. The board may require that no student withdraw his deposit until he has been graduated or has apparently withdrawn from school.

(b) The student deposit fund shall be used, at the discretion of the board, either for the purpose of making scholarship awards to needy and deserving students or for the support of a general student union program, or for both purposes. The board shall administer the scholarship awards for the institution, including the selection of recipients and the amounts and conditions of the awards. The recipients of the scholarships must be residents of the state as defined for tuition purposes. Any use of the funds for the support of student union programs shall be approved as to amount and purpose by the board. The student deposit funds for The University of Texas at Austin, Texas A & M University, and Texas Tech University shall be available for scholarship purposes only. Direct expenses for the administration of the funds shall be paid from the funds. (V.A.C.S. Art. 2654d-1, Sec. 2, 3.)

[Sections 51.053-51.100 reserved for expansion]

SUBCHAPTER C. FACULTY DEVELOPMENT LEAVES OF ABSENCE

Sec. 51.101. DEFINITIONS. In this subchapter:

(1) "Institution of higher education" has the meaning assigned to it in Section 61.003 of this code, except that Texas State Technical Institute is included and the Rodent and Predatory Animal Control Service is excluded for the purposes of this subchapter.

(2) "Governing board" means the body charged with policy direction of an institution of higher education.

(3) "Faculty member" means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services. However, the term does not include a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system. (V.A.C.S. Art. 2647c-2, Sec. 2.)

Sec. 51.102. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that higher education is vitally important to the welfare, if not the survival, of Texas and the United States at this stage in history and that the quality of higher education is dependent upon the quality of college and university faculties. The legislature finds, therefore, that money spent on recognized means for producing an excellent system of public higher education

is money spent to serve a public purpose of great importance. The legislature finds further that a sound program of faculty development leaves of absence designed to enable the faculty member to engage in study, research, writing, and similar projects for the purpose of adding to the knowledge available to himself, his students, his institution, and society generally is a well-recognized means for improving a state's program of public higher education. The legislature's purpose in establishing the faculty development leave program provided for by this subchapter is to improve further the higher education available to the youth at the state-supported colleges and universities and to establish this program of faculty development leaves as part of the plan of compensation for the faculty of these colleges and universities. (V.A.C.S. Art. 2647c-2, Sec. 1.)

Sec. 51.103. GRANTING LEAVES OF ABSENCE; PROCEDURES. (a) On the application of a faculty member, the governing board of an institution of higher education may grant a faculty development leave of absence for study, research, writing, field observations, or other suitable purpose, to a faculty member if it finds that he is eligible by reason of service, that the purpose for which he seeks a faculty development leave is one for which a faculty development leave may be granted, and that granting leave to him will not place on faculty development leave a greater number of faculty members than that authorized.

(b) The governing board by regulation shall establish a procedure whereby the applications for faculty development leaves of absence are received by a committee elected by the general faculty for evaluation and whereby this faculty committee then makes recommendations to the chief administrative officer of the institution of higher education, who shall then make recommendations to the governing board as to which applications should be granted. (V.A.C.S. Art. 2647c-2, Sec. 3.)

Sec. 51.104. SERVICE REQUIRED. A faculty member is eligible by reason of service to be considered for a faculty development leave when he has served as a member of the faculty of the same institution of higher education for at least two consecutive academic years. This service may be as an instructor or as an assistant, associate, or full professor, or an equivalent rank, and must be full-time academic duty but need not include teaching. (V.A.C.S. Art. 2647c-2, Sec. 4.)

Sec. 51.105. DURATION AND COMPENSATION. (a) The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made from the funds appropriated for teaching or instructional salaries, or from other funds available to the institutions for this purpose.

(b) A faculty member on faculty development leave may accept a grant for study, research, or travel from any institution of higher education or from a charitable, religious, or educational

corporation or foundation, or from any federal, state, or local governmental agency. A faculty member on faculty development leave may not accept employment from any other person, corporation, or government, unless the governing board determines that it would be in the public interest to do so and expressly approves the employment. (V.A.C.S. Art. 2647c-2, Sec. 5.)

Sec. 51.106. NUMBER ON LEAVE AT ONE TIME. Not more than six percent of the faculty members of any institution of higher education may be on faculty development leave at any one time. (V.A.C.S. Art. 2647c-2, Sec. 6.)

Sec. 51.107. RIGHTS RETAINED. (a) A faculty member on faculty development leave shall continue to be a member of the Teacher Retirement System of Texas or of the Optional Retirement Program of the institution of higher education, or of both, just as any other member of the faculty on full-time duty.

(b) The institution of higher education shall cause to be deducted from the compensation paid to a member of the faculty on faculty development leave the deposit and membership dues required to be paid by him to the Teacher Retirement System of Texas or to the Optional Retirement Program, or both, the contribution for Old Age and Survivors Insurance, and any other amounts required or authorized to be deducted from the compensation paid any faculty member.

(c) A member of the faculty on faculty development leave is a faculty member for purposes of participating in the programs and of receiving the benefits made available by or through the institution of higher education or the state to faculty members. (V.A.C.S. Art. 2647c-2, Sec. 7.)

[Sections 51.108-51.150 reserved for expansion]

SUBCHAPTER D. INFORMATION NETWORK ASSOCIATIONS

Sec. 51.151. DEFINITIONS. In this subchapter:

(1) "Association" means the Western Information Network Association or any other regional network association created and named by the Coordinating Board, Texas College and University System.

(2) "Member" means one of the institutions of higher education which compose an association.

(3) "Associate member" means an organization other than an institution of higher education admitted to associate membership in an association.

(4) "Board" means the board of directors of an association.

(5) "Director" means a member of a board. (V.A.C.S. Art. 2919e-3, Sec. 2.)

Sec. 51.152. PURPOSE. The purpose of this subchapter is to promote the educational programs of state-supported institutions of higher education in Texas by authorizing the establishment and operation of a cooperative system for communication and information retrieval and transfer between the institutions and between

the institutions and private educational institutions, industry, and the public. The system, employing two-way, closed-circuit television and other electronic communication facilities, is to provide a means of effecting the interchange of ideas, talents, faculties, libraries, and data processing equipment and a means of carrying out an approved program of instructional television. (V.A.C.S. Art. 2919e-3, Sec. 1.)

Sec. 51.153. WESTERN INFORMATION NETWORK ASSOCIATION. (a) The Western Information Network Association is an agency of the state composed of the following state-supported member institutions of higher education: Amarillo College, Angelo State University, Clarendon Junior College, Frank Phillips College, Howard County Junior College, Midwestern University, Odessa College, South Plains College, Sul Ross State University, Texas Tech University, The University of Texas at El Paso, and West Texas State University.

(b) The board by a majority vote may admit other state-supported institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(c) The board by unanimous vote may admit private institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(d) The board by unanimous vote may admit other organizations to associate membership in the association. (V.A.C.S. Art. 2919e-3, Sec. 3.)

Sec. 51.154. BOARD OF DIRECTORS. The association is governed by a board of directors. The chief administrative officer, or a person designated by the chief administrative officer, of each institution of higher education holding membership in the association shall serve as a director of the board. Service on the board is an additional duty of employment of the chief administrative officers or the persons designated by the chief administrative officers of state-supported institutions and is not an additional position of honor, trust, or profit. The legislature finds that this service is necessary in accomplishing the purpose of this subchapter; is compatible with their employment; and will benefit the educational program of the institution and of the state. (V.A.C.S. Art. 2919e-3, Sec. 4.)

Sec. 51.155. DIRECTOR'S EXPENSES. A director is entitled to receive reimbursement for actual expenses incurred in attending meetings of the board and in attending to the business of the association which is authorized by a resolution of the board. (V.A.C.S. Art. 2919e-3, Sec. 5.)

Sec. 51.156. MEETINGS OF THE BOARD; QUORUM; ACTION BY BOARD. (a) The board shall hold a meeting at least once each quarter and may hold meetings at other times at the call of the chairman of the board or at the request of a majority of the other directors.

(b) A majority of the membership of the board constitutes a quorum at a meeting of the board.

(c) Action may be taken by the board by the affirmative vote of the majority of the directors present at a meeting at which a quorum is present. (V.A.C.S. Art. 2919e-3, Sec. 6.)

Sec. 51.157. CHAIRMAN, VICE CHAIRMAN. The board shall select a director to serve as chairman and a director to serve as vice chairman of the board. The chairman shall preside at meetings of the board. If the chairman is not present, or is unable to act, the vice chairman shall preside at the meeting. (V.A.C.S. Art. 2919e-3, Sec. 7.)

Sec. 51.158. GENERAL MANAGER, EMPLOYEES. The board may employ a general manager who shall serve as the chief executive officer of the association. The board may employ other employees it considers necessary in carrying on the association's duties and functions. (V.A.C.S. Art. 2919e-3, Sec. 8.)

Sec. 51.159. DELEGATION OF AUTHORITY. The board may delegate any of the powers, duties, or functions of the association to the general manager or to any other employee. (V.A.C.S. Art. 2919e-3, Sec. 9.)

Sec. 51.160. BOND OF OFFICER, AGENT, OR EMPLOYEE. (a) The general manager and every agent or employee of the association charged with the collection, custody, or payment of any money of the association shall execute a bond conditioned on the faithful performance of his duties.

(b) The board shall approve the form, amount, and surety of the bond.

(c) The surety may be a surety company authorized to do business in this state.

(d) The association shall pay the premium on the bond. (V.A.C.S. Art. 2919e-3, Sec. 10.)

Sec. 51.161. POWERS AND DUTIES OF ASSOCIATION. (a) The association may acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, a multichannel, two-way communications system, including closed-circuit television, linking classrooms, libraries, computer facilities, information retrieval systems, and communications facilities located at the member institutions.

(b) The association may lease, acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, any facilities in addition to those described in Subsection (a) of this section, which the board considers necessary or desirable in carrying out the purposes of this subchapter.

(c) The association is authorized to lease, as lessor or lessee, acquire, operate, maintain, and equip a dormitory or dormitories located on or near the campus of any member institution of the association that is a state-supported institution of higher education, and to issue its revenue bonds therefor as provided in this subchapter.

(d) The association may interchange educational information with private educational institutions, school districts, the United States government, and other parties engaged in education or participating in educational projects, and use the facilities of the association only in the exchange, retrieval, and transfer of information and the interchange of approval course offering and instruction between member-institutions and other parties engaged in education or participating in educational projects. Any dormitories leased, acquired, operated, and maintained by the association shall not be subject to the use limitation of this subsection that applies to all other facilities of the association. (V.A.C.S. Art. 2919e-3, Sec. 11.)

Sec. 51.162. GIFTS AND GRANTS. The association may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation. It may accept grants from the United States government subject to the limitations or conditions provided by law. (V.A.C.S. Art. 2919e-3, Sec. 12.)

Sec. 51.163. INFORMATION NETWORK ASSOCIATION FUND. The Information Network Association Fund is a special fund in the state treasury. All money deposited in the treasury by the Western Information Network Association or any other regional network association created by the Coordinating Board, Texas College and University System, shall be credited to the special fund and disbursed as provided by legislative appropriation. (V.A.C.S. Art. 2919e-3, Sec. 13.)

Sec. 51.164. RULES AND REGULATIONS. The association shall adopt and publish rules to govern the conduct of its business. (V.A.C.S. Art. 2919e-3, Sec. 14.)

Sec. 51.165. PRINCIPAL OFFICE. The board for Western Information Network Association shall maintain its principal office in Lubbock, at or near Texas Tech University. The boards for other regional information network associations created by the Coordinating Board, Texas College and University System, shall maintain their principal offices at locations designated by the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2919e-3, Sec. 15.)

Sec. 51.166. FACILITIES. Each member institution shall furnish suitable space to the association for a classroom-studio, a lecture studio, and a control room. It may also furnish any additional physical plant facility needed by the association in carrying on its functions at the institution. The facilities may with the approval of the association board and the governing body of the state-supported member institutions be located in a dormitory owned and operated by the association. (V.A.C.S. Art. 2919e-3, Sec. 16.)

Sec. 51.167. DESIGNATION OF REGIONS FOR ADDITIONAL ASSOCIATIONS. (a) In addition to the Western Information Network

Association, the Coordinating Board, Texas College and University System, shall at such times as the board shall determine, divide the state into information network association regions consisting of state-supported institutions of higher education located within geographical boundaries prescribed by the coordinating board.

(b) The coordinating board shall give due consideration to the geographical proximity and number of institutions of higher education to be included within a proposed region. (V.A.C.S. Art. 2919e-3, Sec. 17.)

Sec. 51.168. CREATION OF ADDITIONAL ASSOCIATIONS. (a) The coordinating board shall create and name an information network association within an information network region if:

(1) a majority of the institutions of higher education within a region apply to create an association; and

(2) the institutions applying show good cause for creating an association.

(b) The coordinating board may not create more than one information network association in an information network region.

(c) Each information network association created is an agency of the state. (V.A.C.S. Art. 2919e-3, Sec. 18.)

Sec. 51.169. PROVISIONS APPLICABLE TO ADDITIONAL ASSOCIATIONS. Except for Subsection (a), Section 51.153 of this code, the provisions of this subchapter apply to any additional information network association created by the coordinating board. (V.A.C.S. Art. 2919e-3, Sec. 19.)

Sec. 51.170. REVENUE BONDS. (a) The board may issue its revenue bonds for the purpose of providing funds to lease, as lessor or lessee, acquire, purchase, construct, improve, enlarge, or equip any property, buildings, structures, or other facilities, including but not limited to dormitories, for and on behalf of the association.

(b) The bonds shall be payable from and secured by liens on and pledges of all or any part of the revenues from any lease rentals, rentals, charges, fees, or other resources of the board or association.

(c) The bonds may be issued to mature serially or otherwise within not more than 40 years from their date. The board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under the terms and conditions set forth in the resolution authorizing the issuance of the bonds.

(d) The bonds, and any interest coupons appertaining to them, are negotiable instruments. The bonds may be issued registrable as to principal alone or as to both principal and interest. They shall be executed, and may be made redeemable prior to maturity, may be issued in the form, denominations, and manner, and under the terms, conditions, and details, may be sold in the manner, at the price, and under the terms, and shall bear interest at the rate or rates, as is determined and provided by the board in the resolution authorizing the issuance of the bonds.

(e) Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition

or construction of any facilities to be provided through the issuance of the bonds and for providing a reserve for the payment of the principal of and interest on the bonds. The proceeds may be placed on time deposit or invested until needed to the extent and in the manner provided in the bond resolution.

(f) The board shall fix and collect lease rentals, rentals, rates, charges, and fees, or any combination of them, from students or others for the occupancy, use, or availability of all or any of its property, buildings, structures, or other facilities in amounts which will be sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with any bonds issued under this section, and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the issuance of the bonds and for the payment of operation, maintenance, and other expenses in connection with the property, buildings, structures, or facilities.

(g) Fees for the use or availability of all or any property, buildings, structures, or facilities may be pledged to the payment of the bonds, and shall be fixed and collected in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds. The board may pledge to the payment of the bonds all or any part of any resources of the board or association to the extent that the resources are permitted to be pledged to the payment of the revenue bonds. Each board may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. (V.A.C.S. Art. 2919e-3, Sec. 20.)

Sec. 51.171. REVENUE REFUNDING BONDS. Any revenue bonds issued by the board under this subchapter may be refunded, and in that case all pertinent and appropriate provisions of this subchapter are applicable to the refunding bonds. In refunding any of the bonds the board may, in the same authorizing proceedings, refund bonds issued under this subchapter and may combine all the refunding bonds with any other additional new bonds to be issued under this subchapter into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under terms and conditions set forth in the authorizing proceedings. (V.A.C.S. Art. 2919e-3, Sec. 21.)

Sec. 51.172. APPROVAL OF BONDS; REGISTRATION. All bonds issued under this subchapter shall be submitted to the attorney general for examination. If he finds that the bonds have been authorized in accordance with law, he shall approve them, and thereupon they shall be registered by the comptroller of public accounts. After the approval and registration the bonds are incontestable for any reason and are valid and binding obligations in accordance with their terms for all purposes. If the bonds recite that they are secured partially or otherwise by a

pledge of the proceeds of a contract or lease made between the board and another party or parties, public agencies, or otherwise, a copy of the contract or lease and of the proceedings authorizing it may or may not be submitted to the attorney general along with the bond records. If submitted, then the approval by the attorney general of the bonds shall constitute an approval of the contract or lease, and thereafter the contract or lease shall be incontestable. (V.A.C.S. Art. 2919e-3, Sec. 22.)

Sec. 51.173. BONDS AS LEGAL INVESTMENTS. All bonds issued under this subchapter are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. The bonds are eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of the bonds, when accompanied by any unmatured interest coupons appurtenant to them. (V.A.C.S. Art. 2919e-3, Sec. 23.)

[Sections 51.174-51.200 reserved for expansion]

SUBCHAPTER E. PROTECTION OF BUILDINGS AND GROUNDS

Sec. 51.201. APPLICABILITY OF CRIMINAL LAWS. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state. (V.A.C.S. Art. 2919j, Sec. 1.)

Sec. 51.202. RULES AND REGULATIONS; PENALTY. (a) The governing board of each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

(1) limiting the rate of speed;

(2) assigning parking spaces and designating parking areas and their use and assessing a charge for parking;

(3) prohibiting parking as it deems necessary;

(4) removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and

(5) instituting a system of registration for vehicle identification, including a reasonable charge.

(b) A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than $200. (V.A.C.S. Art. 2919j, Sec. 2.)

Sec. 51.203. CAMPUS SECURITY PERSONNEL. The governing boards of each state institution of higher education may employ campus security personnel for the purpose of carrying out the provisions of this subchapter and may commission them as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the institution of higher education or otherwise in the performance of his duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of $1,000, payable to the governor and his successors in office, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be required of him by law. The bond may be sued on from time to time in the name of any person injured until the whole amount of the bond is recovered. (V.A.C.S. Art. 2919j, Sec. 3.)

Sec. 51.204. TRESPASS, DAMAGE, ETC. It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (V.A.C.S. Art. 2919j, Sec. 4.)

Sec. 51.205. PARKING; BLOCKING OR IMPEDING TRAFFIC. It is unlawful for any person to park a vehicle on any property under the control and jurisdiction of a state institution of higher education of this state except in the manner designated by the institution and in the spaces marked and designated by the governing board, or to block or impede traffic through any driveway of that property. All laws regulating traffic on highways and streets apply to the operation of vehicles within the property of the institution, except as may be modified in this subchapter. (V.A.C.S. Art. 2919j, Sec. 5.)

Sec. 51.206. PARKING AND TRAFFIC TICKETS; SUMMONS; ARREST WARRANTS. In connection with traffic and parking violations, only the officers authorized to enforce the provisions of this subchapter have the authority to issue and use traffic tickets and summons of the type used by the Texas Highway Patrol, with any changes that are necessitated by reason of this subchapter. On the issuance of any parking or traffic ticket or summons, the same procedures shall be followed as prevail in connection with the use of parking and traffic violation tickets by the cities of this state and the Texas Highway Patrol. Nothing in this subchapter restricts the application and use of regular arrest warrants. (V.A.C.S. Art. 2919j, Sec. 6.)

Sec. 51.207. VEHICLE IDENTIFICATION INSIGNIA. Each institution may provide for the issuance and use of suitable vehicle identification insignia. The institution may bar or suspend the permit of any vehicle from driving or parking on any institutional property for the violation of any rule or regulation promulgated by the board as well as for any violation of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed. (V.A.C.S. Art. 2919j, Sec. 7.)

Sec. 51.208. COURTS HAVING JURISDICTION. The judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of a state institution of higher education is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of $200. (V.A.C.S. Art. 2919j, Sec. 8.)

Sec. 51.209. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property. (V.A.C.S. Art. 2919j, Sec. 9.)

Sec. 51.210. ENFORCEMENT OF RULES AND REGULATIONS. Notwithstanding any of the provisions of this subchapter, all officers commissioned by the governing board of a state institution of higher education may be empowered by the board to enforce rules and regulations promulgated by the board. Nothing in this subchapter is intended to limit or restrict the authority of each institution to promulgate and enforce appropriate rules and regulations for the orderly conduct of the institution in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. (V.A.C.S. Art. 2919j, Sec. 10.)

Sec. 51.211. CUMULATIVE EFFECT. The provisions of this subchapter are cumulative of all other laws. (V.A.C.S. Art. 2919j, Sec. 12.)

Sec. 51.212. SECURITY OFFICERS AT PRIVATE INSTITUTIONS. (a) The governing boards of private institutions of higher education, including private junior colleges, are authorized to employ and commission campus security personnel for the purpose of enforcing the law of this state on the campuses of private institutions of higher education. Any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the respective private institution of higher education or otherwise in the performance

of his assigned duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of $1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform the duties as may be required of him by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

(b) The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis law-enforcement officers commissioned by an incorporated city. The officers shall be under the supervision of the hiring institution, but shall be subject to dismissal and disciplinary action by the city. An incorporated city is authorized to contract with a private institution of higher education for the use and employment of its commissioned officers in any manner agreed to, provided that there is no expense incurred by the city. (V.A.C.S. Art. 5891A-1.)

[Sections 51.213-51.300 reserved for expansion]

SUBCHAPTER F. REQUIRED AND ELECTIVE COURSES

Sec. 51.301. GOVERNMENT OR POLITICAL SCIENCE. Every college and university receiving state support or state aid from public funds shall give a course of instruction in government or political science which includes consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas. This course shall have a credit value of not less than six semester hours or its equivalent. No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person unless he has credit for such a course. The college or university may determine that a student has satisfied this requirement in whole or in part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by the student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours. (V.A.C.S. Art. 2663b-1, Sec. 2.)

Sec. 51.302. AMERICAN OR TEXAS HISTORY. No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person unless he has credit for six semester hours or its equivalent in American History. A student is entitled to submit as much as three semester hours of credit or

its equivalent in Texas History in partial satisfaction of this requirement. The college or university may determine that a student has satisfied this requirement in whole or part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university, or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by a student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours. (V.A.C.S. Art. 2663b-2, Sec. 1.)

Sec. 51.303. ELECTIVE COURSES IN DACTYLOLOGY. (a) In this section, "dactylology" means the art of communicating ideas by signs made with the fingers, as in the manual alphabets of deaf-mutes.

(b) Any state college or university offering a fully accredited program for teachers of the deaf may offer a three-hour elective course in dactylology. (V.A.C.S. Art. 2647c-1.)

Sec. 51.304. COURSES IN MILITARY AND NAVAL TRAINING. (a) The governing board of any state-supported institution of higher education may request the United States Department of Defense to establish and maintain courses in military and naval training qualifying men student graduates of the courses for reserve commission awards as a part of its curriculum. The board may enter into mutually agreeable contracts for that purpose. The work of the students enrolling in the courses may be credited toward degree requirements under regulations prescribed by the board. (V.A.C.S. Art. 2919e-1.)

[Sections 51.305-51.350 reserved for expansion]

SUBCHAPTER G. OPTIONAL RETIREMENT SYSTEM

Sec. 51.351. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that higher education is vitally important to the welfare, if not the survival, of Texas and the United States at this stage in history and that the quality of higher education is dependent upon the quality of college and university faculties. The legislature finds, therefore, that money spent on recognized means for producing an excellent system of public higher education is money spent to serve a public purpose of great importance. The legislature finds further that a sound faculty retirement program that provides full and complete retirement benefits to teachers and administrators who have given faithful service to state-supported institutions of higher education is a well-recognized means for improving a state's program of public higher education. The legislature's purpose in establishing the retirement program provided for by this subchapter is to improve further

the higher education available to the youth at the state-supported colleges and universities and to establish this retirement program as part of the plan of compensation for the faculty of these colleges and universities. (V.A.C.S. Art. 2922-11, Sec. 1.)

Sec. 51.352. DEFINITIONS. In this subchapter:

(1) "State Board of Trustees" means the State Board of Trustees of the Teachers Retirement System of Texas.

(2) "Retirement system" means the Teachers Retirement System of Texas.

(3) "Institution of higher education" has the same meaning as is assigned to it in Section 61.003 of this code, except that for the purposes of this subchapter, the Coordinating Board, Texas College and University System, and Texas State Technical Institute are included within, and the Rodent and Predatory Animal Control Service is excluded from, the meaning of the term.

(4) "Faculty member" means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services, but does not mean a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system.

(5) "Governing board" means the body charged with policy direction of an institution of higher education.

(6) "Optional retirement program" means the program under this subchapter to provide fixed or variable retirement annuities, including retirement unit annuity certificates of participation for faculty members. (V.A.C.S. Art. 2922-11, Sec. 2.)

Sec. 51.353. ESTABLISHMENT; PARTICIPATION. (a) There is hereby established an optional retirement program. Participation in the optional retirement program is in lieu of active membership in the retirement system. The governing boards of all institutions of higher education shall make available to all faculty members in their component institutions, agencies, and units the optional retirement program, which shall provide for the vesting of benefits after one year of participation.

(b) All faculty members are eligible to participate in the optional retirement program, subject to such rules as may be prescribed by the governing board of the institution of higher education at which they are employed. (V.A.C.S. Art. 2922-11, Sec. 3.)

Sec. 51.354. ADMINISTRATION. In administering the optional retirement program a governing board may provide for the purchase of annuity contracts from any insurance or annuity company qualified and admitted to do business in this state. Any life insurance or annuity company qualified and admitted to do business in this state shall be exempt from the payment of all franchise or premium taxes as to all annuity or group insurance

CHAPTER 52. STUDENT LOAN PROGRAM

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CHAPTER 52. STUDENT LOAN PROGRAM
SUBCHAPTER A. ADMINISTRATION

Sec. 52.01. ADMINISTRATION. The Coordinating Board, Texas College and University System, or its successors, shall administer the student loan program authorized by this chapter pursuant to Article III, Section 50b, of the Texas Constitution. Personnel and other expenses required to properly administer this chapter shall be provided in the general appropriations acts. (V.A.C.S. Art. 2654g, Art. I, Sec. 1.)

Sec. 52.02. DELEGATION OF POWERS AND DUTIES. The board may delegate to the commissioner of higher education the powers, duties, and functions authorized by this chapter, except those relating to the sale of bonds and the letting of contracts for insurance. (V.A.C.S. Art. 2654g, Art. I, Sec. 2.)

[Sections 52.03-52.10 reserved for expansion]

SUBCHAPTER B. BONDS

Sec. 52.11. ISSUANCE OF BONDS. (a) The board may from time to time provide by resolution for the issuance of negotiable bonds in a total aggregate amount not exceeding $285 million.

(b) All bonds shall be on a parity and shall be called the Texas College Student Loan Bonds.

(c) The proceeds from the sale of bonds shall be placed in the Texas Opportunity Plan Fund.

(d) To assure the orderly and economical marketing of the bonds and the reasonable availability of money in the Texas Opportunity Plan Fund, the bonds may be issued in installments.

(e) The bonds of each issue shall be dated and shall bear interest at rates prescribed by the board, subject to the limitations imposed by law. At the option of the board, the interest may be payable annually or semiannually.

(f) The bonds shall mature serially or otherwise not later than 40 years from their date and may be redeemable before maturity, at the option of the board, at a price or prices and under terms and conditions fixed by the board in the resolution providing for the issuance of the bonds.

(g) The board shall determine the form of the bonds, including the form of any interest coupon to be attached to the bonds, and shall fix the denomination or denominations of the bonds and the place or places for the payment of the principal and interest.

(h) The bonds shall be executed on behalf of the coordinating board, or its successor, as general obligations of the State of Texas in the following manner: They shall be signed by the chairman or vice chairman and the secretary of the board, and the seal of the board shall be impressed on them. They shall be signed by the governor and attested by the secretary of state and the seal of the state impressed on them. The resolution authorizing the issuance of any installment or series of bonds may prescribe the extent to which facsimile signatures and facsimile

seals may be used in executing the bonds and appurtenant coupons. Interest coupons may be signed with the facsimile signatures of the chairman or vice chairman and the secretary of the board. In the event any officer whose manual or facsimile signature appears on any bond or coupon ceases to hold that office before the delivery of the bond or coupon, the signature will nevertheless be valid and sufficient for all purposes as if he had remained in office until the delivery had been made.

(i) The resolution may provide for registration of the bonds as to ownership and for successive conversion and reconversion from registered to bearer bonds and vice versa.

(j) Before any of the bonds issued are delivered to the purchasers, the record pertaining to the bonds shall be examined by the attorney general and the records and the bonds shall be approved by him. After approval by the attorney general, the bonds shall be registered in the office of the comptroller of public accounts. When approved, registered, and delivered to the purchasers, the bonds are incontestable and constitute general obligations of the State of Texas.

(k) The performance of official duties prescribed by Article III, Section 50b, of the Texas Constitution, in reference to the provision for the payment and the payment of the bonds may be enforced in any court of competent jurisdiction through mandamus or other appropriate proceedings.

(l) All bonds issued in accordance with the provisions of this chapter are negotiable instruments under the laws of this state.

(m) The board may provide for the replacement of any bond which is mutilated, lost, or destroyed. (V.A.C.S. Art. 2654g, Art. II, Sec. 1.)

Sec. 52.12. REFUNDING BONDS. (a) The board may provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds issued under the provisions of this chapter and then outstanding, together with accrued interest on them.

(b) The issuance of the refunding bonds, the maturities, and all other details of the bonds, the rights of the holders, and the duties of the board with respect to the bonds, shall be governed by the applicable provisions of Section 52.11 of this code.

(c) The refunding bonds may be exchanged for the outstanding bonds or may be sold and the proceeds used to retire the outstanding bonds. (V.A.C.S. Art. 2654g, Art. II, Sec. 2.)

Sec. 52.13. BONDS AS INVESTMENTS. All bonds issued pursuant to the provisions of this chapter are legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political subdivisions and public agencies of the State of Texas. The bonds, when accompanied by all unmatured coupons appurtenant to them, are lawful and sufficient security for all deposits of state funds and of all funds of any agency or political subdivision of the state, and of counties, school districts, cities, and

all other municipal corporations or subdivisions at the par value of the bonds. The bonds and the income from them, including the profits made on their sale, shall at all times be free from taxation in this state. (V.A.C.S. Art. 2654g, Art. II, Sec. 3.)

Sec. 52.14. SALE OF BONDS. When the board has authorized the issuance of a series of bonds and has determined to call for bids on the bonds, it shall publish an appropriate notice of the sale at least one time not less than 20 days before the date of the sale. The publication shall be made in a daily newspaper of general statewide circulation which is published not less than seven times weekly. The notice shall also be published for a number of times determined by the board in one or more recognized financial publications of general circulation published in the state and one or more of these publications published outside the state. The board shall demand of bidders, other than the administrators of the state funds, that each bid be accompanied by an exchange or bank cashier's check for a sum considered adequate by the board to be a forfeit guaranteeing the acceptance of and payment for all bonds covered by each bid accepted by the board. (V.A.C.S. Art. 2654g, Art. II, Sec. 4.)

Sec. 52.15. COMPETITIVE BIDS. No installment or series of bonds may be sold for an amount less than the face value of all the bonds comprising the installment or series with accrued interest from their date, and all bonds shall be sold after competitive bidding to the highest and best bidder. The board may reject any and all bids. (V.A.C.S. Art. 2654g, Art. II, Sec. 5.)

Sec. 52.16. PROCEEDS FROM BOND SALE. All proceeds from the sale of bonds shall be deposited in the state treasury in the Texas Opportunity Plan Fund. (V.A.C.S. Art. 2654g, Art. II, Sec. 6.)

Sec. 52.17. INTEREST AND SINKING FUND. (a) Each fiscal year a sufficient portion of the funds received by the board as repayment of student loans granted under this chapter and as interest on the loans shall be deposited in the state treasury in the Texas College Student Loan Bonds Interest and Sinking Fund, referred to in this chapter as the interest and sinking fund, to pay the interest and principal coming due during the ensuing fiscal year and to establish and maintain a reserve in the interest and sinking fund equal to the average annual principal and interest requirements of all outstanding bonds issued under this chapter.

(b) If in any year funds are received in excess of the foregoing requirements, then the excess shall be deposited in the Texas Opportunity Plan Fund and may be used for the same purposes and upon the same terms and conditions prescribed for the proceeds derived from the sale of the Texas College Student Loan Bonds.

(c) In the event that funds received by the board in any fiscal year as repayment of student loans and as interest on the loans are insufficient to pay the interest coming due and the

principal maturing on the bonds during the ensuing fiscal year, the state treasurer shall transfer into the interest and sinking fund out of the first money coming into the treasury, which is not otherwise appropriated by the constitution, an additional amount sufficient to pay the interest coming due and the principal maturing on the bonds during the ensuing fiscal year.

(d) The resolution authorizing the issuance of the bonds may provide for the deposit, from bond proceeds, of not more than 24 months' interest, and may provide for the use of bond proceeds as a reserve for the payment of principal of and interest on the bonds. (V.A.C.S. Art. 2654g, Art. II, Sec. 7.)

Sec. 52.18. DUTIES OF COMPTROLLER AND TREASURER. The comptroller of public accounts shall make the transfers required under the provisions of this chapter, and the state treasurer shall pay or cause to be paid the principal of and interest on the bonds as they mature and come due. (V.A.C.S. Art. 2654g, Art. II, Sec. 8.)

Sec. 52.19. INVESTMENT OF FUNDS. All money standing to the credit of the reserve portion of the interest and sinking fund and any money in the Texas Opportunity Plan Fund in excess of the amount necessary for student loans may be invested by the board in direct obligations of or obligations the principal and interest of which are guaranteed by the United States of America or invested in direct obligations of or participation certificates guaranteed by the Federal Intermediate Credit Bank, federal land banks, Federal National Mortgage Association, federal home loan banks, banks for cooperatives, and in certificates of deposit of any bank or trust company the deposits of which are fully secured by a pledge of securities of any of the kind previously specified in this section, or in bonds of the State of Texas, or of the several counties or municipalities or other political subdivisions of the State of Texas. However, money in the interest and sinking fund, except for that which is in the reserve portion of the fund, may be invested only in obligations which are scheduled to mature prior to the date money must be available for use for its intended purpose. All the bonds and obligations owned in the interest and sinking fund or in the Texas Opportunity Plan Fund are defined as "securities." The board may sell any securities owned in the interest and sinking fund or in the Texas Opportunity Plan Fund at the prevailing market price. Income from these investments shall be deposited in the interest and sinking fund. (V.A.C.S. Art. 2654g, Art. II, Sec. 9.)

[Sections 52.20-52.30 reserved for expansion]

SUBCHAPTER C. STUDENT LOANS

Sec. 52.31. PARTICIPATING INSTITUTIONS. A participating higher educational institution is any institution of higher education, public or private nonprofit, including a junior college, which is recognized or accredited by the Texas Education Agency

or the Coordinating Board, Texas College and University System, or its successors, and which complies with the provisions of this chapter and the rules and regulations of the board promulgated in accordance with this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 1.)

Sec. 52.32. QUALIFICATIONS FOR LOANS. (a) The board may authorize loans from the Texas Opportunity Plan Fund to qualified students at any participating institution of higher education in Texas if the applicant:

(1) is a resident of Texas as defined by the board in accordance with Subchapter B, Chapter 54 of this code;

(2) has been accepted for enrollment;

(3) has established that he has insufficient resources to finance his college education;

(4) has been recommended by reputable persons in his home community; and

(5) has complied with other requirements established by rules and regulations adopted by the board in conformity with this chapter.

(b) In no event may a higher standard of academic performance be required of an applicant than the minimum standard required for enrollment in the participating institution. The student must be meeting the minimum academic requirements of the institution in the semester any loan is made. (V.A.C.S. Art. 2654g, Art. III, Sec. 2.)

Sec. 52.33. AMOUNT OF LOAN. The amount of the loan to any qualified applicant shall be limited to the difference between the financial resources available to him, including but not limited to his income from parents and other sources, scholarships, gifts, grants, other financial aid, and the amount he can reasonably be expected to earn, and the amount necessary to pay his reasonable expenses as a student at the participating institution of higher education where he has been accepted for enrollment, under the rules and regulations adopted by the board. The total loan to any individual student may never be more than the amount he can reasonably be expected to repay in a maximum period of five years after he is last enrolled in a participating institution, except as otherwise provided for in this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 3.)

Sec. 52.34. PAYMENTS TO STUDENT. No payment may be made to any student until he has executed a note payable to the Texas Opportunity Plan Fund for the full amount of the authorized loan plus interest. For the purposes of this chapter, a student has the capacity to contract and is bound by any contract executed by him, and the defense that he was a minor at the time he executed the note is not available to him in any action arising on the note. Payments to students executing notes may be made annually, semiannually, quarterly, monthly, or for each semester as the board may determine, depending on the demonstrated capacity of the student to manage his financial affairs. Disbursements may be made by the board or by the participating institution pursuant

to a contract between the board and the institution executed in conformity with this chapter. No funds may be distributed to a participating institution except to make payments to a student under a loan authorized by this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 4.)

Sec. 52.35. TERM OF LOANS. The term of all authorized loans must be for the shortest possible period, as determined by the board. However, no loan may be made to any student for a period longer than five years from the date he is last enrolled in a participating institution, except as a longer period is authorized for medical students, dental students, and students seeking professional or graduate degrees as authorized under the provisions of Section 53.38 of this code. (V.A.C.S. Art. 2654g, Art. III, Sec. 5.)

Sec. 52.36. LOAN INTEREST. The board shall annually, not later than September 1, fix the interest to be charged for any student loan at a rate sufficient to pay the interest on outstanding bonds plus any expenses incident to their issuance, sale, and retirement. Interest shall be postponed by the board as long as a student is enrolled at a participating institution and may be postponed at the board's discretion as long as a student is enrolled at any other higher educational institution, provided that the total interest paid is to be equal to that fixed at the time the note evidencing the loan is executed. (V.A.C.S. Art. 2654g, Art. III, Sec. 6.)

Sec. 52.37. INSURANCE. The board may contract with any insurance company or companies licensed to do business in Texas for insurance on the life of any student borrower in an amount sufficient to retire the principal and interest owed under a loan made under the provisions of this chapter. The cost of the insurance shall be paid by the student borrower. No contract for insurance as provided for in this section may be approved except by the board during a regular meeting attended by a quorum of the total board membership. (V.A.C.S. Art. 2654g, Art. III, Sec. 7.)

Sec. 52.38. REPAYMENT OF LOANS. Repayment of any loan and interest authorized under this chapter shall be made monthly and shall begin not later than four months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education and in no event later than five years from the date the first note evidencing a loan under this chapter is executed. The board may, however, authorize a longer period before beginning repayment of loans to medical students, dental students, and other students seeking professional or graduate degrees. The board may extend the time for beginning repayment for unusual financial hardships, with the approval of the attorney general. Repayment shall be made directly to the board or to a participating institution pursuant to a contract executed by the board in accordance with its rules and regulations. (V.A.C.S. Art. 2654g, Art. III, Sec. 8.)

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Sec. 52.39. DEFAULT; SUIT. When any person who has received a loan authorized by this chapter has failed or refused to make as many as six monthly payments due in accordance with an executed note, then the full amount of the remaining principal and interest becomes due and payable immediately, and the amount due, the person's name and his last known address, and other necessary information shall be reported by the board to the attorney general. Suit for the remaining sum shall be instituted by the attorney general, or any county or district attorney acting for him, in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County, unless the attorney general finds reasonable justification for delaying suit and so advises the board in writing. (V.A.C.S. Art. 2654g, Art. III, Sec. 9.)

[Sections 52.40-52.50 reserved for expansion]

SUBCHAPTER D. GENERAL PROVISIONS

Sec. 52.51. ADVISORY COMMITTEES. The board may appoint advisory committees from outside its membership as it deems necessary to assist it in achieving the purposes of this chapter. (V.A.C.S. Art. 2654g, Art. IV, Sec. 1.)

Sec. 52.52. CONTRACTS. In achieving the goals outlined in this chapter and the performance of functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations, associations, partnerships, and individuals. (V.A.C.S. Art. 2654g, Art. IV, Sec. 2.)

Sec. 52.53. GIFTS AND GRANTS. The board may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation or the United States, subject to limitations or conditions set by law. The gifts, grants, or donations of money shall be deposited in the Texas Opportunity Plan Fund, separately accounted for, and expended in accordance with the specific purpose for which given and under such conditions as are imposed by the donor and as provided by law. (V.A.C.S. Art. 2654g, Art. IV, Sec. 3.)

Sec. 52.54. RULES AND REGULATIONS. The board shall adopt and publish rules and regulations to effectuate the purposes of this chapter in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 2654g, Art. IV, Sec. 4.)

Sec. 52.55. AUDIT. All transactions under the provisions of this chapter are subject to audit by the state auditor. (V.A.C.S. Art. 2654g, Art. IV, Sec. 5.)

Sec. 52.56. ANNUAL REPORT. (a) The board shall make a report of the operations of the Texas Opportunity Plan to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature.

(b) The report shall include, for the state as a whole and for each participating institution, the following information:

(1) the number of loans;

(2) the maximum loan;

(3) the minimum loan;

(4) the total amount of loans made;

(5) a list of persons who have failed or refused to make as many as six monthly payments on any note, showing the amount due and the person's last known address; and

(6) any other information that will describe the effectiveness of the loan program. (V.A.C.S. Art. 2654g, Art. IV, Sec. 6.)

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CHAPTER 53. HIGHER EDUCATION AUTHORITIES

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CHAPTER 53. HIGHER EDUCATION AUTHORITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 53.01. SHORT TITLE. This chapter may be cited as the Higher Education Authority Act. (V.A.C.S. Art. 1269j-101, Sec. 1 (part).)

Sec. 53.02. DEFINITIONS. In this chapter:

(1) "City" means an incorporated city or town in this state.

(2) "Governing body" means the council, commission, or other governing body of a city.

(3) "Authority" means a higher education authority created under this chapter.

(4) "Board" means the board of directors of an authority.

(5) "Institution of higher education" means a degree-granting college or university nonprofit corporation accredited by the Texas Education Agency.

(6) "Educational facility" means a classroom building, laboratory, science building, faculty or administrative office building, or other facility used exclusively for the conduct of the educational and administrative functions of an institution of higher education.

(7) "Housing facility" means a single- or multi-family residence used exclusively for housing or boarding, or housing and boarding students, faculty, or staff members of an institution of higher learning. The term includes infirmary and student union building, but does not include a housing or boarding facility for the use of a fraternity, sorority, or private club.

(8) "Bond resolution" means the resolution authorizing the issuance of revenue bonds.

(9) "Trust indenture" means the mortgage, deed of trust, or other instrument pledging revenue of property, or creating a mortgage lien on property, or both, to secure the revenue bonds issued by the authority.

(10) "Trustee" means the trustee under the trust indenture. (V.A.C.S. Art. 1269j-101, Sec. 2.)

[Sections 53.03-53.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 53.11. CREATION OF AUTHORITY. When the governing body of a city finds that it is to the best interest of the city and its inhabitants to create a higher education authority, it shall pass an ordinance creating the authority and designating the name by which it shall be known. If the governing bodies of two or more cities find that it is to the best interest of the cities to create an authority to include those cities, each governing body shall pass an ordinance creating the authority and designating the name by which it shall be known. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.12. TERRITORY. The authority comprises only the territory included within the boundaries of the city or cities creating it. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.13. CORPORATE POWERS. An authority is a body politic and corporate having the power of perpetual succession. It shall have a seal; it may sue and be sued; and it may make, amend, and repeal its bylaws. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.14. BOARD OF DIRECTORS. (a) The authority shall be governed by a board of directors consisting of not less than 7 nor more than 11 members to be determined at the time of creating the authority. Except as otherwise provided by this section, the first directors shall be appointed by the governing body of the city or by the governing bodies of the cities, and they shall serve until their successors are appointed as provided by this section. If the authority includes more than one city, each governing body shall appoint an equal number of directors unless otherwise agreed by the cities.

(b) When the authority issues its revenue bonds, the resolution authorizing the issuance of the bonds or the trust indenture securing them may prescribe the method of selecting and the term of office of a majority of the members of the board. The remaining members of the board shall be appointed by the governing body of the city or the governing bodies of the cities for two-year terms. The trust indenture may also provide that, in event of default as defined in the trust indenture, the trustee may appoint all of the directors, in which event the terms of the directors then in office shall automatically terminate.

(c) Unless and until provision is made in the bond resolution or indenture in connection with the issuance of bonds for the appointment by other means of part of the directors, all the directors shall be appointed by the governing body of the city or each of the cities, as the case may be, for terms not to exceed two years, but the terms of directors appointed prior to the issuance of the first issue of revenue bonds shall be subject to the exercise of the provision made by this section for appointment of a majority of the members of the board in connection with the issuance of the bonds.

(d) No officer or employee of any such city is eligible for appointment as a director. Directors are not entitled to compensation for services but are entitled to reimbursement for expenses incurred in performing such service.

(e) In the event the authority purchases from a nonprofit corporation an educational facility or a housing facility for students, faculty, or staff members, which facility or facilities are then in existence or in process of construction, the first members of the board of directors and their successors shall be determined as provided in the contract of purchase. (V.A.C.S. Art. 1269j-101, Sec. 4.)

Sec. 53.15. ORGANIZATION OF BOARD; QUORUM; EMPLOYEES; COUNSEL. (a) The board shall elect from among its members a president and vice president, and shall elect a secretary and a

treasurer who may or may not be directors, and may elect other officers as authorized by the authority's bylaws. The offices of secretary and treasurer may be combined.

(b) The president has the same right to vote on all matters as other members of the board.

(c) A majority constitutes a quorum, and when a quorum is present action may be taken by a majority vote of directors present.

(d) The board may employ a manager or executive director of the facilities and other employees, experts, and agents as it sees fit. It may delegate to the manager the power to employ and discharge employees.

(e) The board may employ legal counsel. (V.A.C.S. Art. 1269j-101, Sec. 5.)

[Sections 53.16-53.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 53.31. NO TAXING POWER. An authority has no power to tax. (V.A.C.S. Art. 1269j-101, Sec. 1 (part).)

Sec. 53.32. NO POWER OF EMINENT DOMAIN. The authority does not have the power of eminent domain. (V.A.C.S. Art. 1269j-101, Sec. 17 (part).)

Sec. 53.33. FACILITIES: CONSTRUCTION, ACQUISITION, ETC. The authority may acquire by purchase, purchase contract, or lease, or may construct, enlarge, extend, or improve educational facilities or housing facilities. It may acquire land for those purposes, furnish and equip the facilities, and provide by contract, lease, or otherwise for the operation and maintenance of the facilities. The facilities need not be located within the city limits of the city or cities. (V.A.C.S. Art. 1269j-101, Sec. 6.)

Sec. 53.34. REVENUE BONDS. The authority may issue revenue bonds to provide funds for any of its purposes. The bonds shall be payable from and secured by a pledge of the net revenue to be derived from the operation of the facility or facilities and any other revenue resulting from the ownership of the educational facilities properties. The bonds may be additionally secured by a mortgage or deed of trust on real property of the authority or by a chattel mortgage on its personal property, or by both. (V.A.C.S. Art. 1269j-101, Sec. 7.)

Sec. 53.35. ISSUANCE OF BONDS; PROCEDURES; ETC. The bonds shall be authorized by resolution adopted by a majority vote of a quorum of the board, and shall be signed by the president or vice president and countersigned by the secretary, or either or both of their facsimile signatures may be printed on them. The seal of the authority shall be impressed or printed on the bonds. The bonds shall mature serially or otherwise in not to exceed 50 years and may be sold at a price and under terms determined by the board to be the most advantageous reasonably obtainable, provided that the rate of interest to be borne by the bonds shall not exceed six

and one-half percent per annum and that the bonds shall not be sold at less than 90 percent of their par or face value, plus accrued interest. Within the discretion of the board, the bonds may be made callable prior to maturity at any times and prices prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest. (V.A.C.S. Art. 1269j-101, Sec. 8.)

Sec. 53.36. BOND RESOLUTION; NOTICE; ELECTION. (a) Before authorizing the issuance of bonds, other than refunding bonds, the board shall cause a notice to be issued stating that it intends to adopt a resolution authorizing the issuance of the bonds, the maximum amount thereof, and the maximum maturity thereof. The notice shall be published once each week for two consecutive weeks in a newspaper or newspapers having general circulation in the authority. The first publication shall be at least 14 days prior to the day set for adopting the bond resolution.

(b) If, prior to the day set for the adoption of the bond resolution, there is presented to the secretary or president of the board a petition signed by not less than 10 percent of the qualified voters residing in the city or cities comprising the authority, who own taxable property in the authority and who have duly rendered it for taxation to the city in which such property is located or situated, requesting an election on the proposition for the issuance of the bonds, the bonds shall not be issued unless an election is held and a majority vote is in favor of the bonds. The election shall be called and held in accordance with the procedure prescribed in Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, with the board and the president and secretary performing the functions there assigned to the governing body of the city, the mayor and city secretary, respectively. If no such petition is filed, the bonds may be issued without an election. However, the board may call an election on its own motion without the filing of the petition. (V.A.C.S. Art. 1269j-101, Sec. 9.)

Sec. 53.37. JUNIOR LIEN BONDS; PARITY BONDS. Bonds constituting a junior lien on the net revenue or properties may be issued unless prohibited by the bond resolution or trust indenture. Parity bonds may be issued under conditions specified in the bond resolution or trust indenture. (V.A.C.S. Art. 1269j-101, Sec. 10.)

Sec. 53.38. RESERVES FOR OPERATING AND OTHER EXPENSES. Money for the payment of not more than two years' interest on the bonds and an amount estimated by the board to be required for operating expenses during the first year of operation may be set aside for those purposes out of the proceeds from the sale of the bonds. (V.A.C.S. Art. 1269j-101, Sec. 11.)

Sec. 53.39. REFUNDING BONDS. Bonds may be issued for the purpose of refunding outstanding bonds in the manner provided in this chapter for other bonds, and may be exchanged by the comptroller of public accounts or sold and the proceeds applied in accordance with the procedure prescribed by Chapter 503, Acts of

the 54th Legislature, 1955 (Article 717k, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 1269j-101, Sec. 12.)

Sec. 53.40. APPROVAL OF BONDS; REGISTRATION; NEGOTIABILITY. Bonds issued under this chapter and the record relating to their issuance shall be submitted to the attorney general, and if he finds that they have been issued in accordance with this chapter and constitute valid and binding obligations of the authority and are secured as recited therein he shall approve them, and they shall be registered by comptroller of public accounts who shall certify the registration thereon. Thereafter they are incontestable. The bonds shall be negotiable and shall contain the following provision: "The holder hereof shall never have the right to demand payment thereof out of money raised or to be raised by taxation." (V.A.C.S. Art. 1269j-101, Sec. 13.)

Sec. 53.41. AUTHORIZED INVESTMENTS. All bonds issued under this chapter are legal and authorized investments for all banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies of all kinds and types, and for the interest and sinking funds and other public funds of any issuer. The bonds are also eligible and lawful security for all deposits of public funds of the State of Texas and of any issuer, to the extent of the value of the bonds, when accompanied by any unmatured interest coupons appurtenant to them. (V.A.C.S. Art. 1269j-101, Sec. 18.)

Sec. 53.42. INVESTMENT OF FUNDS; SECURITY. To the extent it is applicable, the law as to the security for and the investment of funds, applicable to cities, controls the investment of funds belonging to authority. The bond resolution or the indenture or both may further restrict the making of investments. The authority may invest the proceeds of its bonds, until the money is needed, in the direct obligations of or obligations unconditionally guaranteed by the United States, to the extent authorized in the bond resolution or indenture or in both. (V.A.C.S. Art. 1269j-101, Sec. 19.)

Sec. 53.43. DEPOSITORIES. The authority may select a depository or depositories according to the procedures provided by law for the selection of city depositories, or it may award its depository contract to the same depository or depositories selected by the city or cities and on the same terms. (V.A.C.S. Art. 1269j-101, Sec. 15.)

Sec. 53.44. OPERATION OF FACILITIES; RATES CHARGED; RESERVE FUNDS. (a) The facilities may be operated by the authority without the intervention of private profit for the use and benefit of the public, or may be leased to an institution of higher education, or may be operated by the institution under a contract with the authority, the lease or contract to be in effect until any revenue bonds issued in connection with it have been finally retired.

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(b) The board shall charge rates for the use of the facilities, or for their lease or operation, that are fully sufficient to pay all expenses in connection with the ownership, operation, and upkeep of the facilities, to pay the interest on the bonds as it becomes due, to create a sinking fund to pay the bonds as they become due, and to create and maintain a bond reserve fund and other funds and reserves that may be provided in the bond resolution or trust indenture. The bond resolution or trust indenture may prescribe systems, methods, routines, and procedures under which the facilities shall be operated. (V.A.C.S. Art. 1269j-101, Sec. 14.)

Sec. 53.45. TRANSACTIONS WITH OTHER AGENCIES AND PERSONS. The authority may borrow money and accept grants from, and enter into contracts, leases, or other transactions with the United States, the State of Texas, any municipal corporation in the state, and any public or private person or corporation resident or authorized to do business in the state. (V.A.C.S. Art. 1269j-101, Sec. 17 (part).)

Sec. 53.46. AUTHORITY EXEMPT FROM TAXATION. Because the property owned by authority will be held for educational purposes only and will be devoted exclusively to the use and benefit of the students, faculty, and staff members of an accredited institution of higher education, it is exempt from taxation of every character. (V.A.C.S. Art. 1269j-101, Sec. 16.)

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CHAPTER 54. TUITION AND FEES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "Institution of higher education" has the same meaning as is assigned to it by Section 61.003 of this code.

(2) "Governing board" has the same meaning as is assigned to it by Section 61.003 of this code. (New.)

Sec. 54.002. APPLICABILITY OF CHAPTER. The provisions of this chapter apply to all institutions of higher education, except that as to junior colleges this chapter applies only to the extent provided by Section 130.003(b) of this code. (New.)

Sec. 54.003. TUITION AND CHARGES TO BE AUTHORIZED BY LAW. No institution of higher education may collect from students attending the institution any tuition, fee, or charge of any kind except as permitted by law, and no student may be refused admission to or discharged from any institution for the nonpayment of any tuition, fee, or charge except as permitted by law. (V.A.C.S. Art. 2654a, Sec. 1.)

Sec. 54.004. RETENTION AND USE OF FUNDS. All tuition, local funds, and fees collected by an institution of higher education shall be retained and expended by the institution and accounted for annually as provided in the general appropriations act. (V.A.C.S. Art. 2654c, Sec. 1(n), 2 (part).)

Sec. 54.005. RIGHT TO COLLECT SPECIAL FEES. The provisions of this subchapter requiring the governing board of each institution of higher education to collect tuition fees do not deprive the board of the right to collect special fees authorized by law. (V.A.C.S. Art. 2654c, Sec. 1(m) (part).)

[Sections 54.006-54.050 reserved for expansion]

SUBCHAPTER B. TUITION RATES

Sec. 54.051. TUITION RATES. The governing board of each institution of higher education shall cause to be collected from students registering at the institution tuition or registration fees at the following rates:

Item No.	Type of Student	Rate
1.	Resident student registered for 12 or more semester credit hours of work per semester of four and one-half months	$ 50
2.	Resident student registered for 12 or more term hours of work per term of three months	30
3.	Nonresident student registered for 12 or more semester credit hours of work per semester of four and one-half months, not less than	200
4.	Nonresident student registered for 12 or more term hours of work per term of three months	150

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5. Resident or nonresident student registered for fewer than 12 semester credit hours of work--a sum proportionately less than prescribed for 12 semester hours, but not less than 15

6. Resident or nonresident student registered for fewer than 12 term hours of work--a sum proportionately less than prescribed for 12 term hours, but not less than 10

7. Resident student registered for a summer session of 12 weeks 50

8. Nonresident student registered for a summer session of 12 weeks, not less than 200

9. Resident or nonresident student registered for fewer than a full semester credit hour or term hour load in a summer session--a sum proportionately less than prescribed for the full load, but not less than 10

10. Resident student registered in medical or dental branch, school, or college, per semester or its equivalent 150-200

11. Nonresident student registered in a medical or dental branch, school or college, per semester or its equivalent 300-400

12. Resident or nonresident student registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction--a fee in addition to the regular tuition, to be designated by the governing board of the institution; but in no event shall the fees be more per course per semester of four and one-half months, or per summer session, than 75

(V.A.C.S. Art. 2654c, Sec. 1(a), (c).)

Sec. 54.052. RESIDENTS; NONRESIDENTS; GENERAL RULES. (a) The term "residence," as used in this subchapter, means "domicile." The term "resided in" means "domiciled in." For the purposes of this subchapter, the status of a student as a resident or nonresident student is determined as prescribed by this section, subject to the other applicable provisions of this subchapter.

(b) An individual under 21 years of age who is living away from his family and whose family resides in another state or has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student.

(c) An individual 21 years of age or under whose family has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student, regardless of whether he has become the legal ward of residents of Texas or has been adopted by residents of Texas while he is attending an educational institution in Texas,

or within a 12-month period before his attendance, or under circumstances indicating that the guardianship or adoption was for the purpose of obtaining status as a resident student.

(d) An individual 21 years of age or over who has come from outside Texas and who is gainfully employed in Texas for a 12-month period immediately preceding registration in an educational institution shall be classified as a resident student as long as he continues to maintain a legal residence in Texas.

(e) An individual 21 years of age or over who resides out of the state or who has come from outside Texas and who registers in an educational institution before having resided in Texas for a 12-month period shall be classified as a nonresident student. (V.A.C.S. Art. 2654c, Sec. 1(e).)

Sec. 54.053. REGULATIONS OF COORDINATING BOARD. The governing board of each institution required by this chapter to charge a nonresident tuition or registration fee is subject to the rules, regulations, and interpretations issued by the Coordinating Board, Texas College and University System, for the administration of the nonresident tuition provisions of this subchapter. The rules, regulations, an interpretations promulgated by the coordinating board shall be furnished to the presidents or administrative heads of all Texas public senior and junior colleges and universities. (V.A.C.S. Art. 2654c, Sec. 1(g).)

Sec. 54.054. NONRESIDENT STATUS: PRESUMPTION; RECLASSIFICATION. A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. (V.A.C.S. Art. 2654c, Sec. 1(h).)

Sec. 54.055. PARENTS, CHANGE OF RESIDENCE TO ANOTHER STATE. An individual 21 years of age or under whose parents were formerly residents of Texas is entitled to pay the resident tuition fee for the 12-month period immediately following the parents' change of legal residence to another state. (V.A.C.S. Art. 2654c, Sec. 1(f).)

Sec. 54.056. EFFECT OF MARRIAGE. A nonresident who marries and remains married to a resident of Texas, classified as such under this chapter at the time of the marriage and at the time the nonresident registers, is entitled to pay the resident tuition fee regardless of the length of time he has lived in Texas; and any student who is a resident of Texas and who marries a nonresident is entitled to pay the resident tuition fee as long as he does not adopt the legal residence of the spouse in another state. (V.A.C.S. Art. 2654c, Sec. 1(i).)

Sec. 54.057. ALIENS. An alien student is classified as a nonresident student. However, an alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for resident status for fee purposes under this subchapter as has a citizen of the United States. A resident alien residing in a junior college district located immediately adjacent to Texas boundary lines shall be charged the resident tuition by that junior college. (V.A.C.S. Art. 2654c, Sec. 1(j).)

Sec. 54.058. MILITARY PERSONNEL AND DEPENDENTS. (a) Military personnel are classified as provided by this section.

(b) An officer, enlisted man or woman, selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, Texas State Guard, Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fee and other fees or charges required of Texas residents, without regard to the length of time he has been assigned to duty or resided in the state. However, out-of-state Army National Guard or Air National Guard members attending training with Texas Army or Air National Guard units under National Guard Bureau regulations may not be exempted from nonresident tuition by virtue of that training status nor may out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves training with units in Texas under similar regulations be exempted from non resident tuition by virtue of that training status. It is the intent of the legislature that only those members of the Army or Air National Guard, Texas State Guard, or other reserve forces mentioned above be exempted from the nonresident tuition fee and other fees and charges only when they become members of Texas units of the military organizations mentioned above.

(c) As long as they reside continuously in Texas, the spouse and children of a member of the Armed Forces of the United States who has been assigned to duty elsewhere immediately following assignment to duty in Texas are entitled to pay the tuition fees and other fees or charges provided for Texas residents.

(d) If nonresident military personnel are attending an institution of higher education under a contract between the institution and any branch of the Armed Forces of the United States, in which the tuition of the member of the military is paid in full by the United States government, the student shall pay the nonresident tuition fee.

(e) A Texas institution of higher education may charge to the United States government the nonresident tuition fee for a veteran enrolled under the provisions of a federal law or regulation authorizing educational or training benefits for veterans.

(f) The spouse and children of a member of the Armed Forces of the United States who dies or is killed are entitled to pay the

resident tuition fee if the wife and children become residents of Texas within 60 days of the date of death.

(g) If a member of the Armed Forces of the United States is stationed outside Texas and his spouse and children establish residence in Texas by residing in Texas and by filing with the Texas institution of higher education at which they plan to register a letter of intent to establish residence in Texas, the institution of higher education shall permit the spouse and children to pay the tuition, fees, and other charges provided for Texas residents without regard to length of time that they have resided in the state. (V.A.C.S. Art. 2654c, Sec. 1(k).)

Sec. 54.059. FACULTY, STAFF, DEPENDENTS. A teacher, professor, or other employee of an institution of higher education is entitled to register himself, his spouse, and their children in an institution of higher education by paying the tuition fee and other fees or charges required for Texas residents without regard to the length of time he has resided in Texas. A teacher, professor, or other employee of an institution of higher education is any person employed at least one-half time on a regular monthly salary basis by an institution of higher education. (V.A.C.S. Art. 2654c, Sec. 1 (L).)

Sec. 54.060. RESIDENT OF BORDERING STATE: TUITION AT JUNIOR COLLEGE. The nonresident tuition fee prescribed in this chapter does not apply to a nonresident student who is a resident of a state situated adjacent to Texas and who registers in any Texas public junior college situated immediately adjacent to the state in which the nonresident student resides. The nonresident student described in this section shall pay an amount equivalent to the amount charged a Texas student registered at a similar school in the state in which the nonresident student resides. (V.A.C.S. Art. 2654c, Sec. 1 (d).)

Sec. 54.061. PENALTY FOR NONCOMPLIANCE WITH RULES. The governing board of an institution of higher education may assess and collect from each nonresident student who fails to comply with the rules and regulations of the board concerning nonresident fees a penalty not to exceed $10 a semester. (V.A.C.S. Art. 2654c, Sec. 1(o).)

[Sections 54.062-54.100 reserved for expansion]

SUBCHAPTER C. TUITION SCHOLARSHIPS

Sec. 54.101. TUITION SCHOLARSHIPS. (a) The governing board of each institution of higher education shall reserve and set apart in a separate account on the books of the institution a portion of the tuition fees levied and collected from students, and shall use the funds set aside to award tuition scholarships to needy resident students enrolled in the institution. The portion of the fees to be set aside for each institution shall be determined by the legislature in the general appropriations act.

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(b) Tuition scholarships shall be awarded to students with the approval of the president or other administrative head of the institution in accordance with rules and regulations promulgated by the governing board of the institution. Rules and regulations shall be subject to the provisions of this section.

(c) Eligibility shall be based primarily on financial need. In determining need, consideration should be given to the student's own efforts to finance his education as evidenced by part-time jobs, loans from private sources, or financial capacity of the parents.

(d) Awards shall be based on character and satisfactory scholastic record.

(e) Each recipient of a tuition scholarship must be classified as a "resident student" under the provisions of Subchapter B of this chapter.

(f) Tuition scholarships shall be awarded in the amount of $25 per semester or $50 per long session for each student, except that in the case of medical and dental students, the tuition scholarships shall be awarded in the amount of $125 per semester or $250 per long session for each student. The amount of an award shall be credited to the student as a partial payment of his tuition fee. Students otherwise entitled to a refund shall receive the refund based only on that portion of the tuition actually paid by the student.

(g) Not later than 30 days after the close of the fiscal year each institution shall transfer any unused balance in the fund set up for scholarship awards to the tuition income account from which the scholarship fund was established. (V.A.C.S. Art. 2654c, Sec. 1(b).)

[Sections 54.102-54.200 reserved for expansion]

SUBCHAPTER D. EXEMPTIONS FROM TUITION

Sec. 54.201. HIGHEST RANKING HIGH SCHOOL GRADUATES. The governing board of each institution of higher education may issue scholarships each year to the highest ranking graduate of each accredited high school of this state, exempting the graduates from the payment of tuition during both semesters of the first regular session immediately following their graduation. This exemption may be granted for any one of the first four regular sessions following the individual's graduation from high school when in the opinion of the institution's president the circumstances of an individual case, including military service, merit the action. (V.A.C.S. Art. 2654b-1, Sec. 2.)

Sec. 54.202. HIGH SCHOOL GRADUATES OF STATE HOMES. The governing board of each institution of higher education shall exempt each citizen of Texas who at the time of his admission is a high school graduate of a state home from the payment of all dues, fees, and charges, including fees for correspondence courses. The exemption does not apply either to general property deposits, which may be required as security for the return of or

proper care of property loaned for the use of a student, or to charges for lodging, board, or clothing. The governing board shall require every applicant who claims this exemption to submit satisfactory evidence that he is a citizen of Texas and is otherwise entitled to the exemption. (V.A.C.S. Art. 2654f.)

Sec. 54.203. VETERANS, DEPENDENTS, ETC. (a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the persons seeking the exemptions were citizens of Texas at the time they entered the services indicated and have resided in Texas for at least the period of 12 months before the date of registration:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the Spanish-American War or during World War I;

(2) all nurses, members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members of the armed forces of the United States who served during World War II except those who were discharged from service because they were over the age of 38 or because of a personal request on the part of the person that he be discharged from service;

(3) all honorably discharged men and women of the armed forces of the United States who served during the national emergency which began on June 27, 1950, and which is referred to as the Korean War; and

(4) all persons who were honorably discharged from the armed forces of the United States after serving on active military duty, excluding training, for more than 180 days during the Cold War which began on the date of the termination of the national emergency cited in Subdivision (3) of this subsection. (V.A.C.S. Art. 2654b; Art. 2654b-1, Sec. 1 (part), 3 (part), 5 (part), 6(a) (part).)

(b) The exemptions provided for in Subsection (a) of this section also apply and inure to the benefit of the children of members of the armed forces of the United States who were killed in action or died while in service during World War II, the national emergency which began on June 27, 1950, or the Cold War, and to the benefit of orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty either in the service of their state or the United States. However, to qualify for this exemption a person must be a citizen of Texas and must have resided in the state for at least 12 months immediately preceding the date of his registration. (V.A.C.S. Art. 2654b-1, Sec. 3 (part), 5 (part), and 6(a) (part).)

(c) The governing board of each institution of higher education granting exemptions shall require every applicant claiming the benefit of an exemption to submit satisfactory evidence that he fulfills the necessary citizenship and residency requirements. (V.A.C.S. Art. 2654b-1, Sec. 1 (part).)

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(d) The exemption from fees provided for in Subsection (a) of this section does not apply to a person if at the time of his registration he is eligible for educational benefits under federal legislation in effect at the time of his registration. A person is covered by the exemptions if his right to benefits under federal legislation is extinguished at the time of his registration. (V.A.C.S. Art. 2654b-1, Sec. 4 (part), 5 (part), and 6(b).)

(e) The governing board of each institution of higher education may enter into contracts with the United States government, or any of its agencies, to furnish instruction to ex-servicemen and ex-service women at a tuition rate which covers the estimated cost of the instruction or, in the alternative, at a tuition rate of $100 a semester, as may be determined by the governing board. If the rates specified are prohibited by federal law for any particular class of ex-servicemen or ex-service women, the tuition rate shall be set by the governing board, but shall not be less than the established rate for civilian students. If federal law provides as to any class of veterans that the tuition payments are to be deducted from subsequent benefits to which the veteran may be entitled, the institution shall refund to any veteran who is a resident of Texas within the meaning of this section the amount by which any adjusted compensation payment is actually reduced because of tuition payments made to the institution by the federal government for the veteran. (V.A.C.S. Art. 2654b-1, Sec. 4 (part).)

Sec. 54.204. CHILDREN OF DISABLED FIREMEN AND PEACE OFFICERS. (a) In this section:

(1) "Eligible employee" means a full-paid or volunteer fireman, or a full-paid municipal, county, or state peace officer, or a custodial employee of the Texas Department of Corrections, or a game warden, who has a child under 21 years of age.

(2) "Disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be under a disability unless he furnishes such proof of its existence as may be required.

(b) The governing board of each institution of higher education shall exempt from the payment of all tuition and laboratory fees any person whose parent is an eligible employee who has suffered an injury, resulting in death or disability, sustained in the line of duty according to the regulations and criteria then in effect governing the department or agency in which he was employed. The exemption does not apply to general property deposits or to fees or charges for lodging, board, or clothing.

(c) A person is not entitled to the exemption if he:

(1) does not apply initially for the exemption before he becomes 21 years of age;

(2) does not meet all entrance requirements of the institution; or

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(3) does not maintain a scholastic average sufficient to remain in good standing.

(d) A person loses his right to an exemption after eight consecutive semesters, not including summer semesters, beginning with the first semester for which he registers.

(e) A person entitled to an exemption under the provisions of this section may use the exemption:

(1) only at the public senior college or university which he first attends under the provisions of this section; or

(2) only at the public junior college which he first attends, and upon successful completion of four consecutive semesters at the public junior college he may continue to use the exemption for four consecutive semesters only at the public senior college or university which he subsequently first attends.

(f) A person entitled to an exemption under the provisions of this section shall, when transferring from a public junior college to a public senior college or university, meet the standard entrance requirements required by the senior college or university of an applicant for admission not covered by the provisions of this section.

(g) An eligible employee whose injury results in a disability shall submit to a physical examination by a physician designated by the United States Social Security Administration to conduct physical examinations and to make disability reports to the Social Security Administration. If the physician decides the injury received has resulted in a disability, he shall certify this fact to the head of the department which employs the employee.

(h) The head of the department which employed the eligible employee at the time he sustained the injury shall file a certificate with the Coordinating Board, Texas College and University System, on a form prepared by the board for the purpose. The head of the department shall attach the certificate of the examining physician if an examination is required by Subsection (g) of this section. A copy of the certificate on file with the coordinating board is sufficient evidence for the institution to grant the exemption. (V.A.C.S. Art. 2654f-1.)

Sec. 54.205. BLIND, DEAF STUDENTS. (a) In this section:

(1) "Resident" has the same meaning as is assigned it in Subchapter B of this chapter.

(2) "Blind person" means a person who is a "blind disabled individual" as defined in Section 5, Chapter 291, Acts of the 59th Texas Legislature, Regular Session, 1965 (Article 3207c, Vernon's Texas Civil Statutes), and who is eligible for the rehabilitation services of the State Commission for the Blind.

(3) "Deaf person" means a person whose sense of hearing is nonfunctional, after all necessary medical treatment, surgery, and use of hearing aids, for understanding normal conversation and who is eligible for the services of the Division of Vocational Rehabilitation of the Texas Education Agency.

(4) "Tuition fees" includes all dues, fees, and charges, including fees for correspondence courses, except general property deposit fees, student services fees, and fees or charges for lodging, board, or clothing.

(b) A deaf or blind person who is a resident is entitled to exemption from the payment of tuition fees at any institution of higher education utilizing public funds if he presents:

(1) certification by the appropriate state vocational rehabilitation agency that he is deaf or blind and is a client of the agency;

(2) a high school diploma or its equivalent;

(3) proof of good moral character, which may be evidenced by a letter of recommendation from the principal of the high school attended by the deaf or blind individual or, if the high school no longer exists or if the principal cannot be located, a letter of recommendation from the individual's clergyman, a public official, or some other responsible person who knows the deaf or blind individual and is willing to attest to his good moral character; and

(4) proof that he meets all other entrance requirements of the institution.

(c) The governing board of an institution may establish special entrance requirements to fit the circumstances of deaf and blind persons. In order to obtain the maximum vocational benefits of their college training, all deaf students applying for a tuition exemption under this legislation shall cooperate with the Commission for Rehabilitation, and all blind students applying for a tuition exemption under this section shall cooperate with the State Commission for the Blind. The Commission for Rehabilitation and the State Commission for the Blind shall utilize all available and appropriate resources at the institutions of higher education to insure that deaf or blind students receive the maximum benefits from college training for which tuition fee exemptions are claimed under this Act. The Commission for Rehabilitation, the State Commission for the Blind, and the Coordinating Board, Texas College and University System, may develop any rules and procedures that these agencies determine necessary for the efficient implementation of this section. (V.A.C.S. Art. 2654f-2.)

Sec. 54.206. LOW-INCOME FAMILIES. (a) This section may be cited as the Connally-Carillo Act.

(b) In this section, "family income" means the combined gross income of the applicant and his parents, if he is single, or the combined gross income of the applicant, his parents, and his spouse, if he is married.

(c) The governing board of each institution of higher education shall exempt from the payment of tuition fees and charges each person:

(1) who is a citizen of Texas under 25 years of age on the date of registration and who has resided in the state for a period of not less than 12 months before the date of registration;

(2) who was graduated in the top 25 percent of his graduating class of an accredited high school in 1967 or later or was graduated from an accredited high school in 1967 or later and scored in the top 20 percent on a nationally standardized college admission examination; and

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(3) whose family income was not more than $4,800, as determined by the gross income on the last applicable federal income tax return (or returns) or financial statement which shall be sworn to by the applicant's parents or guardian at the time of registration.

(d) The exemption is limited to the payment of tuition, fees, and charges, including fees for correspondence courses, and does not apply to property deposits or fees or charges for lodging, board, or clothing. The exemption is limited to a maximum of six years for each qualified citizen.

(e) The exemption is not applicable in the case of any person whose tuition, fees, and charges are being or will be paid to the educational institution by the United States government, or one of its agencies, or in the case of any person whose tuition, fees, and charges are paid from funds, either public or private, other than his own or those of his family or his guardian.

(f) The governing board of the institution shall require every applicant claiming an exemption to submit satisfactory evidence that he is entitled to the exemption. (V.A.C.S. Art. 2654f-3.)

Sec. 54.207. STUDENTS FROM OTHER NATIONS OF THE AMERICAN HEMISPHERE. (a) The governing boards of the institutions of higher education may annually exempt from the payment of tuition fees the following students:

(1) 200 native-born students from the other nations of the American hemisphere; and

(2) 35 native-born students from a Latin American country designated by the United States Department of State.

(b) Ten students from each nation, as authorized in Subsection (a)(1) of this section, shall be exempt as provided in this subsection. In the event any nation fails to have 10 students available and qualified for exemption, additional students from the other nations may be exempted, subject to the approval of the State Board of Education and allocation by it. However, not more than 235 students from all the nations shall be exempt each year. In the event the nation designated in Subsection (a)(2) of this section fails to have 35 students available and qualified for exemption within a reasonable time, additional students from other nations may be exempt, subject to the approval of the State Board of Education.

(c) Every applicant desiring the exemption shall furnish satisfactory evidence, certified by the proper authority of his native country, that he is a bona fide native-born citizen and resident of the country which certifies his application and that he is scholastically qualified for admission.

(d) The State Board of Education, after consultation with representatives of the governing boards of the institutions of higher education, shall formulate and prescribe a plan governing the admission and distribution of all applicants desiring to qualify under the provisions of this section.

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(e) No student shall be exempted under this section who is not a native-born citizen of the country certifying his qualifications and who has not lived in one of the nations of this hemisphere for a period of at least five years. No member of the Communist Party and no student from Cuba shall be eligible for benefits under this section. (V.A.C.S. Art. 2654e.)

[Sections 54.208-54.500 reserved for expansion]

SUBCHAPTER E. OTHER FEES AND DEPOSITS

Sec. 54.501. LABORATORY FEES. An institution of higher education may make and collect a laboratory charge in an amount sufficient to cover in general the cost of laboratory materials and supplies used by a student. The laboratory charge shall be not less than $2 nor more than $8 for any one semester or summer term for any student in any one laboratory course, but shall not exceed the cost of actual materials and supplies used by the student. (V.A.C.S. Art. 2654a, Sec. 2 (part); Art. 2654c, Sec. 1(m) (part), 2 (part).)

Sec. 54.502. GENERAL PROPERTY DEPOSITS. An institution of higher education may collect a reasonable deposit not to exceed $10 from each student to insure the institution against losses, damages, and breakage in libraries and laboratories. The deposit shall be returned on the withdrawal or graduation of a student, less any loss, damage, or breakage caused by the student. The medical and dental units of The University of Texas System shall collect a breakage or loss deposit no greater than $30. (V.A.C.S. Art. 2654a, Sec. 2 (part).)

Sec. 54.503. STUDENT SERVICES FEES. (a) For the purposes of this section, "student services" means textbook rentals, recreational activities, health and hospital services, automobile parking privileges, intramural and intercollegiate athletics, artists and lecture series, cultural entertainment series, debating and oratorical activities, student publications, student government, and any other student activities and services specifically authorized and approved by the appropriate governing board.

(b) The governing board of an institution of higher education may charge and collect from students registered at the institution fees to cover the cost of student services which the board deems necessary or desirable in carrying out the educational functions of the institution. The fee or fees may be either voluntary or compulsory as determined by the governing board. The total of all compulsory student service fees collected from a student for any one semester or summer session shall not exceed $30. No fee for parking services or facilities may be levied on a student unless the student desires to use the parking facilities provided.

(c) The governing board may fix and collect a reasonable fee or fees for the enforcement and administration of parking or traffic regulations approved by the board for the institution.

(d) The provisions of this section do not affect the building use fees or other special fees authorized by the legislature for any institution for the purpose of financing revenue bond issues.

(e) All money collected as student services fees shall be reserved and accounted for in an account or accounts kept separate and apart from educational and general funds of the institution and shall be used only for the support of student services. All the money shall be placed in a depository bank or banks designated by the governing board and shall be secured as required by law. Each year the governing board shall approve for the institution a separate budget for student activities and services financed by fees authorized in this section. The budget shall show the fees to be assessed, the purpose or functions to be financed, the estimated income to be derived, and the proposed expenditures to be made. Copies of the budgets shall be filed annually with the coordinating board, the governor, the legislative budget board, the state auditor, and the state library.

(f) The governing board may waive all or part of any compulsory fee or fees authorized by this section in the case of any student for whom the payment of the fee would cause an undue financial hardship, provided the number of the students does not exceed 10 percent of the total entrollment. The board may limit accordingly the participation of a student in the activities financed by the fee so waived. (V.A.C.S. Art. 2654a, Sec. 4.)

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CHAPTER 55. FINANCING PERMANENT IMPROVEMENTS

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CHAPTER 55. FINANCING PERMANENT IMPROVEMENTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 55.01 DEFINITIONS. In this chapter:

(1) "Institution of higher education" or "institution" has the meaning assigned to it by Section 61.003(7) of this code, except that "public junior college" is excluded.

(2) "Governing board" or "board" means the board having management and control of an institution of higher education. (New.)

[Sections 55.02-55.10 reserved for expansion]

SUBCHAPTER B. REVENUE BONDS AND FACILITIES.

Sec. 55.11. GENERAL AUTHORITY. Each board is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof.

Sec. 55.12. CONTRACTS FOR JOINT CONSTRUCTION. Each board may enter into contracts with municipalities or school districts for the joint construction of museums, libraries, or other buildings.

Sec. 55.13. AUTHORITY TO ISSUE REVENUE BONDS. For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof, each board may issue its revenue bonds from time to time and in one or more issue or series, to be payable from and secured by liens on and pledges of all or any part of any of the revenues, income, or receipts of the board and its institution or institutions, or any branch or branches thereof, including, without limitation, any rentals, rates, charges, fees, or other resources, in the manner provided by this subchapter.

Sec. 55.14. TERMS AND CONDITIONS. (a) The bonds may be issued to mature serially or otherwise within not to exceed 50 years from their date, and each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under any terms or conditions that may be set forth in the resolution authorizing the issuance of the bonds.

(b) The bonds, and any interest coupons appertaining thereto, are and shall constitute negotiable instruments within the meaning and for all purposes of the Texas Uniform Commercial Code (provided that the bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall

bear interest at such rates, all as shall be determined and provided by the board in the resolution authorizing the issuance of the bonds.

Sec. 55.15. DISPOSITION OF BOND PROCEEDS. Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition or construction of any facilities to be provided through the issuance of the bonds, and for providing a reserve for the payment of the principal of and interest on the bonds, and such proceeds may be placed on time deposit or invested, until needed, to the extent, and in the manner provided, in the bond resolution.

Sec. 55.16. RENTALS, RATES, CHARGES, AND FEES. Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, services, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or other facilities, in such amounts and in such manner as may be determined by the board.

Sec. 55.17. PLEDGES; PARIETAL RULES; TYPES OF FEES; ADDITIONAL PLEDGE OF RESOURCES. (a) Each board may pledge all or any part of its revenues, income, or receipts from such rentals, rates, charges, and/or fees, or other resources to the payment of the bonds, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds. The pledged rentals, rates, charges, and/or fees shall be fixed and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the bonds and for the payment of operation, maintenance, and other expenses in connection with the aforesaid property, buildings, structures, activities, services, operations, or other facilities.

(b) Each board may establish and enforce parietal rules for students and others, and enter into agreements regarding occupancy, use, and availability of facilities, and the amounts and collection of pledged revenues, income, receipts, rentals, rates, charges, fees, or other resources, that will assure making all the required payments and deposits.

(c) Fees for the use by or availability to the students of all or any property, buildings, structures, activities, services, operations, or other facilities, may be pledged to the payment of the bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, or any branch or branches thereof, in the amounts and in the manner as determined and provided by the board in the resolution authorizing the issuance of the bonds; and said fees may be collected in the full amounts required or permitted herein, without regard to actual use, availability, or existence of any facility, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of

any specifically described property, buildings, structures, activities, services, operations, or other facilities; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions, or any branch or branches thereof. Such specific and/or general fees may be fixed and collected, and pledged to the payment of any issue or series of bonds issued by the board, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions, or any branch or branches thereof; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in any resolution authorizing the issuance of bonds, and provided that no such additional specific fees shall be pledged if prohibited by any resolution which authorized the issuance of any then outstanding bonds.

(d) Additionally, each board may pledge irrevocably to the payment of the bonds, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, or any branch or branches thereof, an amount not exceeding $5 from each enrolled student for each regular semester and $2.50 from each enrolled student for each summer term. Each board also may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. A board also may pledge to the payment of the bonds all or any part of any revenues, income, receipts, or other resources of said board, including, without limitation, student charges, to the extent that such revenues, income, receipts, or other resources are permitted to be pledged to the payment of revenue bonds authorized to be issued by the board by any other law. Further, in issuing bonds pursuant to this subchapter, each board additionally may pledge to the payment of outstanding bonds, issued pursuant to any other law, all or any part of the revenues, income, receipts, or resources of the board authorized to be pledged to the payment of bonds issued pursuant to this subchapter.

Sec. 55.18. BONDS NOT OBLIGATIONS OF THE STATE. Bonds issued by a board are payable solely from the revenues, income, receipts, or other resources of the board, as provided in this subchapter, and such bonds shall never be an obligation of the State of Texas.

Sec. 55.19. REFUNDING BONDS. Any bonds or notes at any time issued by a board may be refunded or otherwise refinanced by the issuance by the board of refunding bonds for such purpose, under such terms, conditions, and details as may be determined by resolution of the board. All pertinent and appropriate provisions of this subchapter shall be applicable to such refunding bonds, and they shall be issued in the manner provided herein for other bonds authorized under this subchapter; provided that such refunding bonds may be sold and delivered in amounts necessary to pay the principal, interest, and redemption premium, if any, of

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bonds or notes to be funded or refunded, at maturity or on any redemption date. Also, such refunding bonds may be issued to be exchanged for the bonds or notes being refunded thereby. In the latter case, the Comptroller of Public Accounts of the State of Texas shall register the refunding bonds and deliver the same to the holder or holders of the bonds or notes being refunded thereby, in accordance with the provisions of the resolution authorizing the refunding bonds; and any such exchange may be made in one delivery, or in several installment deliveries. Bonds issued at any time by a board also may be refunded in the manner provided by any other applicable law.

Sec. 55.20. APPROVAL AND REGISTRATION OF BONDS. All bonds issued by any board, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

Sec. 55.21. BONDS ARE AUTHORIZED INVESTMENTS AND SECURITY FOR DEPOSITS. All bonds issued by any board are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and for all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and for all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

Sec. 55.22. VALIDATION OF BONDS AND PROCEEDINGS. All revenue bonds heretofore approved by the attorney general and registered by the comptroller, which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, income, receipts, or other resources of such board, are hereby validated in all respects, together with all proceedings authorizing the issuance thereof, and said bonds and proceedings are and shall be valid and binding obligations in accordance with their terms and conditions for all purposes, as though they had been duly and legally issued and authorized originally.

Sec. 55.23. CUMULATIVE EFFECT OF SUBCHAPTER. This subchapter shall be cumulative of all other law on the subject, but this

subchapter shall be wholly sufficient authority within itself for the issuance of the bonds and the performance of the other acts and procedures authorized hereby, without reference to any other law or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds are being issued under this subchapter, then to the extent of any conflict or inconsistency between any provisions of this subchapter and any provision of any other law, the provisions of this subchapter shall prevail and control; provided, however, that any board shall have the right to use the provisions of any other laws, not in conflict with the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this subchapter.

Sec. 55.24. PLEDGES UNDER PREVIOUS LAWS TO REMAIN IN EFFECT. Where any revenues, income, receipts, or other resources of any board have been pledged to the payment of principal of and interest on any bonds or notes issued and delivered pursuant to any other law, the repeal of such law by virtue of the enactment of Title 3 of this code shall not affect any such pledge or any covenants with respect to such bonds or notes, or any bonds issued to refund same, and all such pledges and covenants shall remain in full force and effect in accordance with the terms and provisions thereof.

[Sections 55.25-55.40 reserved for expansion]

SUBCHAPTER C. REFUNDING
CONSTITUTIONAL BONDS AND NOTES

Sec. 55.41. REFUNDING BONDS. The governing board of any institution which has heretofore issued or which hereafter issues bonds or notes pursuant to the authority of Article VII, Section 17, of the Texas Constitution, as amended, may issue refunding bonds to refinance or refund any or all of the bonds or notes by the issuance of its refunding bonds; and the governing board may pledge all or any part of the funds allotted pursuant to that section of the constitution to any institution governed by the board to secure the refunding bonds issued pursuant to this section. The refunding bonds shall be issued in the amounts, and bear interest at the rates, determined by the governing board, provided that such interest rates shall not exceed any constitutional limit; and shall mature serially or otherwise in not more than 10 years. The refunding bonds shall be examined and approved by the attorney general, and when so approved shall be incontestable, and all bonds shall be registered by the comptroller of public accounts. The refunding bonds may be exchanged for bonds or notes issued pursuant to the section of the constitution or may be sold and the proceeds used to call and redeem the outstanding bonds and notes. (V.A.C.S. Art. 2909c-2.)

SUBTITLE B. STATE COORDINATION OF HIGHER EDUCATION

CHAPTER 61. COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM

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(12) "Recognized accrediting agency" means the Southern Association of Colleges and Schools and any other association or organization so designated by the board.

(13) "Educational and general buildings and facilities" means buildings and facilities essential to or commonly associated with teaching, research, or the preservation of knowledge. Excluded are auxiliary enterprise buildings and facilities, including but not limited to dormitories, cafeterias, student union buildings, stadiums, and alumni centers. (V.A.C.S. Art. 2919e-2, Sec. 2.)

[Sections 61.004-61.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 61.021. ESTABLISHMENT OF COORDINATING BOARD: FUNCTIONS. The Coordinating Board, Texas College and University System, is an agency of the state. It shall have its office in Austin. It shall perform only the functions which are enumerated in this chapter and which the legislature may assign to it. Functions vested in the governing boards of the respective institutions of higher education not specifically delegated to the coordinating board shall be performed by the governing boards. The coordinating functions and other duties delegated to the board in this chapter shall apply to all public institutions of higher education. (V.A.C.S. Art. 2919e-2, Sec. 3.)

Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF OFFICE. The board shall consist of 18 members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Of the initial appointments to the board six shall be for terms which shall expire August 31, 1967, six for terms which shall expire August 31, 1969, and six for terms which shall expire on August 31, 1971, or at such time as their successors are appointed and have qualified. Thereafter, the governor shall appoint members for terms of six years. Members of the Texas Commission on Higher Education are eligible for appointment to the board. No member may be employed professionally for remuneration in the field of education during his term of office. (V.A.C.S. Art. 2919e-2, Sec. 4 (part).)

Sec. 61.023. BOARD OFFICERS. The governor shall designate a chairman and vice chairman of the board. The board shall appoint a secretary of the board whose duties may be prescribed by law and by the board. (V.A.C.S. Art. 2919e-2, Sec. 4 (part), Sec. 4a.)

Sec. 61.024. COMPENSATION AND EXPENSES OF MEMBERS. Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending meetings of the board or in attending to other work of the board when that other work is approved by the chairman of the board. (V.A.C.S. Art. 2919e-2, Sec. 5.)

Sec. 61.025. QUORUM; MEETINGS; AGENDA. A majority of the membership of the board constitutes a quorum. The board shall hold regular quarterly meetings in the city of Austin, and other meetings at places and times scheduled by it in formal sessions and called by the chairman. An agenda for the meetings in sufficient detail to indicate the items on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each state institution of higher education at least 30 days prior to the meeting. (V.A.C.S. Art. 2919e-2, Sec. 6.)

Sec. 61.026. COMMITTEES AND ADVISORY COMMITTEES. The chairman may appoint committees from the board's membership as he or the board may find necessary from time to time. The board may appoint advisory committees from outside its membership as it may deem necessary. (V.A.C.S. Art. 2919e-2, Sec. 7.)

Sec. 61.027. RULES OF PROCEDURE; HEARINGS; NOTICE; MINUTES. The board shall adopt and publish rules and regulations in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes), to effectuate the provisions of this chapter. The board shall grant any institution of higher education a hearing upon request and after reasonable notice. Minutes of all meetings shall be available in the board's office for public inspection. (V.A.C.S. Art. 2919e-2, Sec. 8.)

Sec. 61.028. COMMISSIONER OF HIGHER EDUCATION; PERSONNEL; CONSULTANTS. The board shall appoint a commissioner of higher education, who shall select and supervise the board's staff and perform other duties delegated to him by the board. The commissioner shall serve at the pleasure of the board. The commissioner shall be a person of high professional qualifications having a thorough background by training and experience in the fields of higher education and administration and shall possess such other qualifications as the board may prescribe. The commissioner shall employ professional and clerical personnel and consultants as necessary to assist the board and the commissioner in performing the duties assigned by this chapter. The number of employees, their compensation and the other expenditures of the board shall be within the limits and in compliance with the appropriation made for those purposes by the legislature and within budgets that shall be approved from time to time by the board. (V.A.C.S. Art. 2919e-2, Sec. 9.)

[Sections 61.029-61.050 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 61.051. COORDINATION OF INSTITUTIONS OF PUBLIC HIGHER EDUCATION. (a) The board shall represent the highest authority in the state in matters of public higher education.

(b) The board shall define a junior college, a senior college, a university, and a university system; provided, that nothing in this section may be construed to authorize the board to establish or create any university system or to alter any university system presently existing by virtue of statute or the constitution of this state.

(c) The board shall develop and publish criteria to be used as a basis for determining the need for changing the classification of any public institution of higher education and for determining the need for new public junior colleges, public senior colleges, universities, or university systems.

(d) The board shall classify and prescribe the role and scope for each public institution of higher education in Texas, shall make such changes in classification or role and scope of each institution as it deems necessary, and shall hear applications from the institutions for changes in classification or role and scope.

(e) The board shall review periodically all degree and certificate programs offered by the institutions of higher education to assure that they meet the present and future needs of the state. The board shall also order the initiation, consolidation, or elimination of degree or certificate programs where that action is in the best interests of the institutions themselves or the general requirements of the State of Texas, or when that action offers hope of achieving excellence by a concentration of available resources. No new department, school, degree program, or certificate program may be added at any institution of higher education after September 1, 1965, except with specific prior approval of the board.

(f) The board shall encourage and develop in cooperation with the State Board of Vocational Education new certificate programs in technical and vocational education in institutions of higher education as the needs of technology and industry may demand and shall recommend the elimination of certificate programs for which a need no longer exists.

(g) The board shall develop and promulgate a basic core of general academic courses which, when offered at a junior college during the first two years of collegiate study, shall be freely transferable among all public institutions of higher education in Texas which are members of recognized accrediting agencies on the same basis as if the work had been taken at the receiving institution.

(h) The board shall make continuing studies of the needs of the state for research and for extension and public services and designate the institutions of higher education to perform research, public service, and extension programs, including limitation of extension programs for credit to specific geographic areas. The board shall also maintain an inventory of all institutional and programmatic research, extension, and public service activities being conducted by the various institutions, whether state-financed or not. Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the last preceding year. All reports required by this subsection shall be

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made subject to the limitations imposed by security regulations governing defense contracts for research.

(i) The board shall develop and promote one or more degree or certificate programs to the highest attainable quality at each institution of higher education for which the particular institution is uniquely suited and for which there is marked promise of excellence. (V.A.C.S. Art. 2919e-2, Sec. 10.)

Sec. 61.052. LIST OF COURSES: ANNUAL SUBMISSION TO BOARD. Each governing board shall submit to the board once each year on dates designated by the board a comprehensive list by department, division, and school of all courses, together with a description of content, scope, and prerequisites of all these courses, that will be offered by each institution under the supervision of that governing board during the following academic year. The board may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board involved. (V.A.C.S. Art. 2919e-2, Sec. 11.)

Sec. 61.053. BOARD ORDERS; NOTICE. (a) Any order of the board affecting the classification, role and scope, and program of any institution of higher education may be entered only after:

(1) a written factual report and recommendations from the commissioner of higher education covering the matter to be acted on have been received by the board and distributed to the governing board and the administrative head of the affected institution;

(2) the question has been placed upon the agenda for a regularly-scheduled quarterly meeting; and

(3) the governing board of the affected institution has had an opportunity to be heard.

(b) Notice of the board's action shall be given in writing to the governing board concerned not later than four months preceding the fall term in which the change is to take effect. (V.A.C.S. Art. 2919e-2, Sec. 12.)

Sec. 61.054. EXPENDITURES FOR PROGRAMS DISAPPROVED BY BOARD. No funds appropriated to any institution of higher education may be expended for any program which has been disapproved by the board, unless the program is subsequently specifically approved by the legislature. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

Sec. 61.055. INITIATION OF NEW DEPARTMENTS, SCHOOLS, AND PROGRAMS. No new department, school, or degree or certificate program approved by the board or its predecessor, the Texas Commission on Higher Education, may be initiated by any institution of higher education until the board has made a written finding that the department, school, or degree or certificate program is adequately financed by legislative appropriation, by funds allocated by the board, or by funds from other sources. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

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Sec. 61.056. REVIEW OF LEGISLATION ESTABLISHING ADDITIONAL INSTITUTIONS. Any proposed statute which would establish an additional institution of higher education, except a public junior college, shall be submitted, either prior to introduction or by the standing committee considering the proposed statute, to the board for its opinion as to the state's need for the institution. The board shall report its findings to the governor and the legislature. A recommendation that an additional institution is needed shall require the favorable vote of at least two-thirds of the members of the board. A recommendation of the board shall not be considered a condition precedent to the introduction or passage of any proposed statute. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

Sec. 61.057. PROMOTION OF TEACHING EXCELLENCE. To achieve excellence in the teaching of students at institutions and agencies of higher education, the board shall:

(1) develop and recommend:

(A) minimum faculty compensation plans, basic increment programs, and incentive salary increases;

(B) minimum standards for faculty appointment, advancement, promotion, and retirement;

(C) general policies for faculty teaching loads, and division of faculty time between teaching, research, administrative duties, and special assignments;

(D) faculty improvement programs, including a plan for sabbatical leaves, appropriate for the junior and senior colleges and universities, respectively; and

(E) minimum standards for academic freedom, academic responsibility, and tenure;

(2) pursue vigorously and continuously a goal of having all college and university academic classes taught by persons holding the minimum of an earned master's degree or its equivalent in academic training, creative work, or professional accomplishment;

(3) explore, promote, and coordinate the use of educational television among institutions of higher education and encourage participation by public and private schools and private institutions of higher education in educational television;

(4) conduct, and encourage the institutions of higher education to conduct, research into new methods, materials, and techniques for improving the quality of instruction and for the maximum utilization of all available teaching techniques, devices, and resources, including but not limited to large classes, team teaching, programmed instruction, interlibrary exchanges, joint libraries, specially-designed facilities, visual aids, and other innovations that offer promise for superior teaching or for meeting the need for new faculty members to teach anticipated larger numbers of students; and

(5) assume initiative and leadership in providing through the institutions of higher education in the state those programs and offerings which will achieve the objectives set forth in Section 61.002 of this code. (V.A.C.S. Art. 2919e-2, Sec. 14.)

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Sec. 61.058. CONSTRUCTION FUNDS AND DEVELOPMENT OF PHYSICAL PLANTS. To assure efficient use of construction funds and the orderly development of physical plants to accomodate projected college student enrollments, the board shall:

(1) determine formulas for space utilization in all educational and general buildings and facilities at institutions of higher education;

(2) devise and promulgate methods to assure maximum daily and year-round use of educational and general buildings and facilities, including but not limited to maximum scheduling of day and night classes and maximum summer school enrollment;

(3) consider plans for selective standards of admission when institutions of higher education approach capacity enrollment;

(4) require, and assist the public senior colleges and universities, medical and dental units, and other agencies of higher education in developing, long-range plans for campus development;

(5) endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;

(6) develop and publish standards, rules, and regulations to guide the institutions and agencies of higher education in making application for the approval of new construction and major repair and rehabilitation of educational and general buildings and facilities; and

(7) approve or disapprove all new construction and repair and rehabilitation of educational and general buildings and facilities at institutions of higher education financed from any source other than ad valorem tax receipts of the public junior colleges, provided that:

(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used and their gross dimensions to assure conformity with approved space utilization standards and the institution's approved programs and role and scope;

(B) the requirement of approval for new construction financed from other than appropriated funds applies only to projects the total cost of which is in excess of $100,000;

(C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to projects the total cost of which is in excess of $25,000; and

(D) the requirement of approval or disapproval by the board does not apply to construction, repair, or rehabilitation involving the use of constitutional funds which are authorized by Article VII, Section 11, 17, or 18, of the Texas Constitution. (V.A.C.S. Art. 2919e-2, Sec. 15.)

Sec. 61.059. APPROPRIATIONS RECOMMENDATIONS. (a) To finance a system of higher education and to secure an equitable distribution of state funds deemed to be available for higher education, the board shall perform the functions described in this section.

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(b) The board shall devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature. Not later than March 1 of every even-numbered calendar year, the board shall notify the governing boards and the chief administrative officers of the respective institutions of higher education and university systems, the governor, and the Legislative Budget Board of the formulas designated by the board to be used by the institutions in making appropriation requests for the next succeeding biennium and shall certify to the governor and the Legislative Budget Board that each institution has prepared its appropriation request in accordance with the designated formulas and in accordance with the uniform system of reporting provided in this chapter. The board shall furnish any other assistance to the governor and the Legislative Budget Board in the development of appropriations recommendations as either or both of them may request. However, nothing in this chapter shall prevent or prohibit the governor, the Legislative Budget Board, the board, or the governing board of any institution of higher education from requesting or recommending deviations from any applicable formula or formulas prescribed by the board and advancing reasons and arguments in support of them.

(c) The board shall recommend to the governor and the Legislative Budget Board supplemental contingent appropriations to provide for increases in enrollment at the institutions of higher education. Contingent appropriations may be made directly to the institutions or to the board, as the legislature may direct in each biennial appropriations act. In the event the contingent appropriation is made to the board, the funds shall be allocated and distributed by the board to the institutions as it may determine, subject only to such limitations or conditions as the legislature may prescribe.

(d) The board shall recommend to the governor and the Legislative Budget Board tuition policies for public junior colleges, public senior colleges and universities, medical and dental units, and other agencies of higher education and vocational and technical programs receiving support from state funds.

(e) The board shall distribute funds appropriated to the board for allocation for specified purposes under limitations prescribed by law and the rules and regulations of the board in conformity therewith, provided that no distribution or allocation may be made to any institution of higher education which has failed or refused to comply with any order of the board as long as that failure or refusal continues.

(f) The board shall make continuing studies on its own initiative or upon the request of the governor or the Legislative Budget Board of the financial needs of public higher education and all services and activities of the institutions of higher education and issue reports to the governor and the Legislative Budget Board that result from its studies. (V.A.C.S. Art. 2919e-2, Sec. 16.)

Sec. 61.060. CONTROL OF PUBLIC JUNIOR COLLEGES. The board shall exercise, under the acts of the legislature, general control

of the public junior colleges of this state, on and after September 1, 1965. All authority not vested by this chapter or other laws of the state in the board is reserved and retained locally in each respective public junior college district or the governing board of each public junior college as provided in the applicable laws. (V.A.C.S. Art. 2919e-2, Sec. 17.)

Sec. 61.061. POLICIES, RULES, AND REGULATIONS RESPECTING JUNIOR COLLEGES. The board has the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges placed upon it by the legislature. The commissioner of higher education is responsible for carrying out these policies and enforcing these rules and regulations. (V.A.C.S. Art. 2919e-2, Sec. 18.)

Sec. 61.062. POWERS RESPECTING JUNIOR COLLEGES. (a) The board may authorize the creation of public junior college districts as provided in the applicable laws. In the exercise of this authority the board shall give particular attention to the need for a public junior college in the proposed district, and the ability of the district to provide adequate local financial support.

(b) The board may dissolve any public junior college district which has failed to establish and maintain a junior college in the district within three years from the date of its authorization.

(c) The board may adopt standards for the operation of public junior colleges and prescribe rules and regulations for them.

(d) The board may require of each public junior college whatever reports it deems necessary in accordance with its rules and regulations.

(e) The board may establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the board with respect to public junior colleges. (V.A.C.S. Art. 2919e-2, Sec. 19.)

Sec. 61.063. LISTING AND CERTIFICATION OF JUNIOR COLLEGES. The commissioner of higher education shall file with the state auditor and the state comptroller on or before October 1 of each year a list of the public junior colleges in this state. The commissioner shall certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the board. Only those colleges which are so certified shall be eligible for and may receive any appropriation made by the legislature to public junior colleges. (V.A.C.S. Art. 2919e-2, Sec. 20.)

Sec. 61.064. COOPERATIVE UNDERTAKINGS WITH PRIVATE COLLEGES AND UNIVERSITIES. The board shall:

(1) enlist the cooperation of private colleges and universities in developing a statewide plan for the orderly growth of the Texas system of higher education;

(2) encourage cooperation between public and private institutions of higher education wherever possible and may enter into cooperative undertakings with those institutions on a shared-cost basis as permitted by law;

(3) consider the availability of degree and certificate programs in private institutions of higher education in determining programs for public institutions of higher education; and

(4) cooperate with these private institutions, within statutory and constitutional limitations, to achieve the purposes of this chapter. (V.A.C.S. Art. 2919e-2, Sec. 21.)

Sec. 61.065. REPORTING; ACCOUNTING. After consultation with the governor, the state auditor, and the Legislative Budget Board, the board shall prescribe a uniform system of reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. Financial reports of the institutions of higher education shall classify accounts in accordance with the recommendation of the National Committee on the Preparation of a Manual on College and University Business Administration as set forth in Volume I of College and University Business Administration published by the American Council on Education with a copyright date of 1952, and subsequent published revisions, with such modifications as may be developed as provided by this chapter or as may be required to conform with specific provisions of the biennial appropriations acts of the legislature. The accounts of the institutions shall be maintained and audited in accordance with the approved reporting system. (V.A.C.S. Art. 2919e-2, Sec. 22.)

Sec. 61.066. STUDIES AND RECOMMENDATIONS; REPORTS. The board shall make studies and recommendations directed toward the achievement of excellence or toward improved effectiveness and efficiency in any phase of higher education in Texas and shall report on their studies and recommendations to the governor and the legislature. The officials of the institutions of higher education shall comply with requests for reports or information made by the board or the commissioner. To assure that the institutions of higher education timely file various reports with the appropriate agencies, the board shall receive and distribute the reports required by statute to be filed with the governor, the Legislative Budget Board, the state auditor, the state library, and any other state agency. (V.A.C.S. Art. 2919e-2, Sec. 23.)

Sec. 61.067. CONTRACTS. In achieving the goals outlined in this chapter and in performing the functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations and individuals. The board shall propose, foster, and encourage the use of interagency contracts among the institutions of higher education to reduce duplication and achieve better use of personnel and facilities. (V.A.C.S. Art. 2919e-2, Sec. 24.)

Sec. 61.068. GIFTS, GRANTS, DONATIONS. The board may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation, or the United States, subject to such limitations or conditions as may be provided by law. Gifts, grants, or donations of money shall be deposited in the state treasury and expended in accordance with the specific purpose for which given, under such conditions as may be imposed by the donor and as provided by law. (V.A.C.S. Art. 2919e-2, Sec. 25.)

Sec. 61.069. BOARD REPORT. The board shall make a report of its activities to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature. (V.A.C.S. Art. 2919e-2, Sec. 26.)

Sec. 61.070. DUTIES OF CENTRAL EDUCATION AGENCY NOT AFFECTED. None of the duties or functions assigned by statute to the central education agency, except those relating to public junior colleges, are affected by this chapter. (59th Legis., Ch. 12, Sec. 2 (part).)

[Sections 61.071-61.090 reserved for expansion]

SUBCHAPTER D. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE AND BAYLOR UNIVERSITY COLLEGE OF DENTISTRY

Sec. 61.091. DEFINITIONS. In this subchapter:

(1) "Bona fide Texas resident" means a person defined as a "resident student" in Subchapter B, Chapter 54 of this code, and rules, regulations, and interpretations promulgated under that subchapter by the board or the Commission on Higher Education.

(2) "Established public medical schools" means The University of Texas Medical Branch and Southwestern Medical School.

(3) "Undergraduate medical student" means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree.

(4) "Scholastic year of disbursement" means the period of time commencing on September 1 of each calendar year and terminating on August 31 of the next succeeding calendar year. The first scholastic year of disbursement commences on September 1, 1970, and terminates on August 31, 1971.

(5) "Average annual state tax support per undergraduate medical student enrolled at the established public medical schools" means an amount calculated by dividing the net general revenue appropriations to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of undergraduate medical students enrolled in those schools on October 15 of the fiscal year. (V.A.C.S. Art. 2919e-2.1, Sec. 1.)

Sec. 61.092. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE. The board may contract with Baylor College of Medicine for the administration, direction, and performance of all services and the

provision, maintenance, operation, and repair of all buildings, facilities, structures, equipment, and materials necessary or proper to the education, training, preparation, or instruction of bona fide Texas resident undergraduate medical students. However, nothing in this subchapter may be construed to empower the board to limit, alter, modify, or in any other manner change or approve, or negotiate for changes in or approval of, the administration, direction, and performance of these services or the provision, maintenance, operation, and repair of buildings, facilities, structures, equipment, or materials. (V.A.C.S. Art. 2919e-2.1, Sec. 2.)

Sec. 61.093. DISBURSEMENTS. (a) In the exercise of the authority described in Section 61.092 of this code, the board may disburse to Baylor College of Medicine, during each scholastic year of disbursement, an amount equal to the average annual state tax support per undergraduate medical student at the established public medical schools, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Baylor College of Medicine. However, the board may never disburse an amount exceeding the amount appropriated by the legislature for this purpose.

(b) Subject to the limitations described in Subsection (a) of this section, the board may establish, by contract with Baylor College of Medicine, the method by which the disbursement shall be accomplished, and may prescribe reasonable rules and regulations necessary to ascertain the average annual state tax support per undergraduate medical student at the established public medical schools. (V.A.C.S. Art. 2919e-2.1, Sec. 3.)

Sec. 61.094. CONTRACTS WITH BAYLOR UNIVERSITY COLLEGE OF DENTISTRY. The board may contract with the Baylor University College of Dentistry, to the extent it is owned by a nonprofit corporation distinct from the Baptist Church, for the education, training, preparation, or instruction of bona fide Texas resident undergraduate dental students enrolled for a regular schedule of courses in pursuit of a Doctor of Dentistry degree, in the same manner as provided in this subchapter for medical students, including all powers with respect to medical students, and all powers with respect to the Board and the Baylor University College of Medicine granted in this subchapter. For the purposes of this section, The University of Texas Dental Branch at Houston shall be used to calculate the average annual state tax support per undergraduate dental student. (V.A.C.S. Art. 2919e-2.1, Sec. 4.)

Sec. 61.095. RESTRICTIONS. The rights, powers, and authority granted in this subchapter shall not be subject to restriction, limitation, obligation, or requirement provided in Section 61.068 of this code or Articles 665 through 678m, inclusive, of Vernon's Texas Civil Statutes, notwithstanding any other provision in this subchapter. (V.A.C.S. Art. 2919e-2.1, Sec. 5.)

CHAPTER 65. ADMINISTRATION OF THE UNIVERSITY OF TEXAS SYSTEM

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CHAPTER 65. ADMINISTRATION OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 65.01. DEFINITIONS. In this chapter:

(1) "System" or "university system" means The University of Texas System.

(2) "Board" means the board of regents of The University of Texas System. (New.)

[Sections 65.02-65.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 65.11. BOARD OF REGENTS. The government of the university system is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (R.S. Art. 2584 (part); V.A.C.S. Art. 2584a.)

Sec. 65.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2907 (part).)

Sec. 65.13. BOARD OFFICERS. The board shall elect a chairman from its members to serve at the will of the board. The state treasurer shall be the treasurer of the university system. (R.S. Art. 2584 (part).)

Sec. 65.14. EXPENSES. The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from the available university fund. (R.S. Art. 2589.)

Sec. 65.15. SEAL. The board may make and use a common seal and may alter it at will. (R.S. Art. 2584 (part).)

[Sections 65.16-65.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 65.31. GENERAL POWERS AND DUTIES. (a) The board shall enact bylaws, rules, and regulations it deems necessary for the successful management and government of the university system.

(b) The board shall:

(1) establish the organization of the university system;

(2) determine the offices and professorships;

(3) appoint a chief executive officer for each component institution within the system, who, if the board deems it advisable, shall also discharge the duties of a professor;

(4) appoint the professors and other officers and fix their respective salaries;

(5) regulate the course of instruction and prescribe, with the advice of the faculty, the books and authorities used in the several departments; and

(6) confer the degrees and grant the diplomas usually conferred and granted by universities. (R.S. Art. 2585.)

Sec. 65.32. REMOVAL OF OFFICERS, ETC. The board may remove any officer, member of the faculty, or employee connected with the system when in its judgment the interest of the system requires the removal. (R.S. Art. 2586.)

Sec. 65.33. EMINENT DOMAIN. (a) The board has the power of eminent domain to acquire for the use of the university system any land that may be necessary and proper for carrying out its purposes in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended.

(b) Whenever the board has been made trustees by a will, instrument in writing, or otherwise of a trust for a scientific, educational, philanthropic, or charitable purpose, or other trust for a public purpose, it may act by a quorum of the board or a majority of all members. Unless otherwise directed by the terms of the will or instrument, as trustees the board may exercise for the purpose of the trust the power of eminent domain and may condemn land and other property as provided by Title 52, Revised Civil Statutes of Texas, 1925, as amended.

(c) The taking of the property is declared to be for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925. (V.A.C.S. Art. 2585b; Art. 3264b.)

Sec. 65.34. CONTRACTS. (a) All contracts with architects, plan makers, landscapers, or draftsmen, or with any other person, firm, or corporation of whatever name or designation shall be absolutely void unless approved by the signed written vote of a majority of the board in regular or called meeting assembled.

(b) All contracts for the construction or erection of permanent improvements shall be absolutely void unless made after receiving sealed competitive bids after advertisement by the chairman of the board of regents for four consecutive weeks in one or more newspapers of general circulation in the State of Texas, and the bids are considered and awards made to the lowest responsible bidder by the signed written vote of a majority of the board in a regular or called meeting assembled. The bids and awards shall be made only after the publication. (R.S. Art. 2593.)

Sec. 65.35. EXPENDITURES. All expenditures may be made by the order of the board and shall be paid on warrants from the comptroller based on vouchers approved by the chairman of the board or his delegate, or by the institutional head or his delegate of the component institution making the expenditures. (R.S. Art. 2594.)

Sec. 65.36. DONATIONS FOR PROFESSORSHIPS AND SCHOLARSHIPS. (a) Donations of property may be made for the purpose of establishing or assisting in the establishment of a professorship or scholarship in the university system or any of its institutions, either temporarily or permanently, and the donations will be governed by the rules prescribed by this section.

(b) The legal title to the property shall be vested in a person or persons, body corporate, or the State of Texas, to be held in trust for the purpose under any directions, limitations, and provisions that may be declared in writing in the donation, not inconsistent with the objects and proper management of the system or its institutions.

(c) The donor may declare and direct the manner in which the title to the property shall thereafter be transmitted from the trustee in continued succession, to be held for and appropriated to the declared purposes.

(d) The donor may declare and direct the person or class of persons who shall receive the benefit of the donation and the manner of their selection.

(e) The declarations, directions, and limitations shall not be inconsistent with the objects and proper management of the system or its institutions.

(f) In case of failure to transmit the title to the property or to bestow its use in the manner declared and directed in the donation, or in case the uses, or either of them, become impracticable from the change of circumstances, the title to the property, unless otherwise expressly directed by the donor, shall vest in this state to be held in trust to carry into effect the purposes of the donation as nearly as practicable by such agencies as may be provided therefor.

(g) The title to the property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent the loss of, or damage to, the property donated, or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

(h) Copies of the donation shall be filed with the board or the branch to which the donation applies; and the board shall report the condition and management of the property and the manner in which the trust is being administered as part of the matters reported pertaining to the institution. (R.S. Art. 2595.)

Sec. 65.37. FUNDS RECEIVED FOR TRUST SERVICES. The board may deposit in an appropriate university account all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the university system or any institution of the system. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system. (V.A.C.S. Art. 2594a.)

Sec. 65.38. NONSECTARIAN. No religious qualification shall be required for admission to any office or privilege in the university system. No course of instruction of a sectarian character shall be taught in the system. (R.S. Art. 2604.)

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CHAPTER 66. PERMANENT UNIVERSITY FUND
SUBCHAPTER A. COMPOSITION, INVESTMENT, AND USE

Sec. 66.01. PERMANENT UNIVERSITY FUND. The composition, investment, purposes, and use of the permanent university fund are governed by Article VII, Sections 11, 11a, 15, and 18, of the Texas Constitution. (New.)

Sec. 66.02. AVAILABLE UNIVERSITY FUND. All income derived from the permanent university fund shall be deposited in the state treasury to the credit of the available university fund within five days after receipt by any state officer, agent, or employee. (V.A.C.S. Art. 2654d, Sec. 5 (part).)

Sec. 66.03. APPORTIONMENT AND USE OF AVAILABLE FUND. (a) The board of regents of The University of Texas System and the board of directors of The Texas A & M University System, with the approval of the legislature, shall expend the available university fund for the construction of buildings on the campuses, the extension and improvement of the campuses, and the equipment of buildings on the campuses of The University of Texas at Austin, The University of Texas Medical Branch at Galveston, and Texas A & M University, in the proportions and amounts indicated by this section.

(b) The board of regents of The University of Texas System shall expend as much of the available university fund as is appropriated by the legislature for the administration of the university lands and of the permanent university fund, the expenses to be apportioned between the two systems in proportion to their receipts of available university funds under the terms of this section.

(c) The board of directors of The Texas A&M University System shall expend one-third of all the available university fund received from the permanent university fund arising from the 1,000,000 acres of land appropriated by the constitution and the land appropriated by the Act of 1883, except income from grazing leases on university lands (less its proportion of expenses of administration and excluding any expenses of administration from grazing leases); and the board of regents of The University of Texas System shall expend the balance of the available fund, including all the income from grazing leases on university lands (less its proportion of expenses of administration). (R.S. Art. 2592.)

Sec. 66.04. VALIDITY OF BONDS PURCHASED BY BOARD. Whenever the board has purchased the bonds of any city, county, or municipality, approved by the attorney general, the certificate of the attorney general attesting their validity shall be admitted and received as prima facie evidence of the validity of the bonds; and in all cases in which the proceeds of the sale of these bonds have been received by the proper officers of the city, municipality, or county, or by the party acting for them in negotiating the sale of the bonds, the city, municipality, or county is thereafter estopped from denying the validity of the bonds and

they shall be held to be valid and binding obligations. (V.A.C.S. Art. 2591a, Sec. 3 (part).)

[Sections 66.05-66.20 reserved for expansion]

SUBCHAPTER B. PERMANENT UNIVERSITY FUND BONDS AND NOTES

Sec. 66.21. REGISTRATION. All bonds and notes issued pursuant to the provisions of Article VII, Section 18, of the Texas Constitution, as originally adopted or as amended, shall be registered by the comptroller of public accounts after they have been approved by the attorney general. (V.A.C.S. Art. 2909d, Sec. 1.)

Sec. 66.22. REFUNDING BONDS AND NOTES. Any bonds or notes issued pursuant to the constitutional provisions described in Section 66.21 of this code, or issued pursuant to this subchapter, may be refunded by the governing board which issued the bonds or notes, upon such terms and conditions, including interest rates and maturities, as may be determined by that board, provided that such terms and conditions shall not be inconsistent with the applicable constitutional provisions. Any such bonds or notes may be so refunded by the issuance of refunding bonds or notes, either to be exchanged for the bonds or notes being refunded and cancelled, or to be sold, with the proceeds to be used for the redemption and cancellation of the bonds or notes being refunded. (V.A.C.S. Art. 2909d, Sec. 2.)

Sec. 66.23. REFUNDING BONDS AND NOTES: APPROVAL; REGISTRATION. All refunding bonds or notes authorized to be issued under this subchapter and the records relating to their issuance, including any proceedings relating to the redemption of any outstanding bonds or notes, shall be submitted to the attorney general for examination, and if he finds that they have been issued in accordance with law, he shall approve them, and then they shall be registered by the comptroller of public accounts, and after such approval and registration they shall be incontestable. When any such refunding bonds or notes are issued to be exchanged for any outstanding bonds or notes, the comptroller of public accounts shall register and deliver such refunding bonds on surrender for cancellation of the bonds or notes being refunded. When any such refunding bonds or notes are sold, with the proceeds to be used for redeeming any outstanding bonds or notes, the comptroller of public accounts shall register such refunding bonds or notes, even though the bonds or notes to be redeemed shall not have been surrendered for redemption or cancellation. (V.A.C.S. Art. 2909d, Sec. 3.)

Sec. 66.24. AUTHORIZED INVESTMENTS; SECURITY FOR DEPOSITS. All bonds and notes, whether original or refunding, issued pursuant to the constitutional provisions or issued pursuant to this subchapter, shall be fully negotiable instruments, and all bonds and notes are declared to be legal and authorized investments for

banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be lawful and sufficient security for those deposits to the extent of their par value when accompanied by all unmatured coupons appurtenant to them. (V.A.C.S. Art. 2909d, Sec. 4.)

Sec. 66.25. TAX EXEMPT. The carrying out of the purposes of the constitutional provisions and of this subchapter will be performing an essential public function under the constitution, and all bonds and notes, whether original or refunding, heretofore or hereafter issued pursuant to the constitutional provisions or this subchapter, and their transfer and the income from them, including the profits made on their sale, shall at all times be free from taxation in this state. (V.A.C.S. Art. 2909d, Sec. 5.)

[Sections 66.26-66.40 reserved for expansion]

SUBCHAPTER C. MANAGEMENT OF UNIVERSITY LANDS

Sec. 66.41. MANAGEMENT OF UNIVERSITY LANDS. The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the permanent university fund. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the permanent university fund, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. (R.S. Art. 2596; V.A.C.S. Art. 2592a, Sec. 1; Art. 2603b-1.)

Sec. 66.42. DUTY OF LAND COMMISSIONER. The commissioner of the general land office shall:

(1) furnish to the board of regents complete and accurate maps and all other data necessary to show the location and condition of every tract of the university lands;

(2) furnish to the board any additional information it may require; and

(3) render to the board any possible assistance it may request in the discharge of its duties under this chapter. (R.S. Art. 2598.)

Sec. 66.43. UNIVERSITY LANDS: SURVEYS; GEOLOGIST AND MINERALOGIST; OTHER PERSONNEL. (a) The board of regents shall cause

to be done such surveying or resurveying of the blocks and subdivisions of the university lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed on the ground, the blocks shall be surveyed or resurveyed and divided into surveys of sections and fractional sections, and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors to do such surveying shall be employed by the board. The field notes of such surveys shall be returned to the general land office, and when correct and in accordance with law shall be approved by the commissioner of the general land office, filed in the general land office, and become archives therein.

(b) The board of regents may employ and compensate personnel the board deems necessary in connection with performance of any duties under this section or under Subchapter D of this chapter. (V.A.C.S. Art. 2603b, Sec. 1, 3 (part).)

Sec. 66.44. MANAGEMENT OF MINERALS OTHER THAN OIL AND GAS. The board of regents has the sole and exclusive management and control of all minerals, other than oil and gas, in lands set aside and appropriated to, or acquired by the permanent university fund. The board may sell, lease, and otherwise manage and control the minerals, other than oil and gas, in those lands as may seem best to it for the interests of the permanent university fund. The board may also explore and have explored and developed the minerals and may make any contract or contracts with any person, association of persons, firm, or corporation for the exploration, development, mining, production, disposition, and sale of the minerals in those lands. (R.S. Art. 2597.)

[Sections 66.45-66.60 reserved for expansion]

SUBCHAPTER D. BOARD FOR LEASE OF UNIVERSITY LANDS

Sec. 66.61. DEFINITION. As used in this subchapter, "board" means the Board for Lease of University Lands. (V.A.C.S. Art. 2603a, Sec. 1 (part).)

Sec. 66.62. BOARD FOR LEASE. (a) The Board for Lease of University Lands is composed of the commissioner of the general land office and two members of the board of regents selected by the board of regents.

(b) Neither regent member may be directly or indirectly employed by, or be an officer of or an attorney for, an oil or gas company.

(c) A majority of the board has the power to act for the board.

(d) The board shall perform the duties prescribed by this subchapter and shall keep a public record of all its proceedings. (V.A.C.S. Art. 2603a, Sec. 1 (part); Sec. 18 (part).)

Sec. 66.63. OIL AND GAS SUBJECT TO SALE. The oil and gas in the university lands are subject to sale under the regulations, at the times, and on the terms provided in this subchapter, and under the rules and regulations adopted by the board as authorized by this subchapter, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2603a, Sec. 3.)

Sec. 66.64. PLACING OIL AND GAS ON MARKET; PUBLIC AUCTION; ADVERTISEMENT. (a) Whenever there is a demand for the purchase of oil and gas in any university land that will reasonably insure that the oil and gas may be sold advantageously, the board shall place the oil and gas in the land on the market in separate tracts of such area and extent as the board may determine most suitable for profitable marketing; but in no event shall any tract in which oil and gas is offered for as a unit exceed an area of 6,000 acres.

(b) The sale of the oil and gas shall be made at public auction held in Austin at any hour between 10 a.m. and 5 p.m.

(c) The board shall cause an advertisement to be made of the sale in two or more newspapers of general circulation in this state. The advertisement shall state the method, time, and place of sale; the primary term of the lease proposed to be executed covering any sale; the royalty to be paid; that lists describing the land to be sold may be obtained from the board; and other matters that in the judgment of the board are deemed advisable. In addition to the foregoing mandatory provisions, the board may cause the advertisement to be placed in oil and gas journals in and out of the state and to be mailed generally to persons it thinks might be interested. (V.A.C.S. Art. 2603a, Sec. 4.)

Sec. 66.65. ROYALTY; BONUS; ANNUAL RENTAL; SPECIAL FEE. (a) The oil and gas in each tract shall be offered for sale for a bonus in addition to the stipulated royalty. Each tract shall be offered separately.

(b) Each bid is subject to the royalty specified in the official advertisement preceding the sale, but in no event less than one-eighth of the gross production of oil and gas in the land; and shall further be subject to the payment of an annual rental after the first year of not less that 10 cents per acre, payable each year in advance, unless the royalties received from the land during the preceding year equal or exceed the amount of the annual rental payment.

(c) Each bid is also subject to the payment of a special fee equal to one percent of the total sum bid, which special payment shall constitute a special fund from which the board for lease shall defray the expenses of the sale, including the payment for the services of the auctioneer crying the sale and the payment of the general operating expenses in geologizing, oil field supervision, and auditing oil and gas production of university lands, including salaries and traveling expenses of persons employed by the board of regents for those purposes, and for the purpose of acquiring, constructing, and equipping a building in the city of Midland or adjacent area to house the administrative staff of the offices of University Lands, Geology and Land Agent, and such

other related agencies necessary for the management and development of university lands in West Texas.

(d) The board for lease may also direct the comptroller of The University of Texas System to transmit to the state treasurer for deposit to the credit of the permanent university fund any unexpended balances remaining in the special fund after reserving a sufficient amount in it for the payment of current expenses as set out in Subsection (c) of this section.

(e) The highest successful bidder shall pay to the commissioner of the general land office on the day the bid is accepted the full amount of bonus bid and the special fee. (V.A.C.S. Art. 2603a, Sec. 5.)

Sec. 66.66. WITHDRAWAL OF LANDS BEFORE BIDS RECEIVED. The board may withdraw any lands advertised for lease before the hour set for receiving bids. (V.A.C.S. Art. 2603a, Sec. 18 (part).)

Sec. 66.67. AWARD OF LEASE. (a) If any one of the bidders at the sale at public auction has offered a reasonable and proper price for any tract offered, not less than the price fixed by the board, the land advertised may be leased for oil and gas purposes under the terms of this subchapter and any regulations the board may prescribe, not inconsistent with the provisions of this subchapter. All bids may be rejected by the board.

(b) If the board determines that a satisfactory bid has been offered for the oil and gas, it shall make an award to the bidder offering the highest price, and a lease shall be executed by the commissioner of the general land office. A duplicate copy of the lease shall be filed in the general land office. (V.A.C.S. Art. 2603a, Sec. 7, 8(a).)

Sec. 66.68. PROVISIONS OF LEASE. (a) Each lease executed under this subchapter shall contain, and each valid and subsisting oil and gas lease previously executed by the commissioner under the source statute for this subchapter, on the application of the lessee and payment of a sum of money equal to one year's annual rental under the lease, shall be amended by written instrument to contain, the provisions prescribed by this section.

(b) Each lease shall provide that the primary term of the lease, as determined by the board prior to the promulgation of the advertisement, shall in no case exceed five years.

(c) Each lease shall provide that if oil and/or gas is being produced in paying quantities from the leased premises before the termination of the primary term, such lease shall not terminate but shall continue in force and effect as long as oil and/or gas is being so produced.

(d) Each lease shall provide that in the event production of oil or gas on the leased premises, after once obtained, shall cease for any cause within 60 days before the expiration of the primary term of such lease or at any time or times thereafter, such lease shall not terminate, if the lessee commences additional drilling or reworking operations within 60 days thereafter, and such lease shall remain in full force and effect so long as such

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operations continue in good faith and in workmanlike manner, without interruptions, totaling more than 60 days during any one such operation; and if such drilling or reworking operations result in the production of oil and/or gas, such lease shall remain in full force and effect so long as oil or gas is produced therefrom in paying quantities or payment of shut-in gas well royalty or compensatory royalties is made as hereinafter provided in this subchapter.

(e) Each lease shall provide that if at the expiration of the primary term or at any time thereafter there is located on the leased premises a well or wells capable of producing gas in paying quantities and such gas is not produced for lack of a suitable market and such lease is not being otherwise maintained in force and effect, the lessee may pay as royalty $1,200 per annum for each well on the lease capable of producing gas in paying quantities, such payment to be made to the commissioner of the general land office at Austin, Texas, prior to the expiration of the primary term of the lease, or if the primary term has expired, within 60 days after lessee ceases to produce gas from such well or wells; and if such payment is made, the lease shall be considered to be a producing lease and such shut-in gas well royalty payment shall extend the term of the lease for a period of one year from the end of the primary term or from the first day of the month next succeeding the month in which production ceased; and thereafter if no suitable market for such gas exists, the lessee may extend the lease for two additional and successive periods of one year each by the payment of a like sum of money each year on or before the expiration of the extended term. Provided, however, that if, while such lease is being maintained in force and effect by payment of such shut-in gas well royalty, gas should be sold and delivered in paying quantities from a well situated within 1,000 feet of the leased premises and completed in the same producing reservoir or in any case where drainage is occurring, the right to further extend the lease by such shut-in gas well royalty payments shall cease, but such lease shall remain in force and effect for the remainder of the current one year period for which the shut-in gas well royalty has been paid, and for an additional period not to exceed a combined total of three years from the expiration of the primary term or from the first day of the month next succeeding the month in which production ceased by the payment by the lessee of compensatory royalty, at the royalty rate provided for in such university lease as would be due on an equivalent amount of like quality gas produced and delivered from the well completed in the same producing reservoir from which gas is being sold and delivered and which is situated within 1,000 feet of, or draining, the leased premises on which shut-in gas well is situated, such compensatory royalty to be paid monthly to the Commissioner of the General Land Office at Austin, Texas, beginning on or before the last day of the month next succeeding the month in which such gas is sold and delivered from the well situated within 1,000 feet of, or draining, the leased premises and completed in the same producing reservoir; provided further, that in the event such compensatory royalties paid in any 12-month

period are in a sum less than the annual shut-in gas well royalties provided for in this section, the lessee shall pay an additional sum equal to the difference within 30 days from the end of such 12-month period; provided further, that nothing herein shall relieve the lessee of the obligation of reasonable development, nor of the obligation to drill offset wells required by Section 66.75 of this code.

(f) Each lease shall provide that if, at the expiration of the primary term, production of oil and/or gas has not been obtained in paying quantities on the leased premises but drilling operations are being conducted thereon in good faith and in good and workmanlike manner, the lessee may, on or before the expiration of the primary term, file in the general land office written application to the commissioner for a 30-day extension of such lease, such application to be accompanied by a payment of $7.50 per acre for each acre in the lease, and the commissioner shall, in writing, extend such lease for a 30-day period from and after the expiration of the primary term and so long thereafter as oil or gas is produced in paying quantities from the premises; provided further, that the lessee may, so long as such drilling operations are being conducted in good faith, make like application and payment during any 30-day extended period for an additional extension of 30 days not to exceed a combined total of 180 days; provided, however, lessee may, so long as such drilling operations are being conducted in good faith, make written application to the commissioner, on or before the expiration of the initial extended period of 180 days for an additional extension of 180 days, such application to be accompanied by a payment of $50 per acre for each acre in the lease, and the commissioner shall, in writing, extend such lease for an additional 180-day period from and after the expiration of the initial extended period of 180 days, and so long thereafter as oil or gas is produced in paying quantities from the premises; provided, that no lease shall be extended under the provisions of this section for more than a total of 360 days from and after the expiration of the primary term unless production in paying quantities has been obtained. (V.A.C.S. Art. 2603a, Sec. 8(b)-1.)

Sec. 66.69. LEASE: ADDITIONAL PROVISIONS. Each oil and gas lease issued on university lands under this subchapter shall include any additional provisions and regulations, not inconsistent with the provisions of this subchapter, that the board may prescribe to preserve the interest of the state and safeguard the university funds. (V.A.C.S. Art. 2603a, Sec. 8(b)-2.)

Sec. 66.70. COMPENSATORY ROYALTIES IN LIEU OF OFFSET WELLS. (a) Subject to the provisions of this section, the commissioner of the general land office may execute agreements on behalf of the permanent university fund that provide for the payment by university land oil and gas lessees of compensatory royalty in lieu of drilling offset wells that may be required to protect a university oil and gas lease from drainage from a well or wells located on non-university lands or university lands leased at a lesser royalty situated within 1,000 feet of or draining the university-leased premises.

(b) Agreements providing for the payment of compensatory royalty must be approved by the board for lease of university lands.

(c) Any such agreement must be found by the commissioner and the board for lease to be in the best interest of the state and necessary to prevent economic waste.

(d) Nothing in an agreement shall relieve the lessee of the obligation of reasonable development or of the obligation to drill offset wells as required by Section 66.75 of this code as to other producing horizons.

(e) Beginning on the date fixed in the agreement, the lessee shall pay the compensatory royalty monthly to the commissioner at the land office in Austin.

(f) The agreement with respect to the interest of the state shall remain in force and effect as long as oil and gas, or either of them, is produced from a well located on university or non-university acreage and draining the university-leased premises.

(g) The agreement may contain other provisions the commissioner and the board for lease deem necessary to protect the interests of the permanent university fund. (V.A.C.S. Art. 2603a-1.)

Sec. 66.71. PRORATED OR REDUCED PRODUCTION CONTRACTS. Whenever in the discretion of the board it is to the best interest of the university and its permanent fund that production from any lease for a limited period of time should be prorated or reduced, the board may execute the necessary contract or contracts with the lessee or lessees and their assignees to effectuate the same and to carry out the intention of this subchapter. (V.A.C.S. Art. 2603a, Sec. 8(c).)

Sec. 66.72. EXTENSION OF PRODUCING LEASE. If oil or gas is discovered in paying quantities on any tract covered by a lease, then the lease as to that tract shall remain in force as long as oil and gas is produced in paying quantities from the tract, provided that the other provisions of this subchapter are complied with by the lessee. (V.A.C.S. Art. 2603a, Sec. 9.)

Sec. 66.73. ASSIGNMENT; RELINQUISHMENT. (a) All rights purchased may be assigned in quantities of not less than 40 acres, unless there are less than 40 acres remaining out of the tract originally leased under this subchapter, in which case the lesser area may be assigned. All assignments shall be filed in the general land office within 100 days after the date of the first acknowledgment thereof, accompanied by 10 cents an acre for each acre assigned; and if not so filed and payment made, the assignment shall be ineffective.

(b) All rights to any entire lease and to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated and filed in the land office accompanied by $1 for each area assigned; but such assignment shall not release the owners of any past due obligations theretofore accrued thereon. (V.A.C.S. Art. 2603a, Sec. 10.)

Sec. 66.74. ROYALTY PAYMENTS; INSPECTION OF RECORDS. (a) Royalty as stipulated in the sale shall be paid to the general land office at Austin for the benefit of the university permanent fund on or before the last day of each month for the preceding month during the life of the rights purchased; and it shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil produced and saved since the last report, the amount of gas produced and sold off the premises, and the market value of the oil and gas, together with a copy of gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, tanks, or pools and gas lines or gas storage.

(b) The books and accounts, receipt and discharges of all wells, tanks, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil and gas shall at all times be subject to inspection and examination by the commissioner of the general land office, the attorney general, the governor, or any member of the board of regents, or the representative of either. (V.A.C.S. Art. 2603a, Sec. 11.)

Sec. 66.75. PROTECTION FROM DRAINAGE. In every case where the area in which the oil and gas sold shall be contiguous or adjacent to land not university land, the acceptance of the bid and the sale made thereby shall constitute an obligation on the lessee to adequately protect the land leased from drainage from adjacent lands. In cases where the area in which the oil and gas is sold is contiguous to other university lands leased or sold, at a lesser royalty, the lessee shall likewise protect the state from drainage from the land so leased or sold for a lesser royalty. On failure to protect the land from drainage, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures. (V.A.C.S. Art. 2603a, Sec. 12.)

Sec. 66.76. FORFEITURE; OTHER REMEDIES; LIEN. (a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental or royalty on the production, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, or drilling, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority to access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

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(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil and gas produced upon the leased area and upon all rigs, tanks, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of the lease. (V.A.C.S. Art. 2603a, Sec. 13.)

Sec. 66.77. FILING OF RECORDS. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the general land office and constitute archives thereof. (V.A.C.S. Art. 2603a, Sec. 14 (part).)

Sec. 66.78. PAYMENTS; DISPOSITION. Payments under this subchapter shall be made to the commissioner of the general land office at Austin, who shall:

(1) transmit to the state treasurer for deposit to the credit of the permanent university fund all bonus and royalty payments;

(2) transmit to the state treasurer for deposit to the credit of the available university fund all payments for delay in drilling, all filing, assignment, and relinquishment fees, and all other payments except those described in Subdivision (3) of this section; and

(3) transmit to the comptroller of The University of Texas System the special one percent fee payment prescribed by Section 66.65(c) of this code, which shall be disbursed by the comptroller for the authorized purposes after approval thereof by the board. (V.A.C.S. Art. 2603a, Sec. 14 (part).)

Sec. 66.79. FORMS; CONTRACTS; REGULATIONS. The board shall adopt forms and contracts and shall promulgate rules and regulations, not inconsistent with the terms of this subchapter, that in its judgment will best effectuate the purpose of this subchapter and will best protect the university, its lands, and the income from the lands. (V.A.C.S. Art. 2603a, Sec. 18 (part).)

Sec. 66.80. EXPENSES OF EXECUTING THIS SUBCHAPTER. The expenses of executing the provisions of this subchapter shall be paid monthly by warrants drawn by the comptroller on the state treasury. (V.A.C.S. Art. 2603a, Sec. 16.)

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CHAPTER 67. THE UNIVERSITY OF TEXAS AT AUSTIN
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 67.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at Austin.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 67.02. THE UNIVERSITY OF TEXAS AT AUSTIN. The University of Texas at Austin is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2585c, Sec. 2(a).)

[Sections 67.03-67.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 67.21. SPECIAL FEES. (a) The board may levy and collect special fees from each student as a prerequisite to registration in the university as provided by this section.

(b) The board may levy and collect from each student a compulsory group hospitalization fee of $4 for each regular semester and $2 for each term of each summer session.

(c) The board may levy and collect from each student a compulsory fee for operating, maintaining, improving, equipping, and/or constructing additions to the existing Texas Union building near Guadalupe Street, of not to exceed $10 for each regular semester and $5 for each term of each summer session, with such fees to be deposited to an account known as the Texas Union Fee Account. The activities of said Texas Union building financed in whole or in part by this fee shall be limited to those activities in which the entire student body is eligible to participate, and in no event shall any of the activities so financed be held outside of the territorial limits of the campus of The University of Texas at Austin.

(d) The fees thus collected and placed in the Texas Union Fee Account shall be placed under the control of and subject to the order of the board of directors of the Texas Union building, which board shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the same, and shall then levy the fees in such amounts as will be sufficient to meet the budgetary needs of said Texas Union building, within the limits herein fixed.

(e) The power and authority conferred by this section does not and shall not constitute in any way a limitation or restriction upon the power and authority of the board of regents under Chapter 55 of this code. (V.A.C.S. Arts. 2589c, 2589d, 2589e.)

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Sec. 67.22. MILITARY TRAINING. No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university. (V.A.C.S. Art. 2585a.)

Sec. 67.23. TEXAS MEMORIAL MUSEUM. The board has the management and control of the Texas Memorial Museum. It shall be maintained as a museum and shall be an integral part of The University of Texas at Austin. (V.A.C.S. Art. 2589f.)

Sec. 67.24. RESEARCH AND EXPERIMENTATION FOR HIGHWAY DEPARTMENT. The state comptroller of public accounts may draw proper warrants in favor of the university based on vouchers or claims submitted by the university through the State Highway Department covering reasonable fees and charges for services rendered by members of the staff of the university system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, drainage, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the university in accordance with the provisions of Texas Highway Department Minute Order Number 52742, dated May 24, 1963; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the university shall be credited and deposited to local institutional funds under its control. (Acts 59th Legis., Ch. 78.)

[Sections 67.25-67.50 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS MCDONALD OBSERVATORY AT MOUNT LOCKE

Sec. 67.51. UNIT OF UNIVERSITY. The University of Texas McDonald Observatory at Mount Locke is a part of and under the direction and control of The University of Texas at Austin. (V.A.C.S. Art. 2585c, Sec. 2(b); Art. 2585d, Sec. 3(a) (part).)

[Sections 67.52-67.60 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MARINE SCIENCE INSTITUTE AT PORT ARANSAS

Sec. 67.61. UNIT OF UNIVERSITY. The University of Texas Marine Science Institute at Port Aransas is a part of and under the direction and control of The University of Texas at Austin. (V.A.C.S. Art. 2585c, Sec. 2(c); Art. 2585d, Sec. 3(a) (part).)

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CHAPTER 68. THE UNIVERSITY OF TEXAS AT ARLINGTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 68.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at Arlington.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 68.02. THE UNIVERSITY OF TEXAS AT ARLINGTON. The University of Texas at Arlington is a four-year and graduate-level coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (R.S. Art. 2620; V.A.C.S. Art. 2620a, Sec. 2 (part), 3; Art. 2621a, Sec. 1; Art. 2585c, Sec. 2(h).)

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CHAPTER 69. THE UNIVERSITY OF TEXAS AT EL PASO

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 69.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at El Paso.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 69.02. THE UNIVERSITY OF TEXAS AT EL PASO. The University of Texas at El Paso is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (R.S. Art. 2633 (part); V.A.C.S. Art. 2633a; V.A.C.S. Art. 2585c, Sec. 2(i).)

[Sections 69.03-69.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 69.21. ACQUISITION OF LAND. The board may acquire by purchase, exchange, or otherwise any tract or parcel of land in El Paso County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion. (V.A.C.S. Art. 2603b-3.)

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CHAPTER 70. THE UNIVERSITY OF TEXAS AT DALLAS

Sec. 70.01. UNIVERSITY AUTHORIZED. The Board of Regents of The University of Texas System shall establish and maintain a state-supported general academic institution of higher education to be known as The University of Texas at Dallas. (V.A.C.S. Art. 2606c-3.1, Sec. 1 (part).)

Sec. 70.02. LOCATION. The board shall locate The University of Texas at Dallas on a site, to be selected in Dallas County, consisting of not less than 250 acres of land that shall be donated for that purpose without cost to the State of Texas. The site may extend into any county adjacent to Dallas County. (V.A.C.S. Art. 2606c-3.1, Sec. 1 (part).)

Sec. 70.03. COURSES AND DEGREES. (a) The board may prescribe courses leading to customary degrees offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees, and their equivalents.

(b) No department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System, or its successor.

(c) Initial programs and departments shall be limited to those which existed in the Southwest Center for Advanced Studies on September 1, 1969. Approval of these programs, their expansion, and initiation of other programs shall be recommended by the board of regents and approved by the coordinating board. (V.A.C.S. Art. 2606c-3.1, Sec. 2 (part).) *

Sec. 70.04 RULES AND REGULATIONS; JOINT APPOINTMENTS. The board may adopt other rules and regulations for the operation, control, and management of the university that are necessary for the conduct of the university as one of the first class. The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-3.1, Sec. 2 (part).)

Sec. 70.05. PROGRAMS AT OTHER UNIVERSITIES. It is the intent of the legislature that existing programs leading to undergraduate and graduate degrees at North Texas State University, Texas Woman's University, East Texas State University, and The University of Texas at Arlington shall never be placed at a disadvantage, curtailed, or restricted from orderly and proper expansion for any cause attributable to the establishment of, or the curricular objectives for, The University of Texas at Dallas; and that these universities shall not, as a result of the establishment of The University of Texas at Dallas, be handicapped in realizing their full potentials in quantity or quality for developing additional undergraduate and graduate programs which may from time to time be authorized by the coordinating board. (V.A.C.S. Art. 2606c-3.1, Sec. 3.)

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*Dr. Johnson's letter of 9/17/70

Sec. 70.06. LIMITATIONS ON ENROLLMENT. (a) The board may not permit the enrollment of freshman or sophomore undergraduate students at any time.

(b) The board may not permit the enrollment of junior or senior undergraduate students prior to September 1, 1975.

(c) The board may provide for the enrollment of graduate students and the awarding of graduate degrees after September 1, 1969. (V.A.C.S. Art. 2606c-3.1, Sec. 4.)

Sec. 70.07. GRANTS AND GIFTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at Dallas, and in aid of the research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-3.1, Sec. 5.)

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CHAPTER 71. THE UNIVERSITY OF TEXAS AT SAN ANTONIO

Sec. 71.01. THE UNIVERSITY OF TEXAS AT SAN ANTONIO. The University of Texas at San Antonio is a coeducational institution of higher education in Bexar County. The site of the university shall be on land selected by the board of regents and provided or donated for that purpose. (V.A.C.S. Art. 2606c-3, Sec. 1.)

Sec. 71.02. ORGANIZATION AND CONTROL. The organization and control of The University of Texas at San Antonio is vested in the Board of Regents of The University of Texas System. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.03. COURSES AND DEGREES. The board may prescribe courses leading to such customary degrees as are offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees and their equivalents, and that there be established a standard four-year undergraduate program; but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.04. OTHER RULES AND REGULATIONS. The board shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.05. JOINT APPOINTMENTS. The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.06. BOARD MAY ACCEPT GRANTS AND GIFTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at San Antonio, and in aid of research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-3, Sec. 3.)

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CHAPTER 72. THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

Sec. 72.01. ESTABLISHMENT. The Board of Regents of the University of Texas System shall establish and maintain a fully state-supported coeducational institution of higher education to be known as The University of Texas of the Permian Basin. The institution shall be organized to accept only junior-, senior-, and graduate-level students, with at least 60 semester hours of accredited college or university study. (V.A.C.S. Art. 2606c-4, Sec. 1.)

Sec. 72.02. COURSES AND DEGREES. The board of regents may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and may award those degrees. It is the intent of the legislature that those degrees include bachelor's and master's degrees and their equivalents, and that there be established a standard program for this type of institution, but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.03. OTHER RULES AND REGULATIONS. The board of regents shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.04. JOINT APPOINTMENTS. The board of regents is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.05. BOARD MAY ACCEPT GRANTS AND GIFTS. The board of regents may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, or any part of existing junior college facilities that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas of the Permian Basin, and in aid of research and teaching at the university. The board of regents may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-4, Sec. 3.)

Sec. 72.06. LOCATION. (a) The board of regents shall establish The University of Texas of the Permian Basin at a site consisting of at least 200 acres, unless otherwise specifically acceptable to the board.

(b) The site shall, within a reasonable length of time, be accessible to roads, and shall be accessible to required utilities at the perimeter of the site. The site shall be accessible to, and within a reasonable distance of, the present site of the Odessa College Campus in Odessa.

(c) The board shall select a site which is in Ector County; however, the site may extend into an adjoining county. If, within the discretion of the board, those sites made available within the provisions of this chapter are not suitable and other sites are suitable, then the board may accept and acquire a similar site wholly or partly in an adjoining county; however, that site may not be outside a 12-mile radius from the present campus of Odessa College in Odessa.

(d) The board is authorized to accept and acquire and shall accept and acquire a site for such college within the provisions of this chapter and the land for the site shall be deeded by proper conveyance free and clear of debt, to the state.

(e) The board shall in no event delay the acquisition of land for the institution created by the provisions of this chapter later than December 31, 1969.

(f) The board must follow the provisions of this chapter with respect to site and any decision reached to the contrary shall be null and void and all laws to the contrary are hereby expressly repealed. (V.A.C.S. Art. 2606c-4, Sec. 4.)

CHAPTER 73. THE UNIVERSITY OF TEXAS AT HOUSTON

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CHAPTER 73. THE UNIVERSITY OF TEXAS AT HOUSTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 73.001. COMPOSITION. The University of Texas at Houston is composed of the following component institutions under the management and control of the board of regents of The University of Texas System:

(1) The University of Texas Medical School at Houston;

(2) The University of Texas Dental Branch at Houston;

(3) The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston;

(4) The University of Texas Graduate School of Biomedical Sciences at Houston;

(5) The University of Texas School of Public Health at Houston; and

(6) other institutions and activities assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(d).)

[Sections 73.002-73.050 reserved for expansion]

SUBCHAPTER B. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON

Sec. 73.051. SHORT TITLE. This subchapter may be cited as the Brooks-Bass Medical Training Act of 1969. (V.A.C.S. Art. 2606c-1.1, Sec. 1.)

Sec. 73.052. ESTABLISHMENT; SCOPE. The board of regents shall establish and maintain The University of Texas Medical School at Houston, a component institution of the university system located in Harris County. The board may provide for the training and teaching of medical students, medical technicians, and other technicians in the practice of medicine. (V.A.C.S. Art. 2606c-1.1, Sec. 2.)

Sec. 73.053. TRANSFER OF DIVISION OF CONTINUING EDUCATION. The board may transfer the division of continuing education from The University of Texas Graduate School of Biomedical Sciences at Houston to The University of Texas Medical School at Houston. After the transfer, all appropriations, assets, funds, property, and equipment owned or held by the division of continuing education shall be owned, held, and controlled by The University of Texas Medical School at Houston. (V.A.C.S. Art. 2606c-1.1, Sec. 3.)

Sec. 73.054. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-1.1, Sec. 5.)

Sec. 73.055. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-1.1, Sec. 6.)

Sec. 73.056. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-1.1, Sec. 7.)

Sec. 73.057. TEACHING HOSPITAL. A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school. (V.A.C.S. Art. 2606c-1.1, Sec. 8.)

[Sections 73.058-73.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS M. D. ANDERSON HOSPITAL AND TUMOR INSTITUTE AT HOUSTON

Sec. 73.101. LOCATION. The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston is located in the Texas Medical Center in the city of Houston. (V.A.C.S. Art. 2603e, Sec. 1; Art. 2603f, Sec. 1 (part).)

Sec. 73.102. PURPOSE. The institution and its substations shall be devoted to the diagnosis, teaching, study, prevention, and treatment of neoplastic and allied diseases. (V.A.C.S. Art. 2603e, Sec. 5.)

Sec. 73.103. PRESIDENT. (a) The board of regents shall appoint a president of the institution.

(b) To be qualified for appointment as president, a person must be a licensed physician with at least five years of experience practicing medicine.

(c) The president has charge of the operation and conduct of the institution and has any other powers and duties conferred on him by the board. (V.A.C.S. Art. 2603e, Sec. 2.)

Sec. 73.104. MEDICAL STAFF. The medical staff of the institution shall be selected and employed by the board on the

recommendation of the president, and may be discharged in like manner. (V.A.C.S. Art. 2603e, Sec. 3.)

Sec. 73.105. DIAGNOSTIC AND TREATMENT SUBSTATIONS. The board may establish and maintain diagnostic and treatment substations as deemed expedient from time to time. The location, erection, operation, and management of the substations are under the control and direction of the board, subject to the other provisions of this subchapter. The substations and the main institution shall conform to the standards of the American College of Surgeons and the American Medical Association. (V.A.C.S. Art. 2603e, Sec. 4.)

Sec. 73.106. PATIENTS. Except to the extent of any conflict with this subchapter, the provisions of Chapter 152, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 3196a, Vernon's Texas Civil Statutes), govern the admission of patients to the institution and its substations, the support of patients, and other matters relating to patients. (V.A.C.S. Art. 2603e, Sec. 6.)

Sec. 73.107. ADMISSION: RULES AND REGULATIONS; APPROVAL OF PRESIDENT. (a) Admission to the institution and its substations is subject to rules and regulations promulgated from time to time by the president.

(b) No person shall be admitted until the president is satisfied that all requirements of this subchapter and the rules and regulations of the president have been met. (V.A.C.S. Art. 2603e, Sec. 7 (part), 9.)

Sec. 73.108. APPLICATION. (a) Admission is subject to the written application of the patient, the guardian of the patient, or some friend or relative of the patient.

(b) The written application shall be on forms prescribed by the president and shall include:

(1) the patient's name, age, sex, and national origin;

(2) the patient's residence address or addresses for at least the two-year period preceding the date of the application;

(3) the patient's occupation, trade, profession, or employment;

(4) the names and addresses of the patient's parents, children, brothers, sisters, and other responsible relatives, if any;

(5) the names, addresses, and ages of any relatives who are or who may have been similarly afflicted;

(6) a complete statement of the location, description, and value of any real or personal property owned, possessed, or held by the patient or his guardian;

(7) the name of each person legally liable for the support of the patient and a statement of the location, description, and value of any real or personal property owned, possessed, or held by that person; and

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(8) any other information or statements that may be required by the president.

(c) Each application shall be accompanied by a written request for the patient's admission by his attending physician which includes:

(1) a statement that he has adequately examined the patient and that the patient has, or is suspected of having, a neoplasm or allied disease;

(2) a statement indicating the duration of the disease, if known, and indicating any accompanying bodily disorder or disorders the patient may have at the time of the application; and

(3) any other information that may be required by the president. (V.A.C.S. Art. 2603e, Sec. 7 (part), 8.)

Sec. 73.109. FEE SCHEDULE. The president shall establish a schedule of minimum fees and charges conforming to the fees and charges customarily made for similar services in the community in which the services are rendered. (V.A.C.S. Art. 2603e, Sec. 10.)

Sec. 73.110. GIFTS AND GRANTS. The board may accept gifts and grants of money from other than state sources for the benefit of the institution and its substations. (V.A.C.S. Art. 2603e, Sec. 12.)

Sec. 73.111. ACCEPTANCE OF LAND IN MEDICAL CENTER. The board may accept for and in behalf of the State of Texas title by proper conveyance or conveyances to any land located in the Texas Medical Center for the operation and maintenance of the program of the institution. (Art. 2603f, Sec. 1 (part).)

[Sections 73.112-73.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS GRADUATE SCHOOL OF BIOMEDICAL SCIENCES AT HOUSTON

Sec. 73.151. DEAN. (a) The University of Texas Graduate School of Biomedical Sciences at Houston is under the direction of a dean appointed by the board of regents.

(b) To be qualified for appointment as dean, a person must have a doctor of medicine degree or a doctor of philosophy degree in one of the biomedical sciences.

(c) The dean is responsible through the chancellor or other executive officer of the system to the board. (V.A.C.S. Art. 2603f-2, Sec. 1.)

Sec. 73.152. SCOPE; DEGREE PROGRAMS; RULES AND REGULATIONS. (a) The board of regents may prescribe courses and conduct graduate and postdoctoral programs at the master's and doctoral levels in the sciences and other academic areas directly related to medical education and research, but the board shall not operate this institution as a general academic graduate school. The degree programs to be offered by the graduate school are subject to approval by the Coordinating Board, Texas College and University System.

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(b) The board of regents may make rules and regulations necessary for the operation, control, and management of the graduate school. (V.A.C.S. Art. 2603f-2, Sec. 2.)

Sec. 73.153. GIFTS AND GRANTS. The board may accept and administer grants and gifts from any source for the benefit of the graduate school. (V.A.C.S. Art. 2603f-2, Sec. 3.)

Sec. 73.154. RESEARCH AND GRADUATE INSTRUCTION; JOINT APPOINTMENTS. (a) The board may expend funds appropriated by the legislature to the graduate school and grant, gift, and contract funds of the school in support of research and graduate instruction, within approved areas and programs, to be carried out either in its own facilities or in the facilities of other component units of The University of Texas at Houston.

(b) The board may make joint appointments in the graduate school and in one or more of the other component units of The University of Texas System. The salary of a person who is receiving a joint appointment shall be apportioned to the different units on the basis of services rendered. (V.A.C.S. Art. 2603f-2, Sec. 4.)

Sec. 73.155. AFFILIATION AND COOPERATION WITH OTHER UNITS. The graduate school shall maintain the closest possible affiliation with the science programs at The University of Texas at Austin and with the other medical units of The University of Texas System. It shall cooperate with other institutions, private and public, in furtherance of research in the biomedical sciences and related fields. (V.A.C.S. Art. 2603f-2, Sec. 5.)

Sec. 73.156. DIVISION OF CONTINUING EDUCATION. The board may establish as a part of the graduate school a separate division of continuing education for physicians. (V.A.C.S. Art. 2603f-2, Sec. 6.)

[Sections 73.157-73.200 reserved for expansion]

SUBCHAPTER E. THE UNIVERSITY OF TEXAS SCHOOL OF PUBLIC HEALTH AT HOUSTON

Sec. 73.201. LOCATION. The University of Texas School of Public Health at Houston is located in the Texas Medical Center in the city of Houston. (V.A.C.S. Art. 2603f, Sec. 1 (part); Art. 2585c, Sec. 2(e).)

Sec. 73.202. GIFTS AND DONATIONS. The board of regents may accept gifts and donations for the benefit of the school. (V.A.C.S. Art. 2603f, Sec. 2 (part).)

[Sections 73.203-73.300 reserved for expansion]

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SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL BRANCH AT HOUSTON

Sec. 73.301. COMPOSITION, LOCATION. The University of Texas Dental Branch at Houston is composed of The University of Texas Dental School at Houston, The University of Texas Dental Science Institute at Houston, The University of Texas School of Dental Hygiene at Houston, The University of Texas Postgraduate School of Dentistry at Houston, and other institutions and activities assigned to it from time to time. It is located in the Texas Medical Center. (V.A.C.S. Art. 2585c, Sec. 2(f) and (g); Art. 2585d, Sec. 3(c); Art. 2623b-1.)

Sec. 73.302. PURPOSE. The principal purpose of the dental school is to teach the subjects of dental education that will give a thorough knowledge of dentistry and related subjects and that meet the requirements of the Council on Dental Education, the American Association of Dental Schools, and other educational associations of similar standards concerned with dental education. (V.A.C.S. Art. 2623b-2.)

Sec. 73.303. FACULTY. The board of regents shall appoint the faculty of the dental school. (V.A.C.S. Art. 2623b-3.)

Sec. 73.304. COURSES AND DEGREES; RULES AND REGULATIONS. (a) The board may confer degrees and issue diplomas, and may fix a standard of grades for students.

(b) The dental school shall have regular courses leading to degrees and special courses deemed necessary by the board.

(c) The board may make other rules and regulations it deems necessary for the proper control and management of the dental school. (V.A.C.S. Art. 2623b-4.)

Sec. 73.305. GIFTS AND GRANTS. The board may accept gifts and grants from any source for the benefit of the dental branch. (V.A.C.S. Art. 2623b-6.)

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CHAPTER 74. OTHER MEDICAL, DENTAL, AND NURSING UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

Sec. 74.001. COMPOSITION. The University of Texas Medical Branch at Galveston is composed of the following component institutions under the control and management of the board of regents of The University of Texas System:

(1) The University of Texas Medical School at Galveston;

(2) The University of Texas Nursing School at Galveston;

(3) The University of Texas Hospitals at Galveston, including:

(A) John Sealy Hospital;

(B) Rosa and Henry Ziegler Hospital;

(C) Marvin L. Graves Hospital;

(D) Children's Hospital;

(E) Randall Pavilion;

(F) R. Waverly Smith Pavilion;

(G) John W. McCullough Outpatient Clinic; and

(H) Moody State School for Cerebral Palsied Children; and

(4) other institutions that may be assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(b).)

Sec. 74.002. JENNIE SEALY HOSPITAL. (a) The Jennie Sealy hospital shall be operated by the medical branch as an integral part of its hospital operations, but without cost or expense to the medical branch or to the state for maintenance, operations, repairs, or otherwise.

(b) Title to the hospital facility shall remain in the name of the Sealy-Smith Foundation; and the property shall not be sold, granted, leased, or in any manner conveyed to the medical branch or to the university system.

(c) Except as otherwise provided in this section, the land on which the hospital is situated (Lots 11, 12, 13, and 14, Block 667, city of Galveston, Galveston County, Texas, conveyed to the Sealy-Smith Foundation by the board of regents) shall be used as the site of the Jennie Sealy Hospital, and in the event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents and the trustees of the Sealy-Smith Foundation, the purpose or use of the hospital facility may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school. However, no agreement shall be made which will impose on the medical branch or the state any obligation for maintenance, operation, repairs, or otherwise. (V.A.C.S. Art. 2603h, Sec. 1-7.)

Sec. 74.003. LAND ACQUISITION. The board may acquire by donation or deed of gift, for the use and benefit of the medical

branch, any and all properties contiguous or adjacent, or both, to the campus of the medical branch when the lands are deemed necessary for campus expansion. (Acts 59th Legis., Ch. 71, Sec. 1.)

[Sections 74.004-74.050 reserved for expansion]

SUBCHAPTER B. MOODY STATE SCHOOL FOR CEREBRAL PALSIED CHILDREN

Sec. 74.051. MOODY STATE SCHOOL FOR CEREBRAL PALSIED CHILDREN. The Moody State School for Cerebral Palsied Children is under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 3254c, Sec. 1 (part); Art. 3254c-1; Art. 3254c-2.)

Sec. 74.052. PURPOSE OF SCHOOL. The purpose of the school is to provide for the diagnosis, care, and education of persons afflicted with cerebral palsy. (V.A.C.S. Art. 3254c, Sec. 2.)

Sec. 74.053. SUPERINTENDENT, OFFICERS, EMPLOYEES. (a) The board of regents shall appoint a well-educated person as superintendent of the school and shall determine his salary and his duties. The board may remove him for reasons it deems sufficient.

(b) The superintendent may appoint and remove the subordinate officers and employees, the number and salaries of whom shall be fixed by the board.

(c) The superintendent is responsible to the board for the details of management of the school. He shall exercise the power conferred on him by law with the approval and consent of the board. (V.A.C.S. Art. 3254c, Sec. 3.)

Sec. 74.054. RULES AND REGULATIONS. The superintendent, with the approval of the board of regents, shall make the necessary rules and regulations for the government and management of the school. (V.A.C.S. Art. 3254c, Sec. 12.)

Sec. 74.055. PERSONS WHO MAY BE ADMITTED; CLASSIFICATION. (a) A person afflicted with cerebral palsy who has been a citizen of this state and of the county from which he comes at the time of filing his application with the county judge as provided by this subchapter shall be admitted to the school.

(b) A "citizen of this state" is defined to be any person who has actually resided in the state with the bona fide intention of being a citizen of the state for a period of 12 months immediately preceding the date of the application.

(c) Students admitted to the school shall be classified as:

(1) indigent public students;

(2) non-indigent public students; and

(3) private students.

(d) Indigent public students are those who possess no property of any kind and have no one legally liable for their support and able to reimburse the state.

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(e) Non-indigent public students are those who possess some property out of which the state may be reimbursed or who have someone legally liable for their support and able to reimburse the state. (V.A.C.S. Art. 3254c, Sec. 4.)

Sec. 74.056. PRIVATE STUDENTS. (a) Private students may be admitted to the school on the application of a parent, guardian, or friend under regulations prescribed by the board and the superintendent not in conflict with the provisions of this subchapter.

(b) A private student shall be kept and maintained at the school at his own expense or at the expense of his parent, guardian, relative, or friend. For the board, care, and education of private students, the superintendent shall make a special contract at the rate set by the board of regents. At the time of admission of a private student, the agreed fee must be paid in advance for six months, and bond and security must be given for the prompt payment of all future expenses of the student.

(c) Payments under this section shall be made to the school, which shall give receipt for the payments and shall use them for the maintenance and improvement of the school. (V.A.C.S. Art. 3254c, Sec. 6.)

Sec. 74.057. PREFERENCE AS BETWEEN APPLICANTS. When application is made for more students than can be admitted, the superintendent shall give preference to indigent public students over non-indigent public students, and shall at all times give preference to both of those classes over private students. (V.A.C.S. Art. 3254c, Sec. 5.)

Sec. 74.058. APPLICATION. (a) The parent, guardian, or friend of a person for whom admission is sought may make application in writing and under oath to the county judge of the county where the person for whom admission is sought resides.

(b) The application shall state as to the person for whom admission is sought:

(1) the name, age, sex, and national origin;

(2) his occupation, trade, or employment;

(3) his residence address or addresses for the three years immediately preceding the date of the application;

(4) the name and address of any living parent or guardian;

(5) the name and address of the husband or wife, if any;

(6) the name, address, age, and sex of each child, if any;

(7) a description and estimated value of any property interest;

(8) the name and address of each person liable for his support, if any, and a description and estimated value of any property owned by that person; and

(9) the name and address of any relative who is or was similarly afflicted, insane, inebriate, consumptive, or criminal. (V.A.C.S. Art. 3254c, Sec. 7.)

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Sec. 74.059. CERTIFICATE OF PHYSICIAN. The application shall be accompanied by a certificate of a reputable practicing physician stating that he has carefully examined the person for whose admission application is made and that the person is afflicted with cerebral palsy. The certificate shall also show the present physical condition of the applicant and any special and other information that would be helpful to the superintendent in the care and education of the person. (V.A.C.S. Art. 3254c, Sec. 8.)

Sec. 74.060. DUTIES OF COUNTY JUDGE. (a) The county judge shall certify that the physician making the certificate is a reputable physician actively engaged in the practice of his profession and has complied with the laws of this state granting license to physicians to practice medicine.

(b) If the judge is not satisfied as to the showing made in the application and certificate, or either, he may subpoena witnesses and examine them under oath as to those matters.

(c) If it appears to the county judge that the person is entitled to admission to the school, he shall forward an application to the superintendent of the school for admission of the person as an indigent or non-indigent student, as the judge determines on careful investigation. The application shall be accompanied with full copy of the proceedings had in the case, and the original shall be filed in the office of the county clerk.

(d) The county judge shall see that each student admitted to the school is supplied with three full suits of substantial clothing. (V.A.C.S. Art. 3254c, Sec. 9.)

Sec. 74.061. EXPENSES. The cost of the clothing and the transportation of an indigent public student and the expenses and compensation of the necessary escort shall be paid by the county from which the student is sent. Non-indigent public students shall pay for the clothing, transportation, and escort. In no case shall the escort be entitled to charge or receive more than $2 a day and expenses actually necessary in going to and returning from the school. (V.A.C.S. Art. 3254c, Sec. 10.)

Sec. 74.062. SUPPORT OF INDIGENT PUBLIC STUDENTS. Indigent public students shall be supported entirely at the expense of the state. (V.A.C.S. Art. 3254c, Sec. 11 (part).)

Sec. 74.063. SUPPORT OF NON-INDIGENT PUBLIC STUDENTS; REIMBURSEMENT; SUIT. (a) Each non-indigent public student shall be kept and maintained at the expense of the state in the first instance; but the state has the right to be reimbursed for the support of a non-indigent student, and the claim of the state for support constitutes a valid lien against any property of the student, or in case he has a guardian, against his estate, or against the person or persons who may be legally liable for his support and financially able to contribute to his support.

(b) The claim may be collected by suit or other proceedings in the name of this state by the county or district attorney of

the county from which the student is sent, against the student, his guardian, or the person or persons liable for his support, as the case may be.

(c) The suit or proceeding shall be instituted on the written request of the superintendent, accompanied by his certificate as to the amount due the state, which shall in no case exceed the sum set by the board of regents. The certificate of the superintendent shall be sufficient evidence of the amount due the state for the support of the student.

(d) The county or district attorney shall institute and conduct the suit or proceedings, for which he is entitled to a commission of 10 percent of the amount collected. The county or district attorney shall pay all money so collected, less the commission, to the board of regents, which shall receive and give receipt for the payment and shall use the money for maintenance and improvement of the school. (V.A.C.S. Art. 3254c, Sec. 11 (part).)

[Sections 74.064-74.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL SCHOOL AT DALLAS

Sec. 74.101. COMPONENT INSTITUTION. The University of Texas Southwestern Medical School at Dallas is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2606b, Sec. 1, 1a, 3 (part).)

Sec. 74.102. COURSES AND DEGREES; RULES AND REGULATIONS. The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class. (V.A.C.S. Art. 2606b, Sec. 2.)

Sec. 74.103. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and leases, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed. (V.A.C.S. Art. 2606b, Sec. 4 (part).)

Sec. 74.104. ENTERING CLASSES. The medical school shall admit at least 100 students in each entering class. (V.A.C.S. Art. 2606b, Sec. 5.)

Sec. 74.105. LEASE OF LAND FOR HOSPITAL, ETC. (a) The board may lease to nonprofit charitable, scientific, or educational corporations organized under the laws of the State of Texas, or to any governmental agency or agencies, a tract or tracts of land situated in Dallas County out of land previously deeded by Southwestern Medical Foundation to the State of Texas.

(b) A lease under this section shall be on the terms, conditions, and provisions and for a period of years determined by the board. No lease shall be for a term of more than 99 years.

(c) A lease under this section shall be made only to a nonprofit corporation or governmental agency for the purpose of constructing, maintaining, and operating a hospital, hospitals, or public health centers and services; or for the purpose of constructing, maintaining, and operating dormitories and housing facilities for students attending the medical school or persons employed by and in institutions located on the property.

(d) In no event shall the State of Texas or The University of Texas System be liable, directly or indirectly, for any expense or cost in connection with the construction, operation, and maintenance of any building or other improvement placed on the leased premises by any lessee. (V.A.C.S. Art. 2603g.)

[Sections 74.106-74.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO

Sec. 74.151. COMPONENT INSTITUTION. The University of Texas Medical School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2585c, Sec. 2(d); Art. 2606c, Sec. 1 (part).)

Sec. 74.152. COURSES AND DEGREES; RULES AND REGULATIONS. The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class. (V.A.C.S. Art. 2606c, Sec. 2.)

Sec. 74.153. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government, any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and money, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed. (V.A.C.S. Art. 2606c, Sec. 3.)

Sec. 74.154. TEACHING HOSPITAL. A teaching hospital deemed suitable by the board shall be provided by the city or county within one mile of the campus of the medical school. It shall be maintained without cost to the state. (V.A.C.S. Art. 2606c, Sec. 1 (part).)

[Sections 74.155-74.200 reserved for expansion]

SUBCHAPTER E. MEDICAL SCHOOL TO BE ESTABLISHED AND LOCATED BY BOARD OF REGENTS

Sec. 74.201. ESTABLISHMENT AND LOCATION; NAME; SCOPE. (a) The board of regents may establish and maintain an additional medical branch of the university system at any location in the state. However, the location of the medical school must be determined by the board to be in the best interests of the people of the State of Texas and must be approved by the Coordinating Board, Texas College and University System. The school so established shall be known by a name designated by the board. The board is prohibited, however, from establishing this medical school in the same county that maintains or operates the main campus of any public or private medical school on September 1, 1969.

(b) The board may provide for the teaching and training of medical students, medical technicians, and other technicians in the practice of medicine. (V.A.C.S. Art. 2606c-1.1, Sec. 4.)

Sec. 74.202. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-1.1, Sec. 5.)

Sec. 74.203. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-1.1, Sec. 6.)

Sec. 74.204. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings,

libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-1.1, Sec. 7.)

Sec. 74.205. TEACHING HOSPITAL. A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school. (V.A.C.S. Art. 2606c-1.1, Sec. 8.)

[Sections 74.205-74.250 reserved for expansion]

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL SCHOOL AT SAN ANTONIO

Sec. 74.251. COMPONENT INSTITUTION. The University of Texas Dental School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2603f-3, Sec. 1 (part).)

Sec. 74.252. TRAINING AND TEACHING. The board may provide for the training and teaching of dental students, dental technicians, and other technicians related to the practice of dentistry. (V.A.C.S. Art. 2603f-3, Sec. 1 (part).)

Sec. 74.253. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American dental schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2603f-3, Sec. 2.)

Sec. 74.254. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of a person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2603f-3, Sec. 3.)

Sec. 74.255. GIFTS AND GRANTS. The board may accept gifts and grants from any source for the benefit of the dental school. (V.A.C.S. Art. 2603f-3, Sec. 4.)

[Sections 74.256-74.300 reserved for expansion]

SUBCHAPTER G. THE UNIVERSITY OF TEXAS (CLINICAL) NURSING SCHOOL AT SAN ANTONIO

Sec. 74.301. ESTABLISHMENT; PURPOSE. The board of regents may establish and maintain in Bexar County The University of Texas (Clinical) Nursing School at San Antonio, a clinical nursing school for the education of nursing students. (V.A.C.S. Art. 2606c-2, Sec. 1 (part).)

Sec. 74.302. HOSPITAL FACILITIES AND SERVICES. All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently. (V.A.C.S. Art. 2606c-2, Sec. 1 (part).)

Sec. 74.303. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-2, Sec. 2.)

Sec. 74.304. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class, not in conflict with Section 74.302 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-2, Sec. 4.)

Sec. 74.305. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-2, Sec. 5.)

Sec. 74.306. LIBERAL ARTS COURSES PENDING ESTABLISHMENT. While the nursing school is being established, students may take the prerequisite liberal arts courses prescribed by the nursing school. (V.A.C.S. Art. 2606c-2, Sec. 3.)

[Sections 74.307-74.350 reserved for expansion]

SUBCHAPTER H. THE UNIVERSITY OF TEXAS (UNDERGRADUATE) NURSING SCHOOL AT EL PASO

Sec. 74.351. ESTABLISHMENT; PURPOSE. The board of regents may establish and maintain in El Paso County The University of Texas (Undergraduate) Nursing School at El Paso, a four-year school for the education of nursing students. (V.A.C.S. Art. 2606c-2.1, Sec. 1 (part).)

Sec. 74.352. HOSPITAL FACILITIES AND SERVICES. All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently. (V.A.C.S. Art. 2606c-2.1, Sec. 1 (part).)

Sec. 74.353. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-2.1, Sec. 2.)

Sec. 74.354. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class, not in conflict with Section 74.352 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered. (V.A.C.S. Art. 2606c-2.1, Sec. 3.)

Sec. 74.355. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-2.1, Sec. 4.)

CHAPTER 75. OTHER UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

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CHAPTER 75. OTHER UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE INSTITUTE OF TEXAN CULTURES

Sec. 75.001. INSTITUTE OF TEXAN CULTURES. The Institute of Texan Cultures and the Texas State Exhibits Building at HemisFair 1968, and all land and improvements related to them, are under the management and control of the board of regents. (59th Legis., Ch. 443, Sec. 8(a), as amended.)

Sec. 75.002. PURPOSE OF INSTITUTE. The institute shall continue to be used principally as a center concerned with subjects relating to the history and culture of the people of Texas, with collecting, organizing, and interpreting information on Texas subjects, and with producing films, filmstrips, slides, tapes, publications, and exhibits on these subjects for statewide use on television, in classrooms, in museums, and at public gatherings for the benefit of the people of Texas. (59th Legis., Ch. 443, Sec. 8(c), as amended.)

Sec. 75.003. GIFTS OF LAND. The board may accept gifts of land for the benefit of the institute. (59th Legis., Ch. 443, Sec. 8(b), as amended.)

[Sections 75.004-75.100 reserved for expansion]

SUBCHAPTER B. INSTITUTE FOR URBAN STUDIES

Sec. 75.101. CREATION OF INSTITUTE; LOCATION. The board of regents of The University of Texas System shall establish and maintain an institute for urban studies in the Fort Worth-Dallas metropolitan area. (V.A.C.S. Art. 2606d, Sec. 1.)

Sec. 75.102. ADMINISTRATION. The administration of the institute for urban studies shall be under the direction of the chancellor and board of regents of The University of Texas System. The administrative officer of the institute shall be appointed by the chancellor with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 75.103. ROLE AND SCOPE OF INSTITUTE. The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 75.104. CORRELATION OF PROGRAMS. In order to correlate the programs offered by the institute and the institute established by the University of Houston under Subchapter D, Chapter 111, of this code, there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 75.105. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the chancellor and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

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SUBTITLE D. THE TEXAS A & M UNIVERSITY SYSTEM
CHAPTER 85. ADMINISTRATION OF THE TEXAS A & M UNIVERSITY SYSTEM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 85.01. DEFINITIONS. In this chapter:

(1) "System" or "university system" means The Texas A & M University System.

(2) "Board" means the board of directors of The Texas A & M University System. (New.)

[Sections 85.02-85.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 85.11. BOARD OF DIRECTORS. The government of the university system is vested in a board of nine directors appointed by the governor with the advice and consent of the senate. (R.S. Art. 2610 (part); V.A.C.S. Art. 2607a, Sec. 2, 3.)

Sec. 85.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2907 (part).)

Sec. 85.13. CERTIFICATE OF APPOINTMENT. The secretary of state shall forward a certificate to each director within 10 days after his appointment, notifying him of the fact of his appointment. If any person so appointed and notified fails for 10 days to give notice to the governor of his acceptance, his appointment shall be deemed void and his place shall be filled as in the case of a vacancy. (R.S. Art. 2611.)

Sec. 85.14. PRESIDENT OF BOARD. The board shall elect from its members a president of the board, who shall call the board together for the transaction of business whenever he deems it expedient. (R.S. Art. 2610 (part).)

Sec. 85.15. EXPENSES OF DIRECTORS. The directors shall serve without compensation but are entitled to reimbursement for actual expenses incurred in attending board meetings and in transacting the official business of the board. (R.S. Art. 2612.)

Sec. 85.16. SEAL. The board may make and use a common seal. (R.S. Art. 2610 (part).)

[Sections 85.17-85.20 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 85.21. GENERAL POWERS AND DUTIES. The board shall make bylaws, rules, and regulations it deems necessary and proper

for the government of the university system and its institutions, agencies, and services. The board shall regulate the course of study and prescribe the course of discipline necessary to enforce the faithful discharge of the duties of the officers, faculty, and students. (R.S. Art. 2613, subd. 6.)

Sec. 85.22. EXPENDITURES. All expenditures may be made by order of the board and shall be paid on warrants from the comptroller based on vouchers approved by the president of the board or by some officer or officers designated by him in writing to the comptroller. (R.S. Art. 2613, subd. 9.)

Sec. 85.23. PERMANENT IMPROVEMENTS; CONTRACTS; LAND TRANSACTIONS. (a) The board may contract with persons, firms, or corporations for the purchase, acquisition, or construction of permanent improvements on or conveniently located with reference to the campus of any institution of the system; and may purchase, sell, or lease lands and other appurtenances for the construction of the permanent improvements. However, no liability shall be incurred by the State of Texas under this subsection.

(b) The board may sell, encumber, or contract with reference to the divesting or encumbering of the title to, any part of the campus or other property of any institution of the system as may be necessary in the construction or acquisition of dormitories. However, no debt shall be incurred against the institution or the State of Texas. (V.A.C.S. Art. 2613a-1, Sec. 1, 4, and 7.)

Sec. 85.24. UTILITIES. (a) The board from time to time may improve and equip existing central power plants and may construct, acquire, improve, and equip steam plants and additions to them, and the board may acquire land for these purposes for the institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board. As used in this subsection, "steam plants" does not include electrical generating facilities, but "central power plants" does include electrical generating facilities.

(b) The board from time to time may construct, extend, and improve the water systems, sewer systems, or both, for any or all institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board.

(c) The board may furnish water, sewer, steam, power, electricity, or any or all of those services from the power and steam plant or plants and other facilities located at each institution, to any or all dormitories, kitchens and dining halls, hospitals, student activity buildings, gymnasiums, athletic buildings and stadiums, the dormitory for help, laundry, and other buildings or facilities that may have been or may be constructed at each institution, and may determine the amount to be charged as a part of the maintenance and operation expense of those buildings or facilities for the service or services. The board may allocate the cost of furnishing the services to revenue-producing buildings and facilities and to other buildings and facilities at the institutions. The board may pledge the net revenues from the amounts

thus received for the services to pay the principal of and interest on, and to create and maintain the reserve for, the negotiable revenue bonds issued for the purpose of constructing, acquiring, improving, extending, or equipping the power and steam plants, or additions thereto, or other facilities, and may secure the bonds additionally by pledging rentals, rates, charges, and fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, which may be fixed and collected from all or any designated part of the students enrolled in the institution or institutions or from others in the amounts and in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds. (V.A.C.S. Art. 2613a-4, Sec. 1a, 1b, 4.)

Sec. 85.25. LANDS AND MINERAL INTERESTS. (a) The board is vested with the sole and exclusive management and control of lands and mineral interests under its jurisdiction and that may be acquired by it. The board may convey lands to other units or agencies of government; and where not otherwise authorized by existing law so to do, the board may sell said lands or lease the surface estate under terms and conditions it deems best in the public interest. The board may not, however, sell or otherwise dispose of any land comprising the original main campus of Texas A & M University, located at College Station, except as specifically authorized by existing law. Proceeds received therefrom may be retained in local funds subject to disposition by the board for any lawful purpose.

(b) This section is cumulative of existing statutes relating to the authority of the board to lease for oil, gas, sulphur, mineral ore, and other mineral developments, and otherwise to buy, sell, and lease certain lands under its jurisdiction and supervision.

(c) This section does not cover any lands or minerals held by the general land office. (V.A.C.S. Art. 2613a-11.)

Sec. 85.26. LEASES AND EASEMENTS; RIGHTS-OF-WAY FOR ELECTRIC LINES, PIPELINES, IRRIGATION CANALS, ETC. (a) The board may execute leases and grant easements for rights-of-way for telephone, telegraph, electric transmission, and power lines, for oil pipelines, gas pipelines, sulphur pipelines, water pipelines and other electric lines and pipelines of any nature whatsoever, and for irrigation canals, and laterals, and may execute easements or leases for the erection and maintenance of electric substations, pumping stations, loading racks, tank farms, and other structures, and may execute easements for rights-of-way to the Texas Highway Department, to any county in the state, or to any corporation, group, organization, firm, or individual for highway or roadway purposes, on or across any lands belonging to the state and under the control of the board, if the board in its discretion deems it apparent that the interest of the state can best be served by the granting of the easements and leases.

(b) Each easement granted under this section shall be on forms approved by the attorney general and shall include a complete description of the land on which the easement is to be

granted, the period of time covered by the easement, the amount of money to be paid by the grantee to the grantor, or other consideration for the granting of such easement. It shall also specify the terms and conditions, penalties for failure to comply with its provisions, and other pertinent information necessary and desirable to effect a complete understanding of the transaction.

(c) The grant of an easement for right-of-way, except an easement for right-of-way for highway or roadway purposes which may be for an indefinite term shall be limited to a term of not longer than 10 years, but any such easement may be renewed by the board.

(d) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the part of the system to which the land from which the easement is granted is assigned.

(e) No person, firm, group, organization, agency, or corporation shall hereafter construct any telephone, telegraph, transmission, or electric line, pipeline, electric substation, tank farm, loading rack, pumping station, irrigation canal or lateral, highway, or roadway of the kind and character enumerated in Subsection (a) of this section, across or on any section or part of a section of land of the character described in Subsection (a) of this section, who has not obtained a proper easement as provided by this section; or continue in possession of any such land without obtaining from the board a grant of a right-of-way easement or other easement across or on such land where the telephone, telegraph, transmission, or electric lines, pipelines, or any other transmission or pipelines, electric substation, tank farm, loading rack, or pumping station, irrigation canal or lateral, highway, or roadway is to constructed. Any person, firm, group, organization, agency, or corporation violating this subsection shall be liable for a penalty of $100 for each day of the violation, to be recovered by the attorney general. (V.A.C.S. Art. 2613a-7.)

Sec. 85.27. FLOOD CONTROL EASEMENTS. The board may convey flood control easements over land under its jurisdiction and control to water control and improvement districts of this state. No flood control easement shall be conveyed unless the board receives from the district reasonable consideration for the conveyance. The conveyance shall be under the terms and conditions that the board deems in the best interest of the university system. (V.A.C.S. Art. 2613a-9.)

Sec. 85.28. AIRPORTS. (a) The board may construct or otherwise acquire an airport for any institution within the system. It may maintain and operate the airports in connection with the teaching of courses in aeronautical engineering and for purposes in cooperation with the national defense program and for other purposes which will not interfere with those uses.

(b) The board may acquire by purchase, lease, gift, condemnation, or otherwise, and may use, operate, and maintain any kind of property or property interest necessary or convenient to the

exercise of powers under this section. The power of eminent domain shall be exercised in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, as amended, except that the board shall not be required to give bond for appeal or bond for costs. (V.A.C.S. Art. 2615c.)

Sec. 85.29. RESEARCH AND EXPERIMENTATION FOR HIGHWAY DEPARTMENT. The state comptroller of public accounts may draw proper warrants in favor of any part of the university system based on vouchers or claims submitted by the system through the State Highway Department covering reasonable fees and charges for services rendered by members of the staff of the system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the Texas Agricultural and Mechanical College System as passed by the State Highway Department on September 29, 1948, and recorded by the State Highway Department as Minute Order Number 25396; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the system shall be credited and deposited to local institutional funds under its control. (V.A.C.S. Art. 2615e.)

[Sections 85.30-85.50 reserved for expansion]

SUBCHAPTER D. LEASE OF LANDS FOR OIL, GAS, AND OTHER MINERAL DEVELOPMENT

Sec. 85.51. AUTHORITY TO LEASE. The board may lease for oil, gas, sulphur, mineral ore, and other mineral developments to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control, or any part of those lands, owned or in the future acquired by the state for the use of the university system. (V.A.C.S. Art. 2613a-3, Sec. 1(a).)

Sec. 85.52. SALE OF MINERAL ORE IN PLACE. Mineral ore located in and on the land may also be sold in place by the board at not less than the fair market value as determined by the same methods as are provided for leasing of lands under this subchapter for development of the minerals in the lands. (V.A.C.S. Art. 2613a-3, Sec. 4a.)

Sec. 85.53. TRACTS, LOTS, BLOCKS. The board may cause the lands to be surveyed or subdivided into tracts, lots, or blocks that will, in its judgment, be most conducive and convenient to facilitate the advantageous sale of lease for oil, gas, sulphur, mineral ore, and other minerals, and may make maps and plats that

may be thought necessary to carry out the purposes of this subchapter. The board may obtain authentic abstracts of title to all the lands as it deems necessary from time to time, and may take any steps necessary to perfect a merchantable title to the lands in the State of Texas. (V.A.C.S. Art. 2613a-3, Sec. 2.)

Sec. 85.54. PLACING LEASES ON MARKET; ADVERTISING. (a) Whenever, in the opinion of the board, there is a demand for the purchase of oil, gas, sulphur, mineral ore, or other mineral leases on any tract or part of any tract of land that will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, mineral ore, or other mineral leases on the land on the market in any tract or tracts, or any part thereof, that the board may designate.

(b) The board shall cause to be advertised a brief description of the land from which the oil, gas, sulphur, mineral ore, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state; and in addition the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state, mail copies of the proposals to the county judge of the county where the lands are located, and mail copies of the proposals to other persons the board thinks would be interested. (V.A.C.S. Art. 2613a-3, Sec. 3 (part).)

Sec. 85.55. PUBLIC AUCTION; BIDS; ACCEPTANCE; REJECTION; PAYMENTS. (a) The board may sell the lease or leases to the highest bidder at public auction, at Texas A & M University, in College Station, at any hour between 10 a.m. and 5 p.m.

(b) The board may reject all bids. However, the highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid to the board within 24 hours after notification that the bid has been accepted. Payments shall be in cash, certified check, or cashier's check, as the board may direct. Failure to pay the balance of the amount bid will forfeit to the board the 25 percent paid.

(c) A separate bid shall be made for each tract or subdivision thereof. No bids shall be accepted which offer less than the fair market price per ton for the mineral ore or a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board. Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement and shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is re-leased by the lessee. (V.A.C.S. Art. 2613a-3, Sec. 3 (part), 4.)

Sec. 85.56. SUBSEQUENT PROCEDURE IF NO BIDS ACCEPTED. If no bid is accepted by the board at the public auction, any subsequent procedure for the sale of oil, gas, sulphur, mineral ore,

and other mineral leases shall be in the manner prescribed by this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 5 (part).)

Sec. 85.57. WITHDRAWAL OF LAND ADVERTISED. The board may withdraw any lands advertised for lease or for the sale of mineral ore in place. (V.A.C.S. Art. 2613a-3, Sec. 14 (part).)

Sec. 85.58. ACCEPTANCE OF BIDS; AWARD OF LEASE. (a) If in the opinion of the board any one of the bidders has offered a reasonable and proper price for any tract and not less than the price fixed by the board, the lands advertised may be leased for oil, gas, sulphur, mineral ore, and other mineral purposes under the provisions of this subchapter and any regulations the board may prescribe which are not inconsistent with the provisions of this subchapter.

(b) On acceptance of a bid, the board shall prepare a lease contract. The bid and a copy of the lease contract shall be filed in the general land office. (V.A.C.S. Art. 2613a-3, Sec. 5 (part), 6 (part), 7(a).)

Sec. 85.59. EXPLORATORY TERM; EXTENSION; OTHER PROVISIONS OF LEASE. (a) The exploratory term of the lease as determined by the board prior to the promulgation of the advertisement shall in no case exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of members of the board the lease may be extended for a period of three years. The lease may be extended if the board finds that there is likelihood of oil, gas, sulphur, mineral ore, and other minerals being discovered by lessees, and that the lessees have proceeded with diligence to protect the interest of the state. However, if oil, gas, sulphur, mineral ore, and other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, mineral ore, and other minerals are being so produced. No extension under this subsection may be made by the board until the last 30 days of the original term of the lease.

(b) When, in the discretion of the board, it is deemed for the best interest of the state to extend a lease issued by the board, the board by unanimous vote may extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and any additional terms the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement.

(c) The lease shall include any additional provisions and regulations the board may prescribe to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 7(b), (c).)

Sec. 85.60. DISCONTINUANCE OF YEARLY PAYMENTS; TERMINATION FOR NONPRODUCTION. When the royalties amount to as much as the yearly payments as fixed by the board, the yearly payments may be discontinued. If before the expiration of five years oil, gas, sulphur, mineral ore, and other minerals have not been produced

in paying quantities, the lease shall terminate unless extended as provided by this subchapter. (V.A.C.S Art. 2613a-3, Sec. 6 (part).)

Sec. 85.61. OPERATIONS UNDER LEASE: EFFECT ON RENTAL PAYMENTS, TERM OF LEASE. If, during the term of any lease issued under the provisions of this subchapter, the lessee is engaged in actual drilling and mining operations for the discovery of oil, gas, sulphur, mineral ore, and other minerals on land covered by any such lease, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith; and if oil, gas, sulphur, mineral ore, and other minerals are discovered in paying quantities on any tract of land covered by any lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, mineral ore, and other minerals are produced in paying quantities from the tract. (V.A.C.S. Art. 2613a-3, Sec. 8 (part).)

Sec. 85.62. PRORATION OR REDUCTION OF PRODUCTION. When, in the discretion of the board, it is for the best interest of the state to prorate or reduce production of any land, the board may execute the necessary contract to carry out that purpose. (V.A.C.S. Art. 2613a-3, Sec. 7(d).)

Sec. 85.63. INTERFERENCE WITH SURFACE USES. No lease for oil, gas, sulphur, mineral ore, and other minerals shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, mineral ore, and other minerals within 300 feet of any building on the land without the consent of the board. A lease on any experimental station or farm shall provide that the operations for oil, gas, sulphur, mineral ore, and other minerals shall not in any way interfere with use of the land as an experimental station and shall not cause the abandonment of the property or its use for experimental farm purposes; and the lessee shall drill, mine, and carry on his operations in such a way as not to cause the abandonment of the property for experimental farm purposes, and any such leased property shall be subject to the use by the State of Texas for all experimental purposes and the board shall continue to operate the experimental station. (V.A.C.S. Art. 2613a-3, Sec. 5 (part).)

Sec. 85.64. PROTECTION FROM DRAINAGE. In every case where the area in which oil, gas, sulphur, mineral ore, and other minerals sold shall be contiguous or adjacent to lands which are not lands belonging to and held by the university system, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances. In cases where the area in which the oil, gas, sulphur, mineral ore, and other minerals are sold is contiguous to other lands belonging to and held by the university system which have been leased or sold at a lesser royalty, the owner shall likewise protect the land from drainage from the lands so leased or sold

for a lesser royalty. On failure to protect the land from drainage as herein provided, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures. (V.A.C.S. Art. 2613a-3, Sec. 11.)

Sec. 85.65. RIGHTS OF PURCHASER; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, mineral ore, and other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned; and if not so filed and payment made, the assignment shall not be effective.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed with the chairman of the board, accompanied by $1 for each area assigned; but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon.

(d) The board shall authorize the laying of pipeline, telephone line, and the opening of roads as deemed reasonably necessary for and incident to the purpose of this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 9.)

Sec. 85.66. ROYALTY PAYMENTS; INSPECTION OF RECORDS; REPORT OF LAND COMMISSIONER. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty or money as stipulated in the sale shall be paid to the general land office at Austin on or before the last day of each month for the preceding month during the life of the rights purchased, and shall be set aside in the state treasury as specified in Section 85.70 of this code. The royalty or money paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, mineral ore, and other minerals produced and saved since the last report, the amount of oil, gas, sulphur, mineral ore, and other minerals produced and sold off the premises, and the market value of the oil, gas, sulphur, mineral ore, and other minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts and other checks and memoranda of the amounts produced and put into pipelines, tanks, vats, or pool and gas lines, gas storage, other places of storage, and other means of transportation.

(b) The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of oil, gas, sulphur, mineral ore, and other minerals shall at all times be subject to inspection and examination of any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of

all receipts from the lease or sale of oil, gas, sulphur, mineral ore, and other minerals turned into the special fund in the state treasury of the preceding month. (V.A.C.S. Art. 2613a-3, Sec. 10.)

Sec. 85.67. FORFEITURE; OTHER REMEDIES; LIEN. (a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental, royalty on production, or other payment, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, drilling, or mining, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil, gas, sulphur, mineral ore, and other minerals produced upon the leased area and upon all rigs, tanks, vats, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, mineral ore, and other minerals produced thereon, to secure any amount due from the owner of the lease. (V.A.C.S. Art. 2613a-3, Sec. 12.)

Sec. 85.68. FILING OF RECORDS. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the general land office and constitute archives thereof. (V.A.C.S. Art. 2613a-3, Sec. 13 (part).)

Sec. 85.69. PAYMENTS; DISPOSITION. Payments under this subchapter shall be made to the commissioner of the general land office at Austin, who shall transmit to the state treasurer all royalties, lease fees, rentals for delay in drilling or mining, and all other payments, including all filing assignments and relinquishment fees, to be deposited in the special fund in the state treasury as provided by Section 85.70 of this code. (V.A.C.S. Art. 2613a-3, Sec. 13 (part).)

Sec. 85.70. DISPOSITION OF MONEY; SPECIAL FUNDS; INVESTMENT. (a) All money received under and by virtue of this subchapter shall be deposited in the state treasury to the credit of a special fund to be known as The Texas A & M University System Special Mineral Investment Fund. In the judgment of the board, this special fund may be invested so as to produce an income which may be expended under the direction of the board in erecting permanent improvements for the university system and in payment of expenses incurred in connection with the administration of this subchapter. The unexpended income likewise may be invested as herein provided.

(b) The income from the investment of the special mineral investment fund shall be deposited to the credit of a fund to be known as The Texas A & M University System Special Mineral Income Fund, and shall be appropriated by the legislature exclusively for the university system for the purposes herein provided. (V.A.C.S. Art. 2613a-3, Sec. 1(b), (c).)

Sec. 85.71. FORMS; CONTRACTS; REGULATIONS. The board shall adopt forms and contracts and shall promulgate rules and regulations that in its best judgment will protect the income from lands leased under this subchapter. A majority of the board may act in all cases, except where otherwise provided by this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 14 (part).)

Sec. 85.72. EXPENSES OF EXECUTING THIS SUBCHAPTER. The expenses of executing the provisions of this subchapter shall be paid by warrants drawn by the comptroller on the state treasury against the income from the special fund accumulated from leases, rentals, royalties, and other payments. (V.A.C.S. Art. 2613a-3, Sec. 15.)

CHAPTER 86. TEXAS A & M UNIVERSITY

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CHAPTER 86. TEXAS A & M UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 86.01. DEFINITIONS. In this chapter:
(1) "University" means Texas A & M University.
(2) "Board" means the board of directors of The Texas A & M University System. (New.)

Sec. 86.02. TEXAS A & M UNIVERSITY. Texas A & M University is an institution of higher education located in the city of College Station. It is under the management and control of the board of directors of The Texas A & M University System. (R.S. Art. 2607; V.A.C.S. Art. 2607a, Sec. 1.)

Sec. 86.03. LEADING OBJECT. The leading object of the university shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts, in such manner as the legislature may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. (R.S. Art. 2608.)

[Sections 86.04-86.10 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 86.11. APPOINTMENT OF PRESIDENT, OFFICERS, PROFESSORS. The board shall appoint the president, the professors, and other officers it deems proper to keep the university in successful operation. It may abolish any office it deems unnecessary. (R.S. Art. 2613, subd. 1.)

Sec. 86.12. ENTOMOLOGIST. The president and board shall employ an expert entomologist, one or more, as may be deemed necessary, whose duty it shall be to devise, if possible, means of destroying the Mexican boll weevil, boll worm, caterpillar, sharpshooter, chinch bug, peach bug, fly and worm and other insect pests and to perform the duties of professor of entomology in the university. (R.S. Art. 2613, subd. 2.)

Sec. 86.13. CIVIL ENGINEER; SOIL CONSERVATION DEMONSTRATIONS. The board shall employ a graduate civil engineer of the university who has a practical and scientific knowledge of the conservation of moisture and soil fertility, who understands the practical art of terracing farmland to preserve the moisture and soil fertility and to prevent the washing away and the destruction of the properties of the soil, and who has had five years' actual experience in terracing farmlands in some southern state. He shall make his headquarters at the university, where he shall instruct the students by lecture and practical demonstration in the best method of such conservation and terracing so as to enable them to do the work successfully. He shall devote one-half of his time to such instruction, and the other half shall be spent in

field work, giving practical demonstrations in terracing to farmers' institutes and other farmers' organizations; and the president of the university shall require him to go over the state on the application of farmers desiring expert instruction in terracing farmlands and in conserving the moisture and soil fertility. He shall be furnished with the necessary instruments and equipment for the demonstration and instruction. (R.S. Art. 2613, subd. 8.)

Sec. 86.14. SPECIAL SUMMER SCHOOL. The board shall provide for a special summer school of at least two months each year for the training of special students who shall be admitted without an entrance examination, and may make provisions for the summer school, purchase the necessary equipment, and generally do and perform all acts necessary to establish and maintain the summer school. (R.S. Art. 2613, subd. 4.)

Sec. 86.15. SUMMER SESSIONS; ELEMENTARY AGRICULTURE FOR TEACHERS. The board shall require the teaching of elementary agriculture for teachers in the summer sessions. (R.S. Art. 2613, subd. 7.)

Sec. 86.16. FIREMEN'S TRAINING SCHOOL. (a) The university shall conduct and maintain a firemen's training school as a unit of the university in the manner deemed expedient and advisable by the board.

(b) The firemen's training school advisory board is composed of:

(1) three members of the teaching staff of the university appointed by the chairman of the board of directors; and

(2) four members or representatives of the State Firemen's Association of Texas or its successor, appointed by the president or other managing officer of that association.

(c) The advisory board shall confer with and advise the board of directors with reference to the organization of the school, the purchasing of equipment, the curriculum and program, and the conduct and management of the school.

(d) Expenditures for the per diem expenses of members of the advisory board and all other necessary expenses of the school shall be made only on the order of the board of directors, and no warrants shall be paid unless also approved in writing by the president of the university, who shall be advised with respect to the conduct of the school. (V.A.C.S. Art. 2615a.)

Sec. 86.17. ADJUNCT IN KIMBLE COUNTY. The board may establish in Kimble County an adjunct of the university to be located on land furnished without cost to the state. The board may provide at the adjunct any services which conform to the leading object of the university as prescribed by Section 86.03 of this code, including research, subject to the exception that not more than $300,000 may be expended from available plant funds for buildings and improvements without the specific authorization of the legislature. (V.A.C.S. Art. 2615d.)

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Sec. 86.18. GRADUATE PROGRAMS; CONTRACTS WITH BAYLOR UNIVERSITY. The university may enter into contracts and agreements with Baylor University for joint participation in graduate programs that may be designed to benefit the state. (V.A.C.S. Art. 2615f-1, Sec. 2, subd. b.)

Sec. 86.19. EMINENT DOMAIN. The board is vested with the power of eminent domain to acquire for the use of the university any land that may be necessary and proper for carrying out its purposes. The power of eminent domain shall be exercised in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended, except that the board shall not be required to deposit a bond or the amount equal to the award of the commissioners. (V.A.C.S. Art. 2613a-5.)

Sec. 86.20. AIRPORT. The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner. (V.A.C.S. Art. 2919c.)

Sec. 86.21. PERPETUAL FUND. The money arising from the sale of the 180,000 acres of land donated to this state by the United States under the provisions of an Act of Congress passed on the second day of July, 1862, and an amended Act of Congress of July 23, 1866, shall constitute a perpetual fund, under the conditions and restrictions imposed by the above recited Acts, for the benefit of Texas A&M University; and the investment of the money, heretofore made in the bonds of the state, when those bonds are redeemed, may be made by the board in United States government securities in furtherance of the interests of the university and in accordance with the terms on which it was received. (R.S. Art. 2614.)

Sec. 86.22. ACCRUED INTEREST. The interest heretofore collected by the State Board of Education in accordance with the provisions of the act of August 21, 1876, due at the end of the fiscal year of 1876, on the bonds belonging to the Agricultural and Mechanical College and invested in six percent state bonds, shall also constitute a part of the perpetual fund of the university until the legislature shall otherwise provide. The state board shall collect the semiannual interest on the bonds as it becomes due, and place the money in the state treasury to the credit of the fund. The interest on all such bonds is set apart exclusively for the use of the university and shall be drawn from the treasury by the board of directors on vouchers audited by the board, or approved by the governor and attested by the secretary of the board. On the vouchers being filed with the comptroller, he shall draw his warrant on the state treasurer as necessary to pay the directors, professors and officers of the university. (R.S. Art. 2615.)

CHAPTER 87. OTHER ACADEMIC INSTITUTIONS IN THE TEXAS A & M UNIVERSITY SYSTEM

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CHAPTER 87. OTHER ACADEMIC INSTITUTIONS IN THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. TARLETON STATE COLLEGE

Sec. 87.001. TARLETON STATE COLLEGE. Tarleton State College is a coeducational institution of higher education located in the city of Stephenville. It is under the management and control of the board of directors of The Texas A & M University System. (R.S. Art. 2616; V.A.C.S. Art. 2616a.)

Sec. 87.002. STUDENT LOAN FUND. The sum of $75,000 donated by the citizenship of Stephenville and Erath County shall be used by the board of directors as a student loan fund to be loaned to students who cannot otherwise attend the college, at a rate of interest not to exceed five percent per year, on any terms and conditions the board may deem advisable. (R.S. Art. 2617.)

Sec. 87.003. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the college any land that may be necessary or proper for carrying out its purposes. (R.S. Art. 2619.)

[Sections 87.004-87.100 reserved for expansion]

SUBCHAPTER B. THE PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS

Sec. 87.101. THE PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS. The Prairie View Agricultural and Mechanical College of Texas is a coeducational institution of higher education located at Prairie View, in Waller County. (V.A.C.S. Art. 2643b, Sec. 2, (part).)

Sec. 87.102. GOVERNING BOARD. The college is under the control and supervision of the board of directors of The Texas A & M University System. The board has the same powers and duties with respect to this college as are conferred on it by statute with respect to Texas A & M University. (R.S. Art. 2638; V.A.C.S. Art. 2643b, Sec. 2 (part).)

[Sections 87.103-87.200 reserved for expansion]

SUBCHAPTER C. THE TEXAS MARITIME ACADEMY

Sec. 87.201. TEXAS MARITIME ACADEMY. 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. (V.A.C.S. Art. 2615b, Sec. 1, 2 (part).)

Sec. 87.202. GENERAL POWERS AND DUTIES. The board shall:

(1) employ a superintendent of the academy, who shall also be commander;

(2) employ instructors and the necessary employees and determine their number, duties, and compensation;

(3) fix the terms and conditions under which pupils shall be received, instructed, and graduated;

(4) arrange cruises to and from the harbors of Houston, Galveston, Beaumont, Port Arthur, and Corpus Christi; and

(5) establish rules and regulations for the proper management of the academy. (V.A.C.S. Art. 2615b, Sec. 3.)

Sec. 87.203. ADMISSION, DISCIPLINE, INSTRUCTION. The board shall prescribe the standards of admission and admit the applicants who meet the requirements. Students shall be subject to the regulations of conduct and discipline prescribed by the board. The board shall make provision for the proper instruction, for courses of study, and for the care, supervision, and management of the school; and the board is vested with all powers necessary for the proper discharge of these duties. (V.A.C.S. Art. 2615b, Sec. 2 (part).)

Sec. 87.204. FUNDS, PROPERTIES, AGREEMENTS. The board may receive any funds or property that may be subscribed, loaned, or bequeathed for the organization or maintenance of the academy and shall execute all necessary agreements for the faithful application of the funds or property. (V.A.C.S. Art. 2615b, Sec. 2 (part).)

Sec. 87.205. FEES AND CHARGES. The fact that provision for the establishment of this academy is for the primary purpose of giving students practical and technical instruction in the arts and sciences relating to the foregoing subjects, and the further fact that training in these fields will lead to immediate and remunerative employment for those who have finished the prescribed courses, make it necessary that larger fees be charged those students who enter the academy than is now paid by students enrolled in state-supported institutions of higher education. Therefore, the provisions of Subchapter E, Chapter 54 of this code, do not apply to the students enrolled in the academy. The board is specifically charged with the duty of assessing such fees and charges against the students who enter the academy as may be necessary to provide for the maintenance and support of the academy. (V.A.C.S. Art. 2615b, Sec. 4.)

CHAPTER 88. AGENCIES AND SERVICES OF THE TEXAS A & M UNIVERSITY SYSTEM

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CHAPTER 88. AGENCIES AND SERVICES OF THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 88.001. AGENCIES AND SERVICES. The agencies and services of the Texas A & M University System are:

(1) the Texas Forest Service (see Subchapter B of this chapter);

(2) the Texas Agricultural Experiment Station (see Subchapter C of this chapter);

(3) the Texas Agricultural Extension Service, established by action of the board of directors;

(4) the Texas Engineering Experiment Station, established by action of the board of directors;

(5) the Texas Engineering Extension Service, established by action of the board of directors; and

(6) other agencies and services that may be established by law or by action of the board of directors. (New.)

[Sections 88.002-88.100 reserved for expansion]

SUBCHAPTER B. THE TEXAS FOREST SERVICE

Sec. 88.101. STATE FORESTER: APPOINTMENT, QUALIFICATIONS. The board of directors shall appoint a state forester, who shall be a technically trained forester with not less than two years of experience in professional forestry work. The state forester is the director of the Texas Forest Service. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.102. GENERAL DUTIES. Under the general supervision of the board, the state forester shall:

(1) assume direction of all forest interests and all matters pertaining to forestry within the jurisdiction of this state;

(2) subject to the approval and confirmation of the board, appoint the assistants and employees necessary in executing the duties of his office and the purposes of the board, their compensation to be fixed by the board;

(3) take any action deemed necessary by the board to prevent and extinguish forest fires;

(4) enforce all laws pertaining to the protection of forests and woodlands and prosecute violations of those laws;

(5) collect data relating to forest conditions; and

(6) prepare for the board an annual report stating the progress and condition of state forestry work and recommending plans for improving the state system of forest protection, management, and replacement. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.103. ENFORCEMENT; APPOINTMENT OF PEACE OFFICERS. When necessary to execute his enforcement duties, the state forester may appoint as peace officers two district foresters, four division patrolmen, and four patrolmen, whose powers shall not exceed the enforcement powers of the state forester. The

necessity of these appointments shall be certified to and approved by the board. (R.S. Art. 2613, subd. 10a.)

Sec. 88.104. AUTHORITY TO ENTER PRIVATE LAND. Authority is hereby granted to every employee of the Texas Forest Service and any outside labor or assistance the employee deems necessary to enter upon any privately-owned land in the performance of fire suppression duties which are by state law under the direction of the state forester. These entries on privately-owned land may be made whenever it is necessary to investigate forest and grass fires and to ascertain whether they are burning uncontrolled, and whenever it is necessary to suppress forest and grass fires that are known to be burning uncontrolled. (V.A.C.S. Art. 2613b-1.)

Sec. 88.105. COOPERATION WITH PERSONS AND AGENCIES. On request, under the sanction of the board, and whenever he deems it essential to the best interests of the people of the state, the state forester shall cooperate with counties, towns, corporations, or individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, under an agreement that the parties obtaining the assistance pay at least the field expenses of the men employed in preparing the plans. The board may cooperate with the National Forest Service under terms it deems desirable. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.106. COOPERATION WITH FEDERAL AGENCIES. The state forester, under the general supervision of the board, may cooperate on forestry projects with the National Forest Service and other federal agencies; and, subject to the authorization of the board, he may execute agreements relating to forest protection projects in cooperation with federal agencies and timberland owners and also agreements with timberland owners involving supervision of forest protection and forest development projects when the projects are developed with the aid of loans from a federal agency and when the supervision by the state is required by federal statute or is deemed necessary by the federal agency. (V.A.C.S. 2613b.)

Sec. 88.107. FOREST LAND: ACQUISITION BY GIFT OR PURCHASE. (a) On the recommendation of the board, the governor may accept gifts of land to the state to be held, protected, and administered by the board as state forests and to be used to demonstrate the practical utility of timber culture and water conservation and for game preserves. The gifts may be on terms and conditions agreed upon between the grantors of the property and the board.

(b) The board may purchase lands in the name of the state suitable chiefly for the production of timber as state forests, using for that purpose any special appropriation.

(c) All conveyances of property, by gift or otherwise, shall be submitted to the attorney general for approval as to form. (R.S. Art. 2613, subd. 11.)

Sec. 88.108. ACQUISITION OF LAND FOR FORESTRY PURPOSES; DISPOSITION. (a) The board may accept gifts, donations, or

contributions of land suitable for forestry purposes and may enter into agreements with the federal government or other agencies for acquiring by lease, purchase, or otherwise any land that in the judgment of the board is desirable for state forests.

(b) When land is acquired or leased under this section, the board may make expenditures, from any funds not otherwise obligated, for its management, development, and utilization. The board may sell or otherwise dispose of products from the land and may make rules and regulations that may be necessary to carry out the purposes of this section.

(c) All revenue derived from land now owned or later acquired under the provisions of this section shall be segregated by the board for use in the acquisition, management, development, and use of the land until all obligations incurred have been paid in full. Thereafter, net profits accruing from the administration of the land shall be applicable for the purposes that the legislature may prescribe.

(d) Obligations for the acquisition of land incurred by the board under the authority of this section shall be paid solely and exclusively from revenue derived from the land and shall not impose any liability on the general credit and taxing power of the state.

(e) The board may sell, exchange, or lease state forest land under its jurisdiction when in its judgment it is advantageous to the state to do so in the highest orderly development and management of state forests. However, no sale or exchange of any such land belonging to the state or the university shall be made until the sale or exchange is authorized by the legislature. The sale, lease or exchange shall not be contrary to the terms of any contract into which it has entered. (V.A.C.S. Art. 2613a-2.)

Sec. 88.109. USE OF CERTAIN DEPARTMENT OF CORRECTIONS LAND FOR REFORESTATION. The several tracts of land in Cherokee County near Maydelle, consisting of approximately 2,150 acres, owned by the Texas Department of Corrections, is set aside for reforestation purposes to be used by Texas A & M University to demonstrate reforestation work. (V.A.C.S. Art. 2613a.)

Sec. 88.110. PURCHASE OF LAND FOR SEEDLING NURSERY. The board may acquire by purchase in the name of the State of Texas for the use and benefit of the Texas Forest Service, and may improve, a sufficient quantity of land suitable for the operation of a forest tree seedling nursery in the reforestation program of the Texas Forest Service and for the production of other forest products. However, not more than 400 acres of land may be purchased under this section; and the selling price of seedlings produced on the land, as far as practical, shall represent the cost of production plus at least 10 percent. (V.A.C.S. Art. 2613a-8.)

Sec. 88.111. FOREST LAND ACQUIRED BY STATE UNDER TAX SALE. When pine forest land is sold to the state for the payment of taxes, interest, penalty, and costs adjudged against the land, as provided in Article 7328, Revised Civil Statutes of Texas, 1925,

as amended, and not redeemed or resold as provided in Article 7328, the land shall be withdrawn from the market and shall be held, protected, and administered by the board as state forest; and the board may manage, use, and improve the pine forest land as fully and to the same extent as in the case of other forest land held by it in accordance with the law. Forest land, as used in this section, includes all land on which is growing pine timber of any material value and all cutover pine timberland which may reasonably be expected to produce, by reason of natural or other methods of reforestation, another growth of pine timber of any material value. (R.S. Art. 2613, subd. 12.)

Sec. 88.112. SOUTH CENTRAL INTERSTATE FOREST FIRE PROTECTION COMPACT. The South Central Interstate Forest Fire Protection Compact has been ratified by the states of Texas, Arkansas, Louisiana, Mississippi, and Oklahoma. The text of the compact is set out in Section 88.116 of this code, and an authenticated copy is on file in the office of the secretary of state. (V.A.C.S. Art. 2613c, Sec. 1 (part), Sec. 2. See also Arkansas--Ark. Stats. 1947 (1953 Supp.) Sec. 9-734 to 9-736; Louisiana--LSA-R.S. 56:1496; Mississippi--Code 1942 (1954 Supp.) Sec. 6046-41 to 6046-45; Oklahoma--74 Okl.St.Ann. Sec. 354.1 to 354.5.)

Sec. 88.113. COMPACT ADMINISTRATOR. The director of the Texas Forest Service shall act as compact administrator for the State of Texas and represent Texas in the South Central Interstate Forest Fire Protection Compact. (V.A.C.S. Art. 2613c, Sec. 3.)

Sec. 88.114. ADVISORY COMMITTEE. The advisory committee referred to in Article III of the compact shall be composed of four members selected as follows: One member shall be named from the membership of the Senate of the State of Texas by the Lieutenant Governor; one member shall be named from the membership of the House of Representatives of the State of Texas by the Speaker; and two members shall be appointed by the governor, one of whom shall be selected from among the persons who comprise the board of directors of The Texas A & M University System, and one of whom shall be a person associated with forestry or a forest products industry. (V.A.C.S. Art. 2613c, Sec. 4.)

Sec. 88.115. LEGISLATIVE INTENT. It is the intent of the Legislature of the State of Texas, in ratifying the South Central Interstate Forest Fire Protection Compact, that this compact is and shall be a joint program of the member states and that representatives of the United States government shall participate in compact meetings or in other activities under the compact only in the manner and to the extent authorized by the representatives of the member states, appointed pursuant to the terms of this compact. (V.A.C.S. Art. 2613c, Sec. 4a.)

Sec. 88.116. TEXT OF COMPACT. The South Central Interstate Forest Fire Protection Compact reads as follows:

SOUTH CENTRAL INTERSTATE FOREST FIRE
PROTECTION COMPACT

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the South Central region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member States, by providing for mutual aid in fighting forest fires among the compacting States of the region and with States which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest development.

Article II.

This compact shall become operative immediately as to those States ratifying it whenever any two or more of the States of Arkansas, Louisiana, Mississippi, Oklahoma, and Texas which are contiguous have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member State may become a party to this compact, subject to approval by the legislature of each of the member States.

Article III.

In each State, the State Forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that State and shall consult with like officials of the other member States and shall implement cooperation between such States in forest fire prevention and control.

The compact administrators of the member States shall organize to coordinate the services of the member States and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, representatives of the Board of Directors of the Texas Agricultural and Mechanical College System, and forestry or forest products industries representatives, which shall meet from time to time with the compact administrators. Each member State shall name one member of the Senate and one member of the House of Representatives, and the Governor of each member State shall appoint one representative who shall be associated with forestry or forest products industries, and a member of the Board of Directors of the Texas Agricultural and Mechanical College System, to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting States, and each State shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member States.

It shall be the duty of each member State to formulate and put in effect a forest fire plan for that State and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

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Article IV.

Whenever the State forest fire control agency of a member State requests aid from the State forest fire control agency of any other member State in combating, controlling or preventing forest fires, it shall be the duty of the State forest fire control agency of that State to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member State are rendering outside aid pursuant to the request of another member State under this compact, the employees of such State shall, under the direction of the officers of the State to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the State to which they are rendering aid.

No member State or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith; provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any State.

All liability, except as otherwise provided herein, that may arise either under the laws of the requesting State or under the laws of the aiding State or under the laws of a third State on account of or in connection with a request for aid, shall be assumed and borne by the requesting State.

Any member State rendering outside aid pursuant to this compact shall be reimbursed by the member State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of employees and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member State from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member State without charge or cost.

Each member State shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

For the purposes of this compact the term "employee" shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding State under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member States.

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Article VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member State.

Nothing in this compact shall be construed to limit or restrict the powers of any State ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of State laws, rules or regulations intended to aid in such prevention, control and extinguishment in such State.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member State or States.

Article VII.

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the South Central Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each State, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

Article VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any State party to this compact and any other State which is party to a regional forest fire protection compact in another region; provided, that the Legislature of such other State shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each State ratifying it until the legislature or the Governor of such State takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the State desiring to withdraw to the chief executives of all States then parties to the compact. (V.A.C.S. Art. 2613c, Sec. 1 (part).)

[Sections 88.117-88.200 reserved for expansion]

SUBCHAPTER C. THE TEXAS AGRICULTURAL EXPERIMENT STATION

Sec. 88.201. PURPOSES. There shall be established, at places in the state the board of directors deems proper, experiment stations for the purpose of making experiments and conducting investigations in the planting and growing of agricultural and horticultural crops and soils, and the breeding, feeding and fattening of livestock for slaughter. (R.S. Art. 136 (part).)

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Sec. 88.202. MAIN STATE EXPERIMENT STATION. The experiment station located at College Station, which is in part supported by the federal government, shall remain there as a permanent institution. It shall be known as the Main State Experiment Station and shall be under the supervision of the board of directors. The board may accept from the federal government any aid in its support that may be provided by Congress. (R.S. Art. 137 (part).)

Sec. 88.203. SUBSTATIONS. (a) The board may:

(1) establish experiment substations at places in this state it deems proper;

(2) abandon or discontinue any substation which may become undesirable for experiment purposes, and if deemed necessary establish others in their stead at places it deems advisable; and

(3) sell any land or other state property used in the operation of an experiment station when abandoned and apply the proceeds of the sale to the purchase of other land and property for the establishment of experiment stations.

(b) The board shall exercise a general supervision and direction over substations established under this subchapter. (R.S. Arts. 137 (part), 138, 139.)

Sec. 88.204. SALE OF STATIONS. If property used in the operation of a station is sold, the title to the property shall not pass from this state until a deed of conveyance is made to the purchaser, duly signed by the governor and attested by the secretary of state under his official seal. All funds received from the sale of station lands or property shall be deposited in the state treasury and shall be paid out in accordance with the provisions of this subchapter. (R.S. Art. 140.)

Sec. 88.205. SALE OF CROPS. Proceeds from the sale, barter, or exchange of crops raised on any experiment station shall be applied to defray the expenses of operating the station. (R.S. Art. 136 (part).)

Sec. 88.206. DONATIONS; LEASES. (a) The board may accept and receive donations of money and property when given to be used in connection with any experiment work authorized by this subchapter.

(b) In the location of any experiment station, the board may take into consideration and receive any donation of money, land, or other property to be used in the operation, equipment, or management of the station; and for experiment work may lease any land that in its judgment may be necessary for any of the purposes named in this subchapter. (R.S. Arts. 142, 143.)

Sec. 88.207. EXPENSES; PER DIEM. The necessary traveling expenses of the members of the board and those of the director and his assistants shall be paid out of the funds appropriated by this state for the maintenance and support of the experiment stations. In addition to actual traveling expenses, each member

of the board, when traveling on the official business of the stations, shall be paid $5 per day while actually engaged in the discharge of his duties. (R.S. Art. 145.)

Sec. 88.208. INSPECTIONS. The board shall visit the stations once a year and shall make criticisms to the director and his assistants that it deems expedient and necessary. (R.S. Art. 144.)

Sec. 88.209. DIRECTOR. (a) The main station and the substations are under the supervision, control, management, and direction of the director of the Texas Agricultural Experiment Station at College Station. The director shall reside at College Station.

(b) The board may pay a part of the director's salary from money appropriated by the Legislature for the maintenance and support of the experiment stations in the proportion that in its judgment is just and proper, taking into consideration the division of his time between the main station and the substations and the sum appropriated for the purpose by the federal government.

(c) The director may employ the assistants and labor and may purchase the livestock, farming implements, tools, seed, and other materials and supplies that he deems necessary for the successful management of any or all of the experiment stations, subject to the approval of the board. (R.S. Art. 146.)

Sec. 88.210. REPORTS. On the first day of each month, the director shall make a complete report to the board showing receipts and disbursments, the source of the receipts, and for what purpose they were disbursed; and on or before January 1, of each year, he shall make a full and detailed report to the board of the operation of the stations, including a statement of receipts and expenditures for the entire year. The annual report shall be transmitted to the governor with any additional report that the board deems proper. (R.S. Art. 147.)

Sec. 88.211. BULLETIN. The director shall periodically issue and circulate among the farmers and livestock raisers of Texas printed bulletins showing the results of the experiments and the results accomplished and the progress made in the improvement of the agricultural and livestock interests of this state. The bulletins shall be mailed to all persons who desire them. The director shall invite the cooperation of persons engaged in those industries and shall give them advice when requested with reference to the management and cultivation of their farms and the care, management, and feeding of their stock. (R.S. Art. 148.)

Sec. 88.212. DISBURSEMENTS. Before warrants are issued by the comptroller in payment of state experiment station accounts, vouchers covering them shall be audited and signed by the director or an assistant designated by him, in writing, for that purpose, and also by a member of the board. (R.S. Art. 149.)

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SUBTITLE E. THE STATE SENIOR COLLEGE SYSTEM
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SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

Sec. 95.01. BOARD OF REGENTS. The organization, control, and management of the state senior college system is vested in the Board of Regents, State Senior Colleges. (R.S. Art. 2644; V.A.C.S. Art. 2644a, Sec. 1.)

Sec. 95.02. BOARD MEMBERS: APPOINTMENT, QUALIFICATIONS, TERMS. The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring every two years. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. (R.S. Art. 2647 (part), 2907 (part).)

Sec. 95.03. BOARD MEETINGS. The board shall meet each year at Austin, on the first Monday in May, or as soon thereafter as practicable, for the transaction of business pertaining to the affairs of the state senior colleges. The board shall also meet at other times and places deemed necessary for the welfare of the colleges by a majority of the members. (R.S. Art. 2647 (part).)

Sec. 95.04. PER DIEM; EXPENSES. Each member of the board shall receive $10 per day for the time spent attending the meetings of the board, in addition to reimbursement for traveling expenses. Payment shall be made out of the appropriation for the support and maintenance of the state senior colleges as the board may direct. (R.S. Art. 2647 (part).)

[Sections 95.05-95.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 95.21. GENERAL RESPONSIBILITIES OF BOARD. The board is responsible for the general control and management of the state senior colleges and may erect, equip, and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge presidents or principals, teachers, treasurers, and other employees; and fix the salaries of the persons employed. The president of each state senior college shall nominate annually to the board the professors, teachers, officials, and assistants who, in his opinion, will promote the best interests of the institution. (R.S. Art. 2647 (part).)

Sec. 95.22. INSPECTION OF SENIOR COLLEGES. The board shall visit each college under its control and management at least once during each scholastic year, inspect its work, and gather information which will enable the board to perform its duties intelligently and effectively. (R.S. Art. 2647 (part).)

Sec. 95.23. LOCAL COMMITTEES OF BOARD. At least once a year each local committee of the board shall meet on the campus of the institution for which the local committee is responsible for reporting to the board. At the meeting, the local committee shall confer with the institution's officials and carefully examine all phases of the operations of the institution. (V.A.C.S. Art. 2644a, Sec. 2.)

Sec. 95.24. ADMISSION; DIPLOMAS AND CERTIFICATES. The board may determine the conditions on which students may be admitted to the colleges, the grades of certificates issued, the conditions for the award of certificates and diplomas, and the authority by which certificates and diplomas are signed. (R.S. Art. 2647 (part).)

Sec. 95.25. TEACHING CERTIFICATES. Diplomas and teachers certificates of each of the state senior colleges authorize the holders to teach in the public schools. (R.S. Art. 2646.)

Sec. 95.26. INCIDENTAL FEES. The board may fix the rate of incidental fees to be paid by students attending the colleges and may make rules for the collection of the fees and for the disbursement of the funds collected. (R.S. Art. 2647 (part).)

Sec. 95.27. ANNUAL REPORT TO GOVERNOR. The board shall make an annual report to the governor showing the general condition of the affairs of each senior college and making recommendations for its future management and welfare. (R.S. Art. 2647 (part).)

Sec. 95.28. DISBURSEMENT OF FUNDS. All appropriations made by the legislature for the support and maintenance of the state senior colleges, for the purchase of land or buildings for the colleges, for the erection or repair of buildings, for the purchase of apparatus, libraries, or equipment of any kind, or for any other improvement of any kind shall be disbursed under the direction and authority of the board. The board may formulate rules for the general control and management of the schools, for the auditing and approving of accounts, and for the issuance of vouchers and warrants which are necessary for the efficient administration of the schools. (R.S. Art. 2647 (part).)

Sec. 95.29. FINANCIAL STATEMENTS AND RECOMMENDATIONS. The board shall file in each house of the legislature at each of its regular biennial sessions a statement of the receipts and expenditures of each of the senior colleges, showing the amount of salaries paid to the various teachers, contingent expenses, expenditures for improvements, and other items of expense. The board shall also file its recommendations for appropriations for the senior colleges. (R.S. Art. 2647 (part).)

Sec. 95.30. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the state senior colleges the lands necessary and proper for carrying out their purposes,

in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended. The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. (V.A.C.S. Art. 2647b.)

Sec. 95.31. ACQUISITION OF LAND; PROCEDURES. (a) The board may acquire land needed for the proper operation of a senior college in the county in which the senior college is located. The acquisition may be by purchase or by condemnation.

(b) If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. In lieu of a suit, the parties may select by agreement three persons to ascertain the value of the land under their oaths and the direction of the court. The finding and decision of the jury, court, or persons selected is in all cases final, except that the parties may appeal as in other civil cases.

(c) When the value of the land has been ascertained and the court is satisfied with the valuation, the court shall enter a decree vesting the title of the land in the state for the use and benefit of the senior college for whose benefit the land is needed. No decree shall be entered until the value of the land as ascertained, together with all reasonable cost and expense of the owner in attending the proceeding, is paid to him or into court for his benefit and subject to his order. The costs and expenses, including reasonable attorneys' fees, shall be ascertained by the court in which the proceeding is held. (R.S. Art. 2647 (part).)

Sec. 95.32. DORMITORIES. (a) The board may enter into contracts with persons, firms, or corporations for the erection of dormitories at any senior college, and may purchase or lease lands and other appurtenances for the construction of the dormitories, provided that the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems reasonable requiring any class or classes of students to reside in the dormitories or other buildings. Absolute management and control of the dormitories constructed is vested in the board. (V.A.C.S. Art. 2647a.)

CHAPTER 96. INSTITUTIONS OF THE STATE SENIOR COLLEGE SYSTEM

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CHAPTER 96. INSTITUTIONS OF THE STATE
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SUBCHAPTER A. SUL ROSS STATE UNIVERSITY

Sec. 96.01. SUL ROSS STATE UNIVERSITY. Sul Ross State University is a coeducational institution of higher education located in the city of Alpine. It is under the management and control of the Board of Regents, State Senior Colleges. (New.)

[Sections 96.02-96.20 reserved for expansion]

SUBCHAPTER B. ANGELO STATE UNIVERSITY

Sec. 96.21. ANGELO STATE UNIVERSITY. Angelo State University is a coeducational institution of higher education located in the city of San Angelo. It is under the management and control of the Board of Regents, State Senior Colleges. (V.A.C.S. Art. 2654.2, Sec. 1; Art. 2654.3.)

Sec. 96.22. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university, to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the university. (V.A.C.S. Art. 2654.2, Sec. 5.)

Sec. 96.23. MANAGEMENT AND CONTROL OF LANDS; CONVEYANCES AND LEASES. (a) The board is vested with the sole and exclusive management and control of all the lands, including lands with oil and gas and other minerals, transferred to the university by the Junior College District of Tom Green County.

(b) The board may sell, lease, explore, and develop the lands, may make and enter into unitization agreements, and may execute division orders and other contracts necessary in the management and development of the lands, all on terms and conditions which the board deems to be in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the general land office in the sale of oil, gas, and other mineral leases of the public lands of the state.

(c) All money received shall be deposited in the state treasury to the credit of a special fund which, in the judgment of the board, may be invested and the principal and income of which may be expended on appropriation by the legislature for the administration of the university. (V.A.C.S. Art. 2654.2, Sec. 6.)

Sec. 96.24. MILITARY TRAINING. No student shall ever be required to take any military training as a condition for entrance into or graduation from the university. (V.A.C.S. Art. 2654.2, Sec. 9.)

Sec. 96.25. OBLIGATIONS AND BENEFITS OF GENERAL LAWS. The university is subject to the obligations and entitled to the

benefits of all general laws of Texas applicable to all other state institutions of higher education, except that where the general laws are in conflict with this subchapter, the provisions of this subchapter prevail to the extent of the conflict. (V.A.C.S. Art. 2654.2, Sec. 8.)

[Sections 96.27-96.40 reserved for expansion]

SUBCHAPTER C. SOUTHWEST TEXAS STATE UNIVERSITY

Sec. 96.41. SOUTHWEST TEXAS STATE UNIVERSITY. Southwest Texas State University is a coeducational institution of higher education located in the city of San Marcos. It is under the management and control of the Board of Regents, State Senior Colleges. (R.S. Art. 2654; V.A.C.S. Art. 2654.1.)

[Sections 96.42-96.60 reserved for expansion]

SUBCHAPTER D. SAM HOUSTON STATE UNIVERSITY

Sec. 96.61. SAM HOUSTON STATE UNIVERSITY. Sam Houston State University is a coeducational institution of higher education located in the city of Huntsville. It is under the management and control of the Board of Regents, State Senior Colleges. (New.)

Sec. 96.62. UNIVERSITY AIRPORT. (a) The board may construct or otherwise acquire without cost to the state or the university an airport for purposes of cooperation with the national defense program and for instruction in aeronautics.

(b) The board may acquire by purchase, lease, gift, or by any other means, and may maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest in property, necessary or convenient to the exercise of the powers conferred by this section. The board has the power of eminent domain for the purpose of acquiring by condemnation any real property, or any interest in real property, necessary or convenient to the exercise of the powers conferred by this section. The board shall exercise the power of eminent domain in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, except that it shall not be required to give bond for appeal or bond for costs. (V.A.C.S. Art. 2650a.)

Sec. 96.63. JOSEY SCHOOL OF VOCATIONAL EDUCATION. (a) The Josey School of Vocational Education is a division of Sam Houston State University and is under the direction and control of the Board of Regents, State Senior Colleges.

(b) The administration of the school is under the direction of the president of Sam Houston State University.

(c) The school shall provide vocational training for individuals over the age of 18 who cannot qualify scholastically for college entrance and for other persons who desire to avail themselves of short intensive courses in vocational education in the following fields: agriculture, home management, distributive education, photography, plumbing, sheet metal work, machine shop,

auto mechanics, furniture, electrical appliances, air conditioning and refrigeration, printing, radio, garment making, interior decorating, light construction contracting, photoengraving, watchmaking, and other trades of like nature. The training in these subjects shall be organized so that the courses may be completed in from 9 to 24 months. Courses may also be offered in English and mathematics and other subjects which will contribute to the vocational training of the student. Vocational courses in government, designed to prepare workers in various county, city, and state offices, may also be offered.

(d) The rate of tuition charged students shall be the actual cost of teaching service, not to exceed $500 per scholastic year of nine months. Scholarships may be awarded by the board to worthy indigent students who might greatly benefit from the training offered. The amount of the scholarships may vary according to the needs of the individuals, but in no case may it reduce the tuition payment by the student to a point less than the tuition fee regularly charged students at the state senior colleges. (V.A.C.S. Art. 2650b.)

SUBTITLE F. OTHER COLLEGES AND UNIVERSITIES

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CHAPTER 100. EAST TEXAS STATE UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 100.01. EAST TEXAS STATE UNIVERSITY. East Texas State University is a coeducational institution of higher education located in the city of Commerce. (V.A.C.S. Art. 2647h.)

[Sections 100.02-100.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 100.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. Not more than two members of the board shall be appointed from or be a resident of any one state senatorial district, and no member may be appointed from or be a resident of the county in which the university is located. (V.A.C.S. Art. 2647h-1, Sec. 1, 2 (part).)

Sec. 100.12. TERMS OF OFFICE; VACANCIES. Members of the board hold office for staggered terms of six years, with the terms of three regents expiring on February 15 of each odd-numbered year. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member shall serve until his successor is appointed and has qualified. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.13. REMOVAL. The members of the board are removable by the governor for inefficiency or malfeasance of office. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.14. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.15. OFFICERS. The board shall organize by electing a chairman and any other officers it deems necessary. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.16. MEETINGS. The chairman shall convene the board to consider any business connected with the university whenever he deems it expedient. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

[Sections 100.17-100.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 100.31. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents,

State Senior Colleges, with respect to colleges in that system. (V.A.C.S. Art. 2647h-1, Sec. 3, 6.)

Sec. 100.32. DEGREES. The board may award bachelor's, master's, and doctor's degrees and their equivalents, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2647h-1, Sec. 7.)

Sec. 100.33. DONATIONS, GIFTS, GRANTS, ENDOWMENTS. The board may accept donations, gifts, grants, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the university. (V.A.C.S. Art. 2647h-1, Sec. 4.)

Sec. 100.34. LEASE OF UNIVERSITY PROPERTY. The board may lease any part of the university's property to any person, partnership, special partnership, business association, or institution, including governmental entities, for the purpose of permitting the university to develop its resources to the greatest extent feasible while realizing a maximum economic benefit. (V.A.C.S. Art. 2647h-1, Sec. 5.)

Sec. 100.35. CONTRACTS FOR WATER AND SEWAGE. The board shall contract with the city of Commerce for the furnishing of water and sewage to the university. The rates to be charged the university shall be those regularly established, published, and declared for similar users or customers, or if there are no similar users or customers, the rates to be charged shall be those established by the city for commercial users. The city may make any special adjustments, discounts, and rates that the governing body of the city may see fit to provide for the university. (Acts 52 Legis., Ch. 376, Sec. 1, 2.)

CHAPTER 101. STEPHEN F. AUSTIN STATE UNIVERSITY

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CHAPTER 101. STEPHEN F. AUSTIN STATE UNIVERSITY
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Sec. 101.01. STEPHEN F. AUSTIN STATE UNIVERSITY. Stephen F. Austin State University is a coeducational institution of higher education located in the city of Nacogdoches. (New.)

[Sections 101.02-101.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 101.11. BOARD OF REGENTS. The control and management of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2647f-1, Sec. 1(a).)

Sec. 101.12. TERM OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. Any vacancy shall be filled by appointment for the unexpired portion of the term. (V.A.C.S. Art. 2647f-1, Sec. 1(b).)

Sec. 101.13. QUALIFICATIONS; OATH. Each member of the board must be a citizen of the State of Texas and shall take the constitutional oath of office. (V.A.C.S. Art. 2647f-1, Sec. 2.)

Sec. 101.14. OFFICERS. The board shall elect a chairman and any other officer deemed necessary. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.15. BYLAWS, RULES, REGULATIONS. The board shall enact bylaws, rules, and regulations necessary for the successful management and operation of the university. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.16. UNIVERSITY PRESIDENT. The board shall select the president of the university. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.17. MINUTES. The board shall cause accurate and complete minutes of its meetings to be maintained. The minutes are open to the public for inspection at the university during regular business hours, and certified copies of the minutes shall be furnished to anyone on payment of a fee set by the board. (V.A.C.S. Art. 2647f-1, Sec. 4.)

Sec. 101.18. SUITS AFFECTING UNIVERSITY. The board may sue and be sued in the name of the university. Venue is in either Nacogdoches County or Travis County. The university may be impleaded by service of citation on its president, and legislative consent to suits against the university is granted. (V.A.C.S. Art. 2647f-1, Sec. 5.)

Sec. 101.19. EXPENSES. Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman of the board. (V.A.C.S. Art. 2647f-1, Sec. 6.)

Sec. 101.20. MEETINGS. The board shall hold an annual meeting on the campus of the university during the month of April, and at other times and places as scheduled by the board or designated by its chairman. (V.A.C.S. Art. 2647f-1, Sec. 7.)

Sec. 101.21. REPORTS. The board shall make reports to the coordinating board as required in Section 61.066 of this code. (V.A.C.S. Art. 2647f-1, Sec. 8.)

[Sections 101.22-101.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 101.41. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2647f-1, Sec. 9.)

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CHAPTER 102. WEST TEXAS STATE UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 102.01. WEST TEXAS STATE UNIVERSITY. West Texas State University is a coeducational institution of higher education located in the city of Canyon. (V.A.C.S. Art. 2647d, Sec. 1.)

[Sections 102.02-102.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 102.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. Not more than two members of the board may be appointed from or be residents of any one state senatorial district, and not more than one member may be a resident of the county in which the university is located. (V.A.C.S. Art. 2647d-3, Sec. 1, 2 (part).)

Sec. 102.12. TERMS; VACANCIES. The members of the board hold office for staggered terms of six years, with the terms of three members expiring each two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.13. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.14. REMOVAL. The members of the board are removable by the governor for inefficiency or malfeasance of office. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.15. OFFICERS. The board shall elect a chairman and any other officers it deems necessary. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.16. MEETINGS. The chairman of the board may convene the board to consider any business connected with the university whenever he deems it expedient. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

[Sections 102.17-102.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 102.31. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2647d-3, Sec. 3, 4.)

Sec. 102.32. LEASE OF LANDS TO FRATERNITIES AND SORORITIES. (a) The board may lease portions of the state-owned land held for the use and benefit of the university in the city of Canyon to fraternities and sororities for the purpose of constructing chapter houses.

(b) A lease may be for any term of years less than 100, and the consideration and terms may be determined by the board, consistent with the best interests of the university. The chairman of the board, with approval of a majority of the board, may execute all documents necessary to consummate the leasing. (V.A.C.S. Art. 2647d-2.)

Sec. 102.33. AIRPORT. The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner. (V.A.C.S. Art. 2919c.)

[Sections 102.34-102.50 reserved for expansion]

SUBCHAPTER D. KILLGORE RESEARCH CENTER

Sec. 102.51. GIFTS AND DONATIONS; LOCATION OF CENTER. The board may accept gifts and donations of money and other personal property from the Killgore Foundation and from any other private organization or individual to establish, construct, maintain, and operate a regional center to be known as the Killgore Research Center, on any land held by the board for the use of the university. (V.A.C.S. Art. 2647d-1, Sec. 1.)

Sec. 102.52. TRANSFER OF MONEY; DISBURSEMENTS. All money so received shall be transferred as soon as available to the West Texas State University Foundation or to any other fund or foundation chosen by agreement between the donors and the administration of the university. The disbursement of all this money is under the supervision of the business manager of the university, subject to accounting procedures approved by the state auditor. (V.A.C.S. Art. 2647d-1, Sec. 2.)

Sec. 102.53. MAINTENANCE AND ADMINISTRATION. The maintenance and administration of the research center is the responsibility of the State of Texas acting through the administration of the university, with the advice and assistance of an advisory council on research selected by the administration and the donors. (V.A.C.S. Art. 2647d-1, Sec. 3.)

Sec. 102.54. PERMANENT RESEARCH PROGRAM. In order to provide for a permanent research program, the administration of the university may:

(1) establish formalized working relationships with established research programs similar to the relationship already developed between the university and The University of Texas M.D. Anderson Hospital and Tumor Institute at Houston;

(2) integrate the research program being developed in the graduate school of the university with the research program at the research center;

(3) employ project directors who are recognized researchers and who have had experience in applying for and using research grants from governmental agencies and private foundations;

(4) assign a person from the administrative staff of the university as administrator of the research center; and

(5) perform any other acts and make any agreements which will implement and further the research programs of the research center and the university, consistent with the purposes of this subchapter. (V.A.C.S. Art. 2647d-1, Sec. 4.)

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CHAPTER 103. MIDWESTERN UNIVERSITY

Sec. 103.01. MIDWESTERN UNIVERSITY. Midwestern University is a coeducational institution of higher learning located in the city of Wichita Falls. (V.A.C.S. Art. 2623c-1.)

Sec. 103.02. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. Members of the board shall be appointed by the governor and confirmed by the senate. Members hold office for staggered terms of six years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member of the board shall take the constitutional oath of office. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.04. REIMBURSEMENT OF BOARD MEMBERS. The board shall receive reimbursement only for the actual cost of attendance at board meetings. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.05. BOARD OFFICERS. The board shall organize by electing a chairman and other officers they desire. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.06. PRESIDENT OF UNIVERSITY: SELECTION; DUTIES. The board shall select a president for the university and shall fix his term of office, name his salary, and define his duties. The president shall be the executive officer for the board and shall work under its directions. He shall recommend a plan of organization and the appointment of employees of the university. He shall have the cooperation of the board and shall be responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.07. GENERAL RESPONSIBILITIES. The board shall build and operate a state college of the first rank that will compare favorably with the other splendid colleges in Texas in the preparation of youth for the varied interests and industries in the section in which the university is located, and this college shall be equipped adequately to do its work as well as other state colleges. (V.A.C.S. Art. 2623c-4 (part).)

Sec. 103.08. DONATIONS, GIFTS, AND ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, not inconsistent with the objects and proper management of the university. (V.A.C.S. Art. 2623c-6.)

Sec. 103.09. LEASE OF LANDS. The board may lease the surface rights of land under its control and management for any term of years less than 100. (V.A.C.S. Art. 2623c-9.)

CHAPTER 104. TEXAS A & I UNIVERSITY

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CHAPTER 104. TEXAS A & I UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 104.01. TEXAS A & I UNIVERSITY. Texas A & I University is a coeducational institution of higher education located in the city of Kingsville. (V.A.C.S. Art. 2628a-1; Art. 2628a-1a.)

[Sections 104.02-104.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 104.11. BOARD OF DIRECTORS. The university is under the management and control of a board of nine directors appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2628a-2 (part).)

Sec. 104.12. TERM OF OFFICE; VACANCY; OATH; REMOVAL. (a) The members of the board of directors hold office for staggered terms of six years, with the terms of three expiring every two years.

(b) Any vacancy on the board shall be filled for the unexpired portion of the term by appointment of the governor.

(c) Each member of the board shall take the constitutional oath of office.

(d) Each member of the board is removable by the governor for inefficiency or inattention to the duties of his office. (V.A.C.S. Art. 2628a-2 (part).)

Sec. 104.13. BOARD OFFICERS. (a) The board shall elect a president of the board and any other officers it may desire.

(b) The board may select from its members a secretary-treasurer and compensate him in an amount not to exceed $50 a month from the institutional funds normally expended under its authority. (V.A.C.S. Art. 2628a-2 (part); Art. 2628a-2a.)

Sec. 104.14. PRESIDENT OF UNIVERSITY. The board shall appoint a president of the university, fix his term of office, set his salary, and define his duties. The president is the executive officer for the board and shall work under its direction. He shall recommend a plan for the organization of the university and the appointment of employees of the university. He is responsible to the board for the general management and success of the university; and he shall have the cooperation of the board. (V.A.C.S. Art. 2628a-2 (part).)

[Sections 104.15-104.20 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 104.21. GENERAL POWERS AND DUTIES. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents,

State Senior Colleges, with respect to institutions in that system, except as otherwise provided by this chapter. (V.A.C.S. Art. 2628a-7.)

Sec. 104.22. EMINENT DOMAIN. The board has the power of eminent domain to acquire land needed for the accomplishment of the purposes of the university. In this regard it may operate under condemnation procedures applicable to railroad companies under the laws of this state. (V.A.C.S. Art 2628a-5 (part).)

Sec. 104.23. ACQUISITION OF LAND FOR FIELD CLASSROOMS. (a) The board may acquire land in Hidalgo County, without cost to the State of Texas, to provide field classrooms to further the work of the university in agriculture and animal husbandry.

(b) The board may pledge any future revenue from any land acquired under this section to secure any lien given and retained to secure the purchase price of the land.

(c) The board may pledge collaterally and additionally any unencumbered future net revenue from the bookstore of the university to secure any lien given and retained to secure the purchase price of any land acquired under this section. The board may direct that any revenue from the land acquired under this section remaining after payment of the monthly or yearly installments or after discharge of the lien retained on the land shall be used to reimburse the bookstore to the extent that any of its revenue has been expended in payment of the purchase price of the land. (V.A.C.S. Art. 2628a-10.)

Sec. 104.24. DORMITORIES. (a) The board may enter into contracts with persons, firms, or corporations for the construction of dormitories at the university and may purchase or lease land and appurtenances for the construction. However, the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems desirable requiring any class or classes of students to reside in the dormitories or other buildings. The board has absolute management and control of the dormitories constructed under the provisions of this section. (V.A.C.S. Art. 2628a-8.)

[Sections 104.25-104.40 reserved for expansion]

SUBCHAPTER D. TEXAS A & I UNIVERSITY AT LAREDO

Sec. 104.41. ESTABLISHMENT; SCOPE; DISCONTINUATION. The board may establish an upper-level educational center of Texas A & I University in the city of Laredo, to be known as Texas A & I University at Laredo, to accept junior- and senior-level students only. This upper-level educational center may be discontinued by the Coordinating Board, Texas College and University System, at its discretion. (V.A.C.S. Art. 2628e, Sec. 1.)

Sec. 104.42. FACILITIES; GIFTS AND GRANTS. The board shall make provision for adequate physical facilities for use by the university at Laredo, and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property which are tendered by any person for the use and benefit of the school. (V.A.C.S. Art. 2628e, Sec. 2.)

Sec. 104.43. COURSES AND DEGREES; RULES AND REGULATIONS. The board, with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control, and management of the university at Laredo as necessary for the school to be a first-class upper division institution of higher learning. In prescribing the courses, the board shall give special emphasis to those courses leading to baccalaureate degrees in teacher education and business administration. (V.A.C.S. Art. 2628e, Sec. 3.)

Sec. 104.44. EFFECT OF SUBCHAPTER. Nothing in this subchapter shall be construed to limit the powers of the board as conferred by law. (V.A.C.S. Art. 2628e, Sec. 4.)

[Sections 104.45-104.50 reserved for expansion]

SUBCHAPTER E. PURCHASE OF FARMLAND, EQUIPMENT, CROPS, ETC.

Sec. 104.51. AUTHORIZATION. The board for the benefit of the university may purchase, use, lease as lessor, and operate farmland, may purchase crops and other horticultural and agricultural products growing on or produced or to be produced and harvested from the land, and may purchase any farming machinery, apparatus, and equipment used or useful in connection with it, from any person, firm, or corporation and for the price or prices the board considers reasonable and proper. (V.A.C.S. Art. 2628a-11, Sec. 1.)

Sec. 104.52. REVENUE BONDS. For the purpose of purchasing the items permitted to be purchased under Section 104.51 of this code, the board may issue its negotiable revenue bonds from time to time in the amounts it considers necessary or appropriate for the purpose of paying the purchase price or prices. The bonds may be made redeemable before maturity, at the option of the board, at the price or prices and under the terms and conditions that may be fixed by the board prior to the issuance of the bonds. The bonds shall be sold for not less than par and accrued interest. (V.A.C.S. Art. 2628a-11, Sec. 2.)

Sec. 104.53. PLEDGE OF REVENUE; MORTGAGES. The board may pledge to the payment of the interest on and the principal of the bonds all or any part of the revenue derived or anticipated to be derived in any manner from the land, including any revenue received from rendering scientific or experimental services on

the land purchased and all or any part of the revenue of the university derived or anticipated to be derived from the sale, handling, or disposal of the crops, agricultural and horticultural products acquired or to be grown and harvested from the land; and the board may enter into any agreements regarding the pledging thereof that it may deem appropriate. The board may also mortgage the farming equipment, machinery, apparatus, and land thus purchased and any growing fruits, products, and crops, or those to be grown, on any terms the board may determine to be appropriate. (V.A.C.S. Art. 2628a-11, Sec. 3.)

Sec. 104.54. BONDS AS SPECIAL OBLIGATIONS. The bonds authorized to be issued under this subchapter are special obligations of the board, payable only from the revenue pledged, and none of the bonds shall ever be an indebtedness of the State of Texas. (V.A.C.S. Art. 2628a-11, Sec. 4.)

Sec. 104.55. BONDS AS AUTHORIZED INVESTMENTS, SECURITY FOR DEPOSITS. The bonds are declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. The bonds are eligible to secure the deposit of public funds of the State of Texas and of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas; and the bonds are lawful and sufficient security for those deposits to the extent of the principal amount, or their value on the market, whichever is less, when accompanied by all unmatured coupons appurtenant to them. (V.A.C.S. Art. 2628a-11, Sec. 5.)

Sec. 104.56. PRIOR LIENS, PLEDGES, MORTGAGES. Any pledge of revenue or mortgage of property made under the terms of this subchapter shall be subject to any prior lien, pledge, or mortgage thereof, but the existence of any such prior lien, pledge, or mortgage shall not prevent (a) the making of a subsequent and inferior lien, pledge, or mortgage, unless that action is prohibited under the resolution, order, or indenture authorizing the prior obligations, or (b) the issuing of additional parity lien revenue bonds which are hereby authorized, if and to the extent permitted by the order or indenture authorizing the prior obligations. (V.A.C.S. Art. 2628a-11, Sec. 6.)

Sec. 104.57. FORM, CONDITIONS, DETAILS, REFINANCING. Subject to the restrictions contained in this subchapter, the board is given complete discretion in fixing the form, conditions, and details of the bonds, pledge, and mortgage, and the bonds may be refunded or otherwise refinanced whenever the board deems that action to be appropriate or necessary. (V.A.C.S. Art. 2628a-11, Sec. 7.)

Sec. 104.58. APPROVAL AND REGISTRATION. Prior to delivery, all bonds authorized to be issued under this subchapter and the records relating to their issuance shall be submitted to the attorney general for examination; and if he finds that they have

been issued in accordance with the constitution and this subchapter and that they will be binding special obligations of the board, he shall approve them. They shall then be registered by the comptroller of public accounts. After the approval and registration, the bonds shall be incontestable. (V.A.C.S. Art. 2628a-11, Sec. 8.)

Sec. 104.59. CUMULATIVE EFFECT. This subchapter does not repeal any statute now in effect, but is cumulative of all other statutes pertaining to the university, and does not modify or abridge any powers held by the university to control or pledge its funds. However, to the extent that the provisions of this subchapter may be in conflict with the provisions of any other law, the provisions of this subchapter take precedence and prevail. (V.A.C.S. Art. 2628a-11, Sec. 10.)

[Sections 104.60-104.70 reserved for expansion]

SUBCHAPTER F. MINERAL DEVELOPMENT
IN UNIVERSITY LAND

Sec. 104.71. MINERAL LEASES; DISPOSITION OF PROCEEDS. (a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas A & I University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas A & I University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act. (V.A.C.S. Art. 2628a-9, Sec. 1.)

Sec. 104.72. MAJORITY OF BOARD TO ACT. A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 104.73. SUBDIVISION OF LAND; TITLES. (a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands. (V.A.C.S. Art. 2628a-9, Sec. 2.)

Sec. 104.74. SALE OF LEASES; ADVERTISEMENTS; PAYMENTS. (a) Whenever in the opinion of the board there is a demand for

the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Kingsville at any hour between 10 a.m. and 5 p.m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid. (V.A.C.S. Art. 2628a-9, Sec. 3.)

Sec. 104.75. SEPARATE BIDS; MINIMUM ROYALTY; DELAY RENTAL. (a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee. (V.A.C.S. Art. 2628a-9, Sec. 4.)

Sec. 104.76. REJECTION OF BIDS; WITHDRAWAL OF LAND. The board may reject any and all bids and may withdraw any land advertised for lease. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 104.77. ACCEPTANCE; CONDITIONS AND PROVISIONS OF LEASE. (a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public

auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university. (V.A.C.S. Art. 2628a-9, Sec. 5.)

Sec. 104.78. ACCEPTANCE AND FILING OF BIDS; YEARLY PAYMENTS; TERMINATION OF LEASE. (a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 104.80 and 104.81 of this code. (V.A.C.S. Art. 2628a-9, Sec. 6.)

Sec. 104.79. AWARD AND FILING OF LEASE. If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office. (V.A.C.S. Art. 2628a-9, Sec. 7(a).)

Sec. 104.80. EXPLORATORY TERM OF LEASE; EXTENSION; OTHER PROVISIONS. (a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 7(b).)

Sec. 104.81. EXTENSION OF LEASES. When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement. (V.A.C.S. Art. 2628a-9, Sec. 7(c).)

Sec. 104.82. CONTROL OF DRILLING AND PRODUCTION. The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state. (V.A.C.S. Art. 2628a-9, Sec. 7(d).)

Sec. 104.83. DRILLING OPERATIONS: SUSPENSION OF RENT; CONTINUANCE OF LEASE; DUTY TO PREVENT DRAINAGE. (a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances. (V.A.C.S. Art. 2628a-9, Sec. 8.)

Sec. 104.84. TITLE TO RIGHTS PURCHASED; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by

having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by $1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 9.)

Sec. 104.85. PAYMENT OF ROYALTIES; RECORDS; REPORT OF RECEIPTS. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be set aside in the state treasury as specified in Section 104.71 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month. (V.A.C.S. Art. 2628a-9, Sec. 10.)

Sec. 104.86. PROTECTION FROM DRAINAGE; FORFEITURE OF RIGHTS. (a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

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(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 104.87 of this code for forfeitures. (V.A.C.S. Art. 2628a-9, Sec. 11.)

Sec. 104.87. FORFEITURE AND OTHER REMEDIES; LIENS. (a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(c) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(d) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(e) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(f) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease. (V.A.C.S. Art. 2628a-9, Sec. 12.)

Sec. 104.88. FILING OF DOCUMENTS AND PAYMENT OF ROYALTIES, FEES, AND RENTALS. (a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

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(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas A & I University special mineral fund. (V.A.C.S. Art. 2628a-9, Sec. 13.)

Sec. 104.89. FORMS, REGULATIONS, RULES, AND CONTRACTS. The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

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CHAPTER 105. NORTH TEXAS STATE UNIVERSITY

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CHAPTER 105. NORTH TEXAS STATE UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 105.01. NORTH TEXAS STATE UNIVERSITY. North Texas State University is a coeducational institution of higher education located in the city of Denton. (R.S. Art. 2651; V.A.C.S. Art. 2651a, Sec. 1.)

[Sections 105.02-105.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 105.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.12. TERM OF OFFICE; REMOVAL; VACANCY. The term of office of each regent is six years, with the term of three regents expiring every two years. Members of the board may be removed from office for inefficiency or malfeasance of office. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.13. RESIDENCE. Not more than one member of the board may be appointed from or be a resident of any one state senatorial district, and no member of the board may be appointed from or be a resident of the county in which the university is located. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.14. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.15. OFFICERS; MEETINGS. The board shall elect a chairman and any other officers it deems necessary. The chairman may convene the board when he deems it expedient to consider any business related to the university. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

[Sections 105.16-105.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 105.41. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2651a, Sec. 3 (part).)

Sec. 105.42. CONTRACTS WITH CITY FOR UTILITY SERVICES. The board may contract with the city of Denton for the furnishing of water and other utility services to the university. The rates

to be charged the university shall not exceed those regularly established, published, and declared rates for similar customers; and if there are no similar customers, the rates to be charged shall be those established by the city of Denton for commercial users. The city may make any adjustments, discounts, and special rates that the governing authorities of the city may see fit to provide for the university. (V.A.C.S. Art. 2647e.)

[Sections 105.43-105.60 reserved for expansion]

SUBCHAPTER D. STATE HISTORICAL COLLECTION

Sec. 105.61. DESIGNATION. The historical collection of the university, consisting of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and other items of historical importance, is designated a State Historical Collection, to be known as "The State Historical Collection of North Texas State University." (V.A.C.S. Art. 2653a, Sec. 1.)

Sec. 105.62. GIFTS AND DONATIONS. The board may accept and receive gifts, donations, and collections of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and collections of all kinds having historical importance and value, to be used in teaching the youth of this state. (V.A.C.S. Art. 2653a, Sec. 2.)

Sec. 105.63. RULES AND REGULATIONS. The board may make any rules and regulations regarding the receiving and holding of these gifts, donations, and collections, that it considers necessary and advisable. (V.A.C.S. Art. 2653a, Sec. 3.)

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CHAPTER 106. TEXAS SOUTHERN UNIVERSITY

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CHAPTER 106. TEXAS SOUTHERN UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 106.01. TEXAS SOUTHERN UNIVERSITY. Texas Southern University is a coeducational institution of higher education located in the city of Houston. (V.A.C.S. Art. 2643b, Sec. 2 (part); Art. 2643f, Secs. 1-4.)

[Sections 106.02-106.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 106.11. BOARD OF DIRECTORS. The government of the university is vested in a board of nine directors appointed by the governor with the advice and consent of the Senate. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.12. TERMS OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three directors expiring on February 1 of odd-numbered years. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.13. QUALIFICATIONS; OATH. Each member of the board shall be a qualified voter of the state. The members shall be selected from different portions of the state. Each member shall take the constitutional oath of office. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.14. OFFICERS. The board shall elect a chairman and a vice chairman from its members to serve at the will of the board. The board shall appoint a secretary. The state treasurer shall be the treasurer of the university. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.15. EXPENSES. The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from any available funds of the university. (V.A.C.S. Art. 2643b, Sec. 4 (part).)

Sec. 106.16. SEAL. The board may make, use, and alter a common seal. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

[Sections 106.17-106.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 106.31. ADMINISTRATIVE POWERS. The board shall establish the several departments in the university, determine the offices, professorships, and other positions at the institution, appoint a president, appoint the professors and other officers and employees and prescribe their duties, and fix their respective salaries. The board shall enact bylaws, rules, and regulations deemed necessary for the successful management and government of

the institution. The board may remove any professor, instructor, tutor, or other officer or employee connected with the institution when, in its judgment, the best interests and proper operation of the institution requires it. (V.A.C.S. Art. 2643b, Sec. 7.)

Sec. 106.32. EXPENDITURES. All expenditures shall be made by order of the board and shall be paid on warrants issued by the comptroller based on vouchers approved by the chairman of the board or some other officer of the university designated by him in writing to the comptroller, and countersigned by the secretary of the board or some other officer of the university designated by the secretary in writing to the comptroller. (V.A.C.S. Art. 2643b, Sec. 4 (part).)

Sec. 106.33. CONTRACTS WITH OTHER INSTITUTIONS. The board may make proper arrangements by contract with other educational institutions, hospitals, and clinics in Houston for the use of any facilities and services it considers necessary and expedient for the proper training and education of students in professional courses. (V.A.C.S. Art. 2643b, Sec. 6 (part).)

Sec. 106.34. GIFTS, GRANTS. The board may accept from other than state sources gifts and grants of money and property for the benefit of the university. (V.A.C.S. Art. 2643b, Sec. 8.)

Sec. 106.35. ACQUISITION OF LAND. The board on behalf of the university may acquire by purchase, exchange, or otherwise any tract or parcel of land in Harris County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion. (V.A.C.S. Art. 2643d-1.)

Sec. 106.36. MILITARY TRAINING. No student shall ever be required to take any military training as a condition for entrance into or graduation from the university. (V.A.C.S. Art. 2643f-1.)

[Sections 106.37-106.50 reserved for expansion]

SUBCHAPTER D. CONTROL OF UNIVERSITY FUNDS

Sec. 106.51. CONTROL OF MONEY COLLECTED. The board may retain control of:

(1) money derived from student fees of all kinds;
(2) charges for use of rooms and dormitories;
(3) receipts from meals, cafes, and cafeterias;
(4) fees on deposit refundable to students under certain conditions;
(5) receipts from school athletic activities;
(6) income from student publications and other student activities;
(7) receipts from the sale of publication products and miscellaneous supplies and equipment;
(8) students' voluntary deposits of money for safekeeping;

(9) funds, revenue, and accounts received from the University of Houston and other institutions;

(10) gifts and grants to the university; and

(11) all other fees and local institutional income of a strictly local nature arising out of, or incident to, the university's educational activities. (V.A.C.S. Art. 2643e, Sec. 1, 5.)

Sec. 106.52. DEPOSITORIES. The board may select depository banks as places of deposit of all funds of the kind and character named in Section 106.51 of this code, which are collected by the university, and the board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time the board deems any deposit inadequately secured. All funds of the character named in Section 106.51 of this code, which are so collected, shall be deposited in the depository bank or banks within five days from the date of collection. Depository banks so selected are authorized to pledge their securities to protect the funds. Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office; and venue of suit to recover any amount claimed by the state to be due on any of these bonds is fixed in Travis County. (V.A.C.S. Art. 2643e, Sec. 2.)

Sec. 106.53. ACCOUNTS; TRUST FUNDS. Separate accounts shall be kept on the books of the university, showing the sources of all sums collected and the purposes for which expended. All trust funds handled by the board shall be deposited in separate accounts and shall not be commingled with the general income from student fees or other local institutional income, and all trust funds shall be secured by separate bonds or securities. (V.A.C.S. Art. 2643e, Sec. 3.)

Sec. 106.54. BIENNIAL REPORT. True and full accounts shall be kept by the board and by the employees of the university of all funds collected from all sources by the university, all the sums paid out by it, and the persons to whom and the purposes for which the sums are paid. The board shall print biennially a complete report of all sums collected, all expenditures, and the sums remaining on hand. The report shall be printed in even-numbered years between September 1 and January 1. It shall show the true condition of all funds as of the preceding August 1, and shall show all collections and expenditures for the preceding two years. The board shall furnish copies of the report to the governor, state treasurer, comptroller, state auditor, and attorney general, and not less than three copies to the State Board of Control. The board shall furnish a copy to each member of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate committees on education of each regular session of the legislature within one week after the committees are appointed. (V.A.C.S. Art. 2643e, Sec. 4.)

Sec. 106.55. LEGISLATIVE INTENT. The authority granted the board under this subchapter is intended to be the same as the

authority granted to the governing boards of The University of Texas System, Texas A&M University System, and similar institutions with regard to the control and use of local funds. (V.A.C.S. Art. 2643e, Sec. 7.)

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CHAPTER 107. TEXAS WOMAN'S UNIVERSITY

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CHAPTER 107. TEXAS WOMAN'S UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 107.01. LOCATION AND PURPOSE OF UNIVERSITY. Texas Woman's University is an institution of higher education for women with its main campus at Denton. (R.S. Art. 2624.)

[Sections 107.02-107.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 107.21. BOARD OF REGENTS. The board of regents of the university is composed of nine persons, four of whom shall be women, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2625 (part); Art. 2907 (part).)

Sec. 107.22. OFFICERS. The board shall biennially elect a chairman, a vice chairman, and other officers it deems necessary from among its members. (R.S. Art. 2625 (part).)

Sec. 107.23. BOARD MEETINGS; MINUTES. The chairman shall convene the board to consider any business connected with the university whenever he deems it expedient. A full record shall be kept of all the board's proceedings. (R.S. Art. 2625 (part).)

Sec. 107.24. COMPENSATION OF BOARD. Members of the board shall receive the same compensation conferred by law on the board of regents of The University of Texas System. (R.S. Art. 2625 (part).)

[Sections 107.25-107.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 107.41. EXTENT OF POWERS. The board has the power incident to its position and to the same extent, as far as applicable, as is conferred on the board of regents of The University of Texas System. (R.S. Art. 2625 (part).)

Sec. 107.42. STAFF. The board shall appoint a president of the university and other officers and employees it deems proper and shall fix their salaries. The board shall make rules and regulations for the government of the university's staff as it deems advisable. (R.S. Art. 2627 (part).)

Sec. 107.43. DEPARTMENTS. The board shall divide the course of instruction into departments and shall select careful and efficient professors in each department, in order to secure the best possible instruction in all areas of study. (R.S. Art. 2627 (part).)

Sec. 107.44. RULES AND REGULATIONS. The board shall adopt rules and regulations it deems necessary to carry out the purposes of the institution and to enforce the faithful discharge of the duties of all officers, professors, and students. (R.S. Art. 2627 (part).)

[Sections 107.45-107.60 reserved for expansion]

SUBCHAPTER D. DORMITORIES AND IMPROVEMENTS

Sec. 107.61. CONSTRUCTION OF DORMITORIES AND IMPROVEMENTS. The board may erect and equip, or may contract with any person, firm, or corporation for the erecting and equipping of dormitories and other improvements, which shall be located either on the campus or on land purchased or leased for the purpose by the board. The board may purchase or lease additional real estate for the purpose, or exchange or sell real estate for the purpose. (V.A.C.S. Art. 2628a, Sec. 2.)

Sec. 107.62. OBLIGATIONS; PLEDGE OF REVENUE. In payment for the erecting and equipping of dormitories and improvements, the board may issue its obligations in the amount and on the terms deemed advisable by the board. As security the board may pledge the income from the dormitories and improvements erected or from other dormitories owned by the university, as well as all other revenue derived by the university from other sources, except revenue derived by means of appropriations made for a specific purpose by the legislature. (V.A.C.S. Art. 2628a, Sec. 3.)

Sec. 107.63. SALE OF REAL ESTATE. The board may sell or encumber any part of the campus or real estate owned by the university for the purpose of obtaining funds with which to erect and equip these improvements or for the purpose of securing the payment of its obligations issued to any person, firm, or corporation for the erecting or equipping of these improvements. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.64. REQUIRED DORMITORY RESIDENCE. The board may adopt regulations it deems reasonable requiring any class or classes of students to reside in university dormitories or other buildings. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.65. MANAGEMENT OF DORMITORIES. The board has absolute and sole management and control of university dormitories and other improvements. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC. The board may make requisition to the State Board of Control for furniture, furnishings, equipment, and appointments required for the proper use and enjoyment of improvements erected by the board, and the State Board of Control may purchase and pay for the furnishings, equipment, and appointments. (V.A.C.S. Art. 2628a, Sec. 5.)

Sec. 107.67. LIMITATION ON OBLIGATIONS. In the erecting, or in contracts for the erecting, of dormitories and improvements, the board may not in any manner incur any indebtedness against the university except as provided in Sections 107.62 and 107.63 of this code. The obligations incurred in the erecting of dormitories and improvements may never be personal obligations of the university but shall be discharged solely from the revenue or property authorized to be pledged for that purpose. (V.A.C.S. Art. 2628a, Sec. 6.)

Sec. 107.68. GENERAL POWERS. The board may do any and all things necessary or convenient to carry out the purpose and intent of this subchapter. (V.A.C.S. Art. 2628a, Sec. 7.)

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CHAPTER 108. LAMAR STATE COLLEGE OF TECHNOLOGY

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CHAPTER 108. LAMAR STATE COLLEGE OF TECHNOLOGY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 108.01. LAMAR STATE COLLEGE OF TECHNOLOGY. Lamar State College of Technology is a coeducational institution of higher education located in the city of Beaumont. (V.A.C.S. Art. 2637a.)

[Sections 108.02-108.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 108.11. BOARD OF REGENTS. The organization, control, and management of the college is vested in a board of nine regents, who shall be appointed by the governor and confirmed by the senate. The term of office of each regent shall be six years. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term. The members of the board are removable by the governor for inefficiency or inattention to the duties of the office. Each member of the board shall take the constitutional oath of office. (V.A.C.S. Art. 2637b (part).)

Sec. 108.12. OFFICERS. The board shall elect a chairman and any other officers they consider necessary. (V.A.C.S. Art. 2637b (part).)

Sec. 108.13. COMPENSATION OF BOARD. The members of the board shall serve without compensation, but shall receive actual expenses incurred in attending the meetings of the board, or in the transaction of any business of the college imposed by the board. (V.A.C.S. Art. 2637j, Sec. 4.)

Sec. 108.14. PRESIDENT. The board shall select a president for the college and shall fix his term of office, set his salary, and define his duties. The president shall be the executive officer for the board and shall work under its direction. He shall recommend the plan of organization and the appointment of employees of the college, and shall have the cooperation of the board and shall be responsible to the board for the general management and success of the college. (V.A.C.S. Art. 2637b (part).)

[Sections 108.15-108.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 108.31. GENERAL RESPONSIBILITIES. The board shall build and operate a state college of the first rank that compares favorably with the splendid colleges of Texas in the preparation of its youth for the varied interests and industries possible in the section of the state in which the college is located. The college shall be equipped adequately to do its work as well as other state colleges perform their functions. (V.A.C.S. Art. 2637d (part).)

Sec. 108.32. SCOPE OF POWERS. The college and the board have all the powers and authority conferred by law on state senior colleges in Texas and the Board of Regents, State Senior Colleges, to the extent that that law is applicable. (V.A.C.S. Art. 2637j, Sec. 1.)

Sec. 108.33. EMINENT DOMAIN. The college has the power of eminent domain and shall proceed under condemnation proceedings applicable to railroad companies under the laws of the state. (V.A.C.S. Art. 2637f.)

Sec. 108.34. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the college to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions declared in writing in the donation, gift, or endowment, to the extent that the directions, limitations, and provisions are not inconsistent with the objects and proper management of the college. (V.A.C.S. Art. 2637g.)

Sec. 108.35. SPINDLETOP MEMORIAL MUSEUM. The board may create the Spindletop Memorial Museum and may administer it in accordance with the rules and regulations of the college. (V.A.C.S. Art. 2637j, Sec. 3.)

CHAPTER 109. TEXAS TECH UNIVERSITY

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CHAPTER 109. TEXAS TECH UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 109.01. TEXAS TECH UNIVERSITY. Texas Tech University is a coeducational institution of higher education located in the city of Lubbock. (R.S. Art. 2629 (part); V.A.C.S. Art. 2629a.)

[Sections 109.02-109.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 109.21. BOARD OF REGENTS. The government, control, and direction of the policies of the university are vested in a board of nine regents, who shall be appointed by the governor with the advice and consent of the senate. (R.S. Art. 2630, Sec. (a).)

Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. Except for the initial appointees, members hold office of terms of six years expiring on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate three for terms expiring in 1971, three for terms expiring in 1973, and three for terms expiring in 1975. Any vacancy shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the senate. (R.S. Art. 2630, Sec. (b).)

Sec. 109.23. CHIEF EXECUTIVE OFFICER: SELECTION, DUTIES. The board shall provide a chief executive officer, who shall devote his attention to the executive management of the university and who shall be directly accountable to the board for the conduct of the university. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that other institution or facility. (R.S. Art. 2630, Sec. (c).)

[Sections 109.24-109.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 109.41. EMINENT DOMAIN. The board of regents has the power of eminent domain to acquire land needed to carry out the purposes of the university. (R.S. Art. 2632.)

Sec. 109.42. RESIDENCE FOR PRESIDENT. The board may purchase a house or may purchase land and construct a house suitable for the residence of the president of the university. (V.A.C.S. Art. 2632g.)

Sec. 109.43. DORMITORIES: RULES AND REGULATIONS. The board may adopt rules and regulations it deems advisable requiring any class or classes of students to reside in university dormitories or other buildings. (V.A.C.S. Art. 2632a, Sec. 4.)

Sec. 109.44. RESEARCH PARK. (a) The board may plan, develop, and maintain a research park on a portion of the campus of the university. For this purpose, the board may select and set aside on the campus a tract of land of approximately 150 acres.

(b) The board may subdivide the tract into lots and lease the lots to persons, firms, foundations, associations, corporations, and government agencies for the purpose of conducting research. Each lessee may construct buildings and facilities appropriate for research, subject to rules of the board.

(c) The board may execute any lease deemed favorable to the university, and the board shall establish standards of admission for tenant organizations, rental rates, and architectural and landscaping standards.

(d) Money received from the rental of sites in the research park shall be used to offset the expenses involved in developing the sites and providing utilities and services. Any excess of receipts over expenses shall be applied toward research activities undertaken in behalf of the university. The support and maintenance of the park shall never become a charge against or obligation of the State of Texas.

(e) The research park shall be used for research only, and the board shall prohibit manufacturing, social, political, religious, fraternal, and other uses. (V.A.C.S. Art. 2632h.)

Sec. 109.45. CITY MUSEUM. (a) The board may rent, lease, or convey, for a sum of money to be determined by the board, a part of the campus, not to exceed four acres, to the city of Lubbock for the sole purpose of building, with bonds or current city taxes, and maintaining with city tax money, a history, science, and art museum.

(b) The board may rent or lease a building or any part of a building on the parcel of land to the city of Lubbock for the sole purpose of maintaining a history and art museum for a sum of money to be determined by the board.

(c) The board may dedicate for public use a street or streets leading to and connecting the parcel of land and building and to provide ingress and egress to and from a public highway and to and from adjacent parking lots.

(d) The board, at its discretion, may contract with the city of Lubbock for the staffing, operation, and maintenance of a history and art museum with funds provided by the city of Lubbock.

(e) The board may enter into contracts and agreements which are necessary and proper for carrying out the provisions of this section, provided that no expenditure of money by the board shall be made except as may be appropriated by the legislature. (V.A.C.S. Art. 2632e.)

Sec. 109.46. LEASE OF LAND FOR ARMORY. (a) The board may lease to a suitable agency of the United States a portion of the campus, not to exceed five and one-half acres, for a period not to exceed 99 years, to be used as a site for the erection and maintenance of an armory building or other suitable building or buildings for the instruction of students in military and naval sciences and other subjects.

(b) The board may enter into lease contracts and other contracts and agreements which are necessary and proper in carrying out the provisions of this section. (V.A.C.S. Art. 2632c.)

Sec. 109.47. LEASE OF LAND FOR NATIONAL GUARD ARMORY. (a) The board may select and lease a portion of the campus to the Texas National Guard for the purpose of erecting an armory and other buildings suitable for use by the Texas National Guard. The board may enter into a lease contract with the Texas National Guard Armory Board on terms which are suitable and satisfactory to the board for a term of not more than 99 years.

(b) The board may select and set aside a tract of campus land, not in excess of 10 acres, to be used by the Texas National Guard as a drill ground.

(c) The board may permit the Texas National Guard Armory Board and the Texas National Guard and any of its subdivisions ingress upon and egress from the campus for the purpose of going to and from the armory and other buildings and the drill ground. (V.A.C.S. Art. 2632b.)

[Sections 109.48-109.60 reserved for expansion]

SUBCHAPTER D. MINERAL DEVELOPMENT IN UNIVERSITY LAND

Sec. 109.61. MINERAL LEASES; DISPOSITION OF PROCEEDS. (a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas Tech University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas Tech University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act. (V.A.C.S. Art. 2628a-9, Sec. 1.)

Sec. 109.62. MAJORITY OF BOARD TO ACT. A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 109.63. SUBDIVISION OF LAND; TITLES. (a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands. (V.A.C.S. Art. 2628a-9, Sec. 2.)

Sec. 109.64. SALE OF LEASES; ADVERTISEMENTS; PAYMENTS. (a) Whenever in the opinion of the board there is a demand for the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Lubbock at any hour between 10 a.m. and 5 p.m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid. (V.A.C.S. Art. 2628a-9, Sec. 3.)

Sec. 109.65. SEPARATE BIDS; MINIMUM ROYALTY; DELAY RENTAL. (a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee. (V.A.C.S. Art. 2628a-9, Sec. 4.)

Sec. 109.66. REJECTION OF BIDS; WITHDRAWAL OF LAND. The board may reject any and all bids and may withdraw any land advertised for lease. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 109.67. ACCEPTANCE; CONDITIONS AND PROVISIONS OF LEASE. (a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the

board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university. (V.A.C.S. Art. 2628a-9, Sec. 5.)

Sec. 109.68. ACCEPTANCE AND FILING OF BIDS; YEARLY PAYMENTS; TERMINATION OF LEASE. (a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 109.70 and 109.71 of this code. (V.A.C.S. Art. 2628a-9, Sec. 6.)

Sec. 109.69. AWARD AND FILING OF LEASE. If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office. (V.A.C.S. Art. 2628a-9, Sec. 7(a).)

Sec. 109.70. EXPLORATORY TERM OF LEASE; EXTENSION; OTHER PROVISIONS. (a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 7(b).)

Sec. 109.71. EXTENSION OF LEASES. When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement. (V.A.C.S. Art. 2628a-9, Sec. 7(c).)

Sec. 109.72. CONTROL OF DRILLING AND PRODUCTION. The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state. (V.A.C.S. Art. 2628a-9, Sec. 7(d).)

Sec. 109.73. DRILLING OPERATIONS: SUSPENSION OF RENT; CONTINUANCE OF LEASE; DUTY TO PREVENT DRAINAGE. (a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances. (V.A.C.S. Art. 2628a-9, Sec. 8.)

Sec. 109.74. TITLE TO RIGHTS PURCHASED; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by

having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by $1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 9.)

Sec. 109.75. PAYMENT OF ROYALTIES; RECORDS; REPORT OF RECEIPTS. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be
* set aside in the state treasury as specified in Section 109.61 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month. (V.A.C.S. Art. 2628a-9, Sec. 10.)

Sec. 109.76. PROTECTION FROM DRAINAGE; FORFEITURE OF RIGHTS. (a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

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(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 109.77 of this code for forfeitures. (V.A.C.S. Art. 2628a-9, Sec. 11.)

Sec. 109.77. FORFEITURE AND OTHER REMEDIES; LIENS. (a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(b) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(c) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(d) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(e) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease. (V.A.C.S. Art. 2628a-9, Sec. 12.)

Sec. 109.78. FILING OF DOCUMENTS AND PAYMENT OF ROYALTIES, FEES, AND RENTALS. (a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas Tech University special mineral fund. (V.A.C.S. Art. 2628a-9, Sec. 13.)

Sec. 109.79. FORMS, REGULATIONS, RULES, AND CONTRACTS. The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

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CHAPTER 110. TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE AT LUBBOCK

Sec. 110.01. SEPARATE INSTITUTION. Texas Tech University School of Medicine at Lubbock is a separate institution and not a department, school, or branch of Texas Tech University but is under the direction, management, and control of the Texas Tech University Board of Regents. (V.A.C.S. Art. 2632i, Sec. 1.)

Sec. 110.02. CONCURRENT AND SEPARATE POWERS. The board of regents has the same powers of direction, management, and control over the medical school as they exercise over Texas Tech University. However, the board shall act separately and independently on all matters affecting the medical school as a separate institution. (V.A.C.S. Art. 2632i, Sec. 2.)

Sec. 110.03. GENERAL POWERS. The board may make rules and regulations for the direction, control, and management of Texas Tech University School of Medicine as necessary for the school to be a medical school of the first class. (V.A.C.S. Art. 2632i, Sec. 3 (part).)

Sec. 110.04. CHIEF EXECUTIVE OFFICER. The chief executive officer of Texas Tech University is also the chief executive officer of the medical school under the authority of Section 109.23 of this code. (New.)

Sec. 110.05. COURSES OFFERED. The board may prescribe courses leading to customary degrees. (V.A.C.S. Art. 2632i, Sec. 3 (part).)

Sec. 110.06. AGREEMENTS WITH OTHER SCHOOLS. The board may, when in the best interests of medical education at the medical school, execute and carry out affiliation or coordinating agreements with any other entity or institution in the Lubbock area, Amarillo area, El Paso area, and the Odessa-Midland area to provide clinical, postgraduate, including internship and residency, or other levels of medical educational work for the medical school. Additionally, the board may execute and carry out affiliation or coordinating agreements with any other entity or institution necessary to conduct and operate the medical school as a first-class medical school. The board may utilize the facilities and staffs of other state biomedical units. (V.A.C.S. Art. 2632i, Sec. 4.)

Sec. 110.07. PHYSICAL FACILITIES. The board shall make provision for adequate physical facilities for the medical school, including library, auditorium, and animal facilities, for use by the medical school in its teaching and research programs. (V.A.C.S. Art. 2632i, Sec. 5.)

Sec. 110.08. GRANTS; GIFTS. The board, in its discretion, may accept and administer grants and gifts from the federal government, any foundation, trust fund, corporation, or individual

for the use and benefit of the medical school. (V.A.C.S. Art. 2632i, Sec. 6.)

Sec. 110.09. TEACHING HOSPITAL. A complete teaching hospital for the medical school shall be furnished at no cost or expense to the state. The state may never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the medical school. (V.A.C.S. Art. 2632i, Sec. 7.)

Sec. 110.10. SUPERVISION BY COORDINATING BOARD. The medical school is subject to the continuing supervision of and to the rules and regulations of the Coordinating Board, Texas College and University System, as provided by Chapter 61 of this code. (V.A.C.S. Art. 2632i, Sec. 8.)

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CHAPTER 111. THE UNIVERSITY OF HOUSTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 111.01. UNIVERSITY OF HOUSTON. The University of Houston is a coeducational institution of higher education located in the city of Houston. (V.A.C.S. Art. 2615g, Sec. 1.)

Sec. 111.02. APPLICABILITY OF GENERAL LAWS. The University of Houston is subject to the obligations and entitled to the benefits of all general laws of Texas applicable to all other state institutions of higher education, except where the general laws are in conflict with this chapter, and in the event of conflict this chapter prevails to the extent of the conflict. (V.A.C.S. Art. 2615g, Sec. 15.)

[Sections 111.03-111.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 111.11. BOARD OF REGENTS. The organization and control of the university is vested in a board of nine regents. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. Members of the board are appointed by the governor with the advice and consent of the senate. The term of office of each regent shall be six years, except that in making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.13. QUALIFICATIONS OF MEMBERS; OATH. Each member of the board shall be a citizen of the State of Texas, and each member shall take the constitutional oath of office. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.14. OFFICERS. The board shall elect one of the members chairman. They shall elect any other officers they deem necessary. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.15. COMPENSATION. Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2615g, Sec. 4.)

Sec. 111.16. MEETINGS. The board shall hold a regular meeting at the campus of the university during the month of April annually, and at other times and places scheduled by the board or designated by the chairman. (V.A.C.S. Art. 2615g, Sec. 5.)

Sec. 111.17. MINUTES. Full, accurate, and complete minutes of the board shall be kept and shall be open to inspection by the public at the university during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee assessed by the board, which shall not exceed 25 cents per 100 words or fractional part thereof. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.18. PRESIDENT. The board shall select a president for the university, who shall be the executive officer for the board and shall work under its direction. The president shall recommend the plan or organization of the university and shall be responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.19. PERSONNEL: APPOINTMENTS, SALARIES, ETC. The board may appoint and remove the president, any faculty member, or other officer or employee of the university when, in its judgment, the interest of the university requires it. The board shall fix the respective salaries and duties of the officers and employees. (V.A.C.S. Art. 2615g, Sec. 6.)

[Sections 111.20-111.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 111.31. COURSES AND DEGREES. The board shall prescribe courses leading to customary degrees offered in American universities of the first rank. However, the role and scope of the university, including its autnorized departments and offerings of degree and certificate programs, are subject to the determination and approval of the Coordinating Board, Texas College and University System. All work done and all courses, degrees, certificates, and diplomas awarded shall conform to standard college requirements as promulgated by the accrediting associations that supervise matters of accreditation of universities and colleges in the State of Texas. (V.A.C.S. Art. 2615g, Sec. 7.)

Sec. 111.32. REPORTS. The board shall report in detail to the governor and to the Coordinating Board, Texas College and University System, annually, and to the legislature at the beginning of each regular session, on the following matters:

(1) the receipts and disbursements of the university and the expenses incurred;

(2) the number of teachers and the salary of each member of the faculty;

(3) the number of employees and the salary and duties of each person;

(4) the number of students, classified by grades and departments; and

(5) a summary of the proceedings of the board and of the faculty. (V.A.C.S. Art. 2615g, Sec. 5a.)

Sec. 111.33. SUITS. The board has the power to sue and be sued in the name of the University of Houston. Venue shall be in either Harris County or Travis County. The university shall be impleaded by service of citation on the president or any of its vice presidents. (V.A.C.S. Art. 2615g, Sec. 3 (part).)

Sec. 111.34. CONTRACTS. All contracts of the university shall be approved by a majority of the board. (V.A.C.S. Art. 2615g, Sec. 3 (part).)

Sec. 111.35. BYLAWS; RULES; REGULATIONS. The board shall enact bylaws, rules, and regulations necessary for the successful management and government of the university. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.36. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, provided that the purposes and directions, limitations, and provisions are not inconsistent with the laws of the State of Texas or with the objectives and proper management of the university. (V.A.C.S. Art. 2615g, Sec. 9.)

Sec. 111.37. LEASE AND MANAGEMENT OF LAND. (a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its exclusive control for the use of the university. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas.

(b) All money received under and by virtue of the leases and contracts executed for the management and development of the land, except revenue pledged to the payment of revenue bonds or notes, shall be deposited to the credit of a special fund created by the board. The board shall designate a depository for the special fund and shall accord the money deposited in it the same protection by the pledging of assets of the depository as is required for the protection of public funds. Money deposited in the special fund may be used by the board for the administration of the university, for payment of principal of and interest on any revenue bonds or notes issued by the board, and for any other use or purpose which in the judgment of the board may be for the good of the university. (V.A.C.S. Art. 2615g, Sec. 10.)

Sec. 111.38. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the university any land

necessary and proper for carrying out its purposes as a state-supported institution of higher education. However, the power of eminent domain is restricted to the area within Harris County and any county whose boundaries are contiguous to Harris County. The board shall not be required to deposit a bond or the amount equal to the award of the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. (V.A.C.S. Art. 2615g, Sec. 10a.)

Sec. 111.39. ACQUISITION AND DISPOSITION OF LAND. The board may acquire by purchase, donation, or otherwise for the use of the university any land and other real property necessary or convenient for carrying out its purposes as a state-supported institution of higher education, and may sell, exchange, lease, or otherwise dispose of any land or other real property owned by or acquired for the university. However, the power of acquisition and disposition is restricted to the area within Harris County and the counties whose boundaries are contiguous to Harris County. The proceeds from any sale of land or other real property shall be added to the capital funds of the university. No new institutions, branches, or other operations of any kind shall be developed without specific authorization by the legislature. (V.A.C.S. Art. 2615g, Sec. 10b.)

Sec. 111.40. CHARGES FOR SERVICES TO THE PUBLIC; REPORTS. (a) A schedule of minimum fees and charges shall be established by the board for services performed by any department of the university for students and the public. The schedule shall conform to the fees and charges customarily made for like services in the community. By way of example, but not as a limitation, are services of the hearing clinic, optometry clinic, reading clinic, and data processing and computing center.

(b) All fees and compensation derived from performing services shall be reported to the governor and to the Coordinating Board, Texas College and University System, annually, to the legislature at the beginning of each regular session, and to the board as required by it. A brief statement of the firm, society, organization, or association using the facilities and the use made shall be included in each report. (V.A.C.S. Art. 2615g, Sec. 13.)

Sec. 111.41. MILITARY TRAINING. (a) Within its authority to contract with the Department of Defense for military training under Section 51.304 of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university. (V.A.C.S. Art. 2615g, Sec. 14.)

[Sections 111.42-111.60 reserved for expansion]

SUBCHAPTER D. INSTITUTE FOR URBAN STUDIES

Sec. 111.61. CREATION OF INSTITUTE; LOCATION. The board of regents of the University of Houston shall establish and maintain an institute for urban studies in the Houston metropolitan area. (V.A.C.S. Art. 2606d, Sec. 1.)

Sec. 111.62. ADMINISTRATION. The administration of the institute for urban studies shall be under the direction of the president and board of regents of the University of Houston. The administrative officer of the institute shall be appointed by the president with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 111.63. ROLE AND SCOPE OF INSTITUTE. The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 111.64. CORRELATION OF PROGRAMS. In order to correlate the programs offered by the institute and the institute established by The University of Texas System under Subchapter B, Chapter 75, of this code, there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 111.65. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the president and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

CHAPTER 112. PAN AMERICAN COLLEGE

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CHAPTER 112. PAN AMERICAN COLLEGE
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 112.01. PAN AMERICAN COLLEGE. Pan American College is a coeducational institution of higher education located in Hidalgo County. (V.A.C.S. Art. 2619a, Sec. 1.)

[Sections 112.02-112.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 112.11. BOARD OF REGENTS. The organization and control of the college is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.12. TERM OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three members expiring every two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.13. OFFICERS. The board shall elect one member to be chairman and may elect any other officers it deems necessary. Each member shall take the constitutional oath of office. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.14. EXPENSES. Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2619a, Sec. 4.)

Sec. 112.15. MEETINGS. The board shall hold a regular meeting each year during the month of April on the campus of the college, and may meet at other times and places as scheduled by the board or called by the chairman. (V.A.C.S. Art. 2619a, Sec. 5.)

Sec. 112.16. MINUTES. Accurate and complete minutes of the board shall be maintained and shall be open to public inspection at the college during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee to be assessed by the board, not to exceed 25 cents per 100 words or fractional part of 100 words. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.17. PRESIDENT. The board of regents shall select a president, who shall be chief executive officer for the board and shall work under the board's direction. The president shall recommend the plan of organization of the college and is responsible to the board for the general management and success of the college. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.18. PERSONNEL: APPOINTMENTS, SALARIES, ETC. The board may appoint or remove the president, any faculty member, or any other officer or employee of the college when, in the judgment of the board, the best interests of the college require it. The board shall fix the salaries and duties of the officers and employees of the college. (V.A.C.S. Art. 2619a, Sec. 7.)

[Sections 112.19-112.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 112.31. RULES AND REGULATIONS. The board may adopt bylaws, rules and regulations necessary for the successful management and operation of the college. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.32. SUITS. The board may sue or be sued in the name of Pan American College. Venue is in either Hidalgo County or Travis County. The college shall be impleaded by service of citation on the president, and legislative consent to these suits is granted. (V.A.C.S. Art. 2619a, Sec. 3 (part).)

Sec. 112.33. CONTRACTS. All contracts of the college must be approved by a majority of the board of regents. (V.A.C.S. Art. 2619a, Sec. 3 (part).)

Sec. 112.34. GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the college to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions that may be declared in writing in the donation, gift, or endowment, consistent with the laws of the state and the objectives and proper management of the college. (V.A.C.S. Art. 2619a, Sec. 15.)

Sec. 112.35. EMINENT DOMAIN. The board has the power of eminent domain, restricted to the boundaries of Hidalgo County, to acquire land for the use of the college which is necessary and proper for carrying out the purposes of the college. The board may not be required to deposit a bond or the amount equal to the award of the commissioners as required by Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. If the power is exercised, the board shall determine the amount and character of interests in land and easements to be acquired. As against persons, firms, and corporations, or receivers or trustees of them, having the power of eminent domain, the board may condemn only an easement. (V.A.C.S. Art. 2619a, Sec. 3a.)

Sec. 112.36. MILITARY TRAINING. (a) Within its authority to contract with the Department of Defense for military training under Section 51.173 of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into or graduation from the college. (V.A.C.S. Art. 2619a, Sec. 18.)

Sec. 112.37. REPORTS. The board shall report the condition of the college annually to the governor, to the Coordinating Board, Texas College and University System, and to the legislature at the beginning of each regular session. The report shall set forth, in detail, receipts and disbursements; an itemized statement of all expenses for each year; the number of teachers and the salary of each member of the faculty; the number of employees and the general duties and salary received by each; the number of students, classified by grades and departments; and a summary of the proceedings of the board and faculty. (V.A.C.S. Art. 2619a, Sec. 6.)

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SUBTITLE G. NON-BACCALAUREATE SYSTEM
CHAPTER 130. JUNIOR COLLEGE DISTRICTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 130.001. SUPERVISION BY COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM. (a) The Coordinating Board, Texas College and University System, referred to as the coordinating board, shall exercise general control of the public junior colleges of Texas.

(b) The coordinating board shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges as prescribed by the legislature, and with the advice and assistance of the commissioner of higher education, shall have authority to:

(1) authorize the creation of public junior college districts as provided in the statutes, giving particular attention to the need for a public junior college in the proposed district and the ability of the district to provide adequate local financial support;

(2) dissolve any public junior college district which has failed to establish and maintain a junior college within three years from the date of its authorization;

(3) adopt standards for the operation of public junior colleges and prescribe the rules and regulations for such colleges;

(4) require of each public junior college such reports as deemed necessary in accordance with the coordinating board's rules and regulations; and

(5) establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the coordinating board with respect to public junior colleges. (Originally Sec. 51.001.)

Sec. 130.002. EXTENT OF STATE AND LOCAL CONTROL. All authority not vested by this chapter or by other laws of the state in the coordinating board or in the Central Education Agency is reserved and retained locally in each of the respective public junior college districts or in the governing boards of such junior colleges as provided in the laws applicable. (Originally Sec. 51.002.)

Sec. 130.003. STATE APPROPRIATION FOR PUBLIC JUNIOR COLLEGES. (a) There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by this chapter. The sum shall be allocated on a basis and in a manner provided in Subsection (b) of this section.

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 130.002(a)(2) of this code;

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(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education; and

(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code.

(c) All funds allocated under the provisions of this code, with the exception of those necessary for paying the costs of audits as provided, shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several institutions and the purchase of supplies and materials for instructional purposes.

(d) Only those colleges which have been certified as prescribed in Section 130.002(a)(2) of this code shall be eligible for and may receive any appropriation made by the legislature to public junior colleges. (Originally Sec. 51.003.)

Sec. 130.004. AUTHORIZED TYPES OF PUBLIC JUNIOR COLLEGES. (a) By complying with the provisions of the appropriate following sections of this chapter a public junior college and/or district of any one of the following classifications may be established:

(1) an independent school district junior college;

(2) a city junior college;

(3) a union junior college;

(4) a county junior college;

(5) a joint-county junior college; and

(6) a public junior college as a part or division of a regional college district.

(b) As used in this chapter, the two general authorized types of junior colleges are:

(1) public junior colleges, which must consist of freshman and sophomore college work taught separately or in conjunction with the junior and senior years of high school and the course of study of such work must be submitted to and approved before being offered by the Coordinating Board, Texas College and University System; and

(2) a junior college division of a regional college, as that type of institution is defined in Subchapter F of this chapter, which operates under the laws applicable to public junior colleges in Texas.

(c) All junior college districts, whether established, organized, and/or created, or attempted to be established, organized, and/or created, by vote of the people residing in those districts, or by action of the county school boards, or by action of the county judge, or by action of the commissioners courts, or by action of state educational officers or agencies, or by a combination of any two or more of the same, which districts have previously been recognized by either state or county authorities

as junior college districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. Without in any way limiting the generalization of the provisions above,

(1) all additions of territory to or detachments of territory from such junior college districts are hereby in all things validated, whether the same were accomplished or attempted to be accomplished by action of the county school boards, or by action of the county judge, or by action of the commissioners court, or by action of state educational officers or agencies, or by vote of the people residing in such territory, or by a combination of any two or more of the same;

(2) the boundary lines of all such junior college districts are hereby in all things validated; and

(3) all acts of the governing boards of such junior college districts ordering an election or elections, declaring the results of such elections, levying, attempting, or purporting to levy taxes for and on behalf of such districts, and all bonds issued and now outstanding, and all bonds previously voted but not issued, and all tax elections, bond elections, and bond assumption elections are hereby in all things validated; all revenue bonds issued and outstanding and all revenue bonds authorized but not yet issued for and on behalf of such districts are hereby in all things validated.

(d) Subsection (c) of this section shall not apply to any district which has previously been declared invalid by a court of competent jurisdiction of Texas, nor shall it apply to any district which is now involved in litigation in any district court of Texas, the court of civil appeals, or the Supreme Court of Texas, in which litigation the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such districts is attacked, or to any district involved in proceedings now pending before the coordinating board in which proceedings the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such district is attacked. (Originally Sec. 51.004.)

[Sections 130.005-130.010 reserved for expansion]

SUBCHAPTER B. INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE

Sec. 130.011. ESTABLISHMENT OF INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE. (a) An independent school district junior college may be established in either of the following types of units:

(1) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of not less than $12 million or having an income provided by endowment or otherwise that will meet the needs of the proposed junior college district as determined by the Coordinating Board, Texas College and University System; and

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(B) an average daily attendance of the next preceding school year of not fewer than 400 students in the last four grades in the classified high schools within the district or city; or

(2) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of $20 million or more and the coordinating board finds that such district or city is in a growing section and that there is a public convenience and necessity for such junior college; and

(B) an average daily attendance of the next preceding school year of fewer than 400 but not fewer than 300 students in the last four grades of classified high schools.

(b) Any such college district established and maintained as provided in this chapter shall be known as a junior college district. (Originally Sec. 51.011.)

Sec. 130.012. PETITION TO ESTABLISH. Whenever it is proposed to establish a junior college district in any type of unit
* authorized by Section 130.011 of this code, a petition praying for an election, signed by not less than five percent of the qualified taxpaying electors of the proposed district shall be presented to the school board of trustees of the district or city, which shall:

(1) pass upon the legality and genuineness of the petition; and

(2) forward the petition, if approved, to the coordinating board. (Originally Sec. 51.012.)

Sec. 130.013. ORDER TO ESTABLISH. It shall be the duty of the coordinating board with the advice of the commissioner of higher education to determine whether or not the conditions set
* forth in Sections 130.011 and 130.012 of this code have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish the proposed junior college district. It shall be the duty of the coordinating board to consider the needs and the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be final and shall be transmitted through the commissioner of higher education to the local school board, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district, if the coordinating board endorses its establishment. (Originally Sec. 51.013.)

Sec. 130.014. ELECTION. (a) If the coordinating board approves of the establishment of the junior college district, it shall then be the duty of the local school board to enter an order for an election to be held in the proposed territory within a time not less than 20 days and not more than 30 days after such order is issued, to determine whether or not such junior college district shall be created and formed. Such order shall:

(1) contain a description of the metes and bounds of the junior college district to be formed; and

(2) fix the date for the election.

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(b) If a majority of the electors voting at the election shall be in favor of the creation of a junior college district, the district shall be deemed to be formed and created. The local school board shall make a canvass of the returns and declare the result of the election within 10 days after holding the election, and enter an order on the minutes of the board as to the result of the election. (Originally Sec. 51.014.)

Sec. 130.015. CONTROL OF INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE. A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of the board of trustees of that independent or city school district. (Originally Sec. 51.015.)

Sec. 130.016. SEPARATE BOARD OF TRUSTEES IN CERTAIN INSTANCES. A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of a separate board of trustees, which may be placed in authority by either of the following procedures:

(1) the board of trustees of an independent school district or city school district which has the management, control, and operation of a junior college may divest itself of the management, control, and operation of that junior college so maintained and operated by the school board by appointing for the junior college district a separate board of trustees of nine members; or

(2) the board of trustees of any independent school district or city school district which has the control and management of a junior college may be divested of its control and management of that junior college by the procedure prescribed in Section 130.017 of this code. (Originally Sec. 51.016.)

Sec. 130.017. PETITION TO DIVEST SCHOOL BOARD OF AUTHORITY. (a) On a petition signed by 10 percent of the qualified electors of the independent school district or city school district, the board of trustees shall call an election within 30 days after the petition has been duly presented for the purpose of determining whether the school board of trustees shall be divested of its authority as governing board of such junior college district.

(b) If a majority of the votes cast in the election are in favor of divesting the board of trustees of the independent school district or city school district of its authority as the governing board of the junior college district, the board of trustees shall, within 30 days after the official canvass of the election, appoint for the junior college district a separate board of trustees of nine members to serve as the governing board of the junior college district. (Originally Sec. 51.017.)

Sec. 130.018. SEPARATE BOARD OF TRUSTEES--TERMS, ETC. In the event a separate board of trustees for the junior college district is appointed under either procedure set out in Section 130.016 or Section 130.017 of this code, the board of

trustees, consisting of nine members, shall be organized and constituted pursuant to the provisions of Section 130.082 of this code, and be governed by the provisions thereof. (Originally Sec. 51.018.)

[Sections 130.019-130.030 reserved for expansion]

SUBCHAPTER C. UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGES

Sec. 130.031. ESTABLISHMENT OF UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGE. The following types of junior colleges may be established in the following units:

(1) a union junior college district may be established by two or more contiguous independent school districts or two or more contiguous common school districts or a combination composed of one or more independent school districts with one or more common school districts of contiguous territory meeting the requirements set out in Section 130.032 of this code;

(2) a county junior college district may be established by any county meeting the requirements set out in Section 130.032 of this code; and

(3) a joint-county junior college district may be established by any combination of contiguous counties in the state meeting the requirements set out in Section 130.032 of this code. (Originally Sec. 51.031.)

Sec. 130.032. RESTRICTIONS. In order for any territorial unit set out in Section 130.031 of this code to establish the applicable type of junior college, the proposed district must have a taxable property valuation of not less than $30 million in the next preceding year and a total scholastic population of not less than 3,000 in the next preceding school year, provided a proposed district may have less than 3,000 scholastics but not less than 2,000 scholastics in the next preceding school year:

(1) if the proposed district includes a county which

(A) has a population of not less than 8,000 nor more than 8,500 inhabitants according to the last preceding federal census;

(B) has an assessed valuation of at least $60 million; and

(C) does not have within its boundaries any state-supported senior college or university or all or part of a junior college district; and

(2) if the Coordinating Board, Texas College and University System, finds that the proposed junior college district is in a growing section of the state and that there is a public convenience and necessity for the junior college. (Originally Sec. 51.032.)

Sec. 130.033. PETITION TO ESTABLISH. (a) Whenever it is proposed to establish a junior college of any type specified in Section 130.031 of this code a petition praying for an election therefor shall be presented in the applicable manner as prescribed in Subsections (b)-(d) of this section.

(b) In the case of a union junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the school districts within the territory of the proposed junior college district and shall be presented to the county school board or county school boards of the respective counties if the territory encompasses more than one county; but if there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

(c) In the case of a county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of the proposed college district and shall be presented to the county school board of the county; but if there is no county school board, the petition shall be presented to the commissioners court of the county.

(d) In case of a joint-county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the proposed counties and shall be presented to the respective county school boards of the counties to be included in the proposed district; in case there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved. (Originally Sec. 51.033.)

Sec. 130.034. TAX LEVY. Any petition authorized by Section 130.033 of this code may also incorporate therein a request for the proper authorities, in the event an election is ordered for the creation of such district, to submit at the same election the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 130.122 of this code. (Originally Sec. 51.034.)

Sec. 130.035. LEGALITY OF PETITION. It shall be the duty of the county school board or boards or the commissioners court or courts petitioned in compliance with Section 130.033 of this code to:

(1) pass upon the legality of the petition and the genuineness of the same; and

(2) forward the petition, so approved, to the Coordinating Board, Texas College and University System. (Originally Sec. 51.035.)

Sec. 130.036. ORDER TO ESTABLISH. It shall be the duty of the coordinating board, with the advice of the commissioners of higher education to determine whether or not the conditions set forth in the preceding sections of this chapter have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish a junior college district. It shall be the duty of the coordinating board in making its decision to consider the needs approving of the state, the welfare of the state as a whole, as well as the welfare of the community involved. The decision of

the coordinating board shall be transmitted through the commissioner of higher education to the county school board or boards or the commissioners court or courts, as the case may be, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district. (Originally Sec. 51.036.)

Sec. 130.037. CALLING ELECTION; SUBMISSION OF QUESTIONS. If the coordinating board approves the establishment of the junior college district, it shall then be the duty of the commissioners court or courts to enter an order for an election to be held in the proposed territory within a period of not less than 20 days and not more than 30 days after the order is issued, to determine whether or not such junior college district be created and formed; and in the event the petition for the creation of the junior college is accompanied by a request to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, then the election order shall also submit such questions in accordance with the petition; and except for the body that calls the election, the election as to bonds and taxes shall be held as provided in Section 130.101(b). The order shall contain a description of the metes and bounds of the junior college district to be formed and fix the date of the election. (Originally Sec. 51.037.)

Sec. 130.038. ELECTION. A majority of the electors in the proposed district, voting in the election, shall determine the question of creation of the junior college district submitted in the order and the election of the original trustees. If the order also submits questions of issuing bonds and levying taxes, a majority of the electors voting in such election shall determine such question submitted in the order. In the case of a joint-county junior college district, or a union junior college district, the election shall, by mutual agreement of the court or courts, be held on the same day throughout the proposed district. (Originally Sec. 51.038.)

Sec. 130.039. ELECTION RETURNS, CANVASS, AND RESULT. (a) The commissioners court or courts within 10 days after holding of an election shall make a canvass of the returns and declare the results of the election.

(b) The court or courts shall enter an order on the minutes of the court or courts as to the results. (Originally Sec. 51.039.)

Sec. 130.040. BOARD OF TRUSTEES: UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGE. A union junior college, a county junior college, or a joint-county junior college shall be governed, administered, and controlled by and under the direction of a board of trustees of seven members. (Originally Sec. 51.040.)

Sec. 130.041. ELECTION OF TRUSTEES OF UNION, COUNTY, AND JOINT-COUNTY JUNIOR COLLEGE. The original trustees of a union or a county junior college shall be elected at large from the junior

college district by the qualified voters of the district under the rules and regulations provided for in Section 130.042 of this code. (Originally Sec. 51.041.)

Sec. 130.042. ORIGINAL BOARD. (a) The original trustees shall be elected at the same election at which the creation of the district is determined.

(b) Any candidate desiring to be voted upon as a first trustee shall present a petition to the commissioners court or courts within three days before the order authorizing the election is issued by the commissioners court or courts, and shall accompany his petition with a petition signed by not less than two percent of the qualified voters in the district, requesting that his name be placed on the ticket as a candidate for trustee.

(c) The seven candidates for junior college trustee receiving the highest number of votes at the election shall be declared trustees of the district. (Originally Sec. 51.042.)

Sec. 130.043. ORGANIZATION. After the election of the original trustees, the board of trustees shall be organized and constituted, pursuant to the provisions of Section 130.082 of this code and be governed by the provisions thereof. (Originally Sec. 51.043.)

Sec. 130.044. ELECTION OF TRUSTEES BY THE POSITION METHOD. (a) The board of trustees of a district may, by a majority vote of the trustees, if a quorum is present and voting, adopt a numbered position system of electing members to the board.

(b) If the board adopts a numbered position system, candidates are voted on and elected separately for positions on the board according to the number of the position to which they seek election. The official ballots shall contain:

(1) the phrase "Official Ballot for the Purpose of Electing Trustees";

(2) the name of the junior college district;

(3) the number of each position to be filled; and

(4) the list of candidates under the position to which they seek election.

(c) Within 10 days from the date of adoption of the numbered position system, the trustees shall determine by lot which position each will hold on the board. The members in Class 1 shall draw for positions one and two; the members in Class 2 shall draw for positions three and four; and the members in Class 3 shall draw for positions five, six, and seven.

(d) A person desiring election to a numbered position on the board must, at least 30 days before the election, file with the board of trustees a written notice of his candidacy, designating the number of the position on the board of trustees for which he desires to become a candidate, and requesting that his name be placed on the ballot. Each candidate who files notice is entitled to have his name printed on the official ballot beneath the number of the position designated in his notice. A person who fails to file the notice required by this section may not have his name printed on the official ballot. A candidate is eligible to have

his name printed on the ballot under only one position to be filled at the election.

(e) In the election each voter may vote for only one candidate for each numbered position. The candidate receiving the most votes for each numbered position voted on in the election is entitled to serve as a trustee on the board, in the position to which he is elected.

(f) Notice of an election in a district must be given in the manner and for the time required under the law authorizing the creation of the district, except where there is a conflict with the provisions of this section, then this section is controlling. (V.A.C.S. Art. 2815m, Sec. 1a.)

[Sections 130.045-130.060 reserved for expansion]

SUBCHAPTER D. CHANGES IN DISTRICT BOUNDARIES

Sec. 130.061. EXTENSION OF BOUNDARIES OF A JUNIOR COLLEGE DISTRICT COEXTENSIVE WITH AN INDEPENDENT SCHOOL DISTRICT. The district boundaries of an independent school district junior college shall automatically be extended so that the boundary lines of the two districts, independent school district and junior college district, shall remain identical when:

(1) the junior college district was created with the same boundary lines as an independent school district;

(2) the boundaries of the independent school district are extended by consolidation, attachment of territory, or otherwise; and

(3) the board of trustees of the independent school district is also the governing board of the junior college. (Originally Sec. 51.061.)

Sec. 130.062. ENLARGED DISTRICT: CREATION; RESOLUTION; ORDER. (a) If the creation of the junior college district and the extension of the boundaries of the independent school district both occurred prior to March 17, 1950, the added territory of the independent school district may be brought into the junior college district in the manner prescribed by this section.

(b) A petition requesting that such territory be added to the junior college district signed by a majority of the qualified property taxpaying voters of the territory may be presented to the governing board of the junior college district.

(c) The board shall determine whether the petition is signed by the required majority, based upon the latest approved tax rolls of the independent school district, and if such determination is affirmative and if the board shall also determine that the facilities of the junior college district may be extended to cover adequately the scholastics of the added territory, the board shall pass an order admitting such territory. The order shall describe by metes and bounds the junior college district as extended; and a copy of the order shall be filed with the county superintendent. Thereafter, the territory shall be a part of the junior college district for all intents and purposes. (Originally Sec. 51.062.)

Sec. 130.063. EXTENSION OF JUNIOR COLLEGE DISTRICT BOUNDARIES FOR JUNIOR COLLEGE PURPOSES ONLY. Territory consisting of school districts or parts of school districts adjoining or lying adjacent to any junior college district may be annexed to the junior college district for junior college purposes only, by either contract or election. (Originally Sec. 51.063.)

Sec. 130.064. ANNEXATION BY CONTRACT. If the annexation is by contract, a petition shall be presented to the governing board of any junior college district, executed by all property owners of all property situated in the territory proposed for annexation. The petition shall contain a legally sufficient description of the territory proposed for annexation. The governing board of the junior college district, if it deems the annexation to be in the best interest of the district, may effect the annexation by:

(1) entering its order authorizing the annexation of the territory by contract; and

(2) then entering into a written agreement duly executed and acknowledged by all persons, corporations, and entities owning property within the territory. (Originally Sec. 51.064.)

Sec. 130.065. ANNEXATION BY ELECTION. (a) If the annexation is by election, a petition signed by five percent of the property taxpaying electors in the territory seeking to be annexed shall be presented to the county school board of the county, or to the commissioners court of the county in case there is no county school board.

(b) The petition shall contain a legally sufficient description of the territory proposed for annexation, and shall be accompanied by a certified copy of an order by the governing board of the junior college district affected approving the proposed annexation of the territory to the junior college district for junior college purposes only.

(c) The county school board, or the commissioners court, shall issue an order for an election to be held in the territory proposed for annexation, not less than 20 nor more than 30 days from the date of the order, and shall give notice of the date of the election by posting notices of such election in three public places within the territory proposed for annexation.

(d) Only those legally qualified electors residing in the territory proposed for annexation shall be permitted to vote.

(e) The county school board, or the commissioners court shall canvass the returns at a meeting held not more than five days after the election. If the votes cast in the election show a majority in favor of annexation, the territory shall be declared annexed to the junior college district for junior college purposes only.

(f) The county school board or commissioners court shall cause a certified copy of the order to be transmitted to the governing board of the junior college district.

(g) At the next regular or special meeting of the governing board of the junior college district, the board shall, in the event of annexation by election, enter its order concurring in

the order of the county school board or the commissioners court and shall enter an order redefining the boundary lines of the junior college district as enlarged and extended, and shall cause the order to be recorded on the minutes of the board of the junior college district. (Originally Sec. 51.065.)

Sec. 130.066. ADDING CONTIGUOUS TERRITORY TO A JUNIOR COLLEGE DISTRICT. (a) Any territory may be included within the boundaries of a junior college district, herein called "district," for junior college purposes, in the manner hereinafter specified; provided, the territory to be included is contiguous to the district in which such territory is to be included and has been laid out by the Coordinating Board, Texas College and University System, as a service area for assisting junior colleges.

(b) Upon presentation of a petition, signed by 50, or a majority, whichever number is smaller, of the qualified electors residing in the territory proposed for inclusion in a district, to the governing body of the district requesting that the boundaries of the district be changed to include the territory described in said petition, such governing body may, in its discretion, order an election to be held within the boundaries of the entire district as proposed to be changed on the question of whether the boundaries of the district shall be changed to include the proposed territory. The ballots for such election shall have printed thereon "For" and "Against" boundary change. All qualified electors residing within the boundaries of the entire district as proposed to be changed shall be qualified to vote at such an election.

(c) The governing body of the district calling an election hereunder shall give notice of any such election by causing a substantial copy of its order calling the election to be posted in at least three public places within the boundaries of the district as proposed to be changed and published at least one time in a newspaper of general circulation within such boundaries. Provided, however, if any railroad right-of-way or other property is located within such territory, additional notice shall be given by certified mail, to the railroad company, at the address shown on the latest county tax roll. Such posting, such publication, and such certified mail notice shall be done at least 30 days prior to the date on which the election is to be held.

(d) Except as otherwise provided herein, all elections held hereunder shall be governed by the provisions relating to bond elections held by independent school districts. The order calling the election may provide that the entire district as proposed to be changed shall constitute one election precinct or such order may provide for more than one election precinct.

(e) The returns of any such election shall be canvassed by the governing body of the district and if a majority of persons residing in the district and voting at the election and a majority of the persons residing in the territory proposed to be annexed and voting at the election vote for the boundary change, the governing body of the district shall, in its order canvassing such returns, declare the boundaries of the district changed to include the territory described in the petition theretofore presented to

them. Such order may also include the name by which the district as changed shall be known.

(f) At the next regular election held in the junior college district after territory is added to the district under this section, the qualified electors shall elect a new board of trustees. To continue in office, members of the present board of trustees must be reelected at this election.

(g) This section is cumulative of all other laws on the subject, but this section is wholly sufficient authority within itself for the inclusion of territory in the boundaries of a district and the performance of the other acts and procedures authorized hereby, without reference to any other laws or any restrictions or limitations contained therein, except as herein specifically provided in this section. However, the governing body of any district may use the provisions of any other laws, not in conflict with the provisions of this section, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this section. (V.A.C.S., Art. 2815h-1b.)

Sec. 130.067. ANNEXATION OF COUNTY-LINE DISTRICTS FOR JUNIOR COLLEGE PURPOSES. (a) Parts of county-line school districts may be annexed to adjacent county or joint-county junior college districts for junior college purposes only, as provided in this section.

(b) The county or joint-county junior college district as originally created and organized must have included in its boundaries a part of a county-line school district, and the part of the county-line school district to be annexed is not included in any other junior college district.

(c) The county or joint-county junior college districts to which this section is applicable are those where the junior college district as originally created and organized had the same boundaries as a county or as a group of contiguous counties and included all of the territory in a county or group of counties and did not include a part of any county without including the entire territory of such county in such junior college district.

(d) A "county-line school district" as used in this section is any type of public school district created or organized under general or special laws of Texas, which includes within its boundaries territory that extends into or is located in two or more counties of Texas. (Originally Sec. 51.066.)

Sec. 130.068. ANNEXATION OF NON-INCLUDED PARTS OF COUNTIES. (a) The non-included portion or portions of such county-line districts may be annexed to the county or joint-county junior college district by either of two methods as provided by Subsections (b) and (c) of this section.

(b) On the petition of 20 or a majority of the legally qualified voters residing in that part of a county-line district not a part of a junior college district as described in Section 130.067 of this code praying for the annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of

the county-line district is a part, the county judge of that county which has jurisdiction of the county-line school district shall issue an order for an election to be held in the non-included portion of the county-line school district praying to be annexed to the county or joint-county junior college district. The county judge shall give notice of the date of the election by posting notices at three public places in the part of the county-line school district wherein the election is to be held. Only those legally qualified voters residing in that part of the county-line school district shall be permitted to vote. The commissioners court shall at its next meeting canvass the returns of the election, and if the votes cast in the election show a majority in favor of annexation, then the court shall declare that part of the county-line school district annexed to the junior college district for junior college purposes only. The court shall cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory, and each court shall make orders concurring in the order and shall cause them to be entered on the minutes of each commissioners court.

(c) Where a petition, signed by a majority of the legally qualified voters residing in that part of a county-line school district praying for annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of the county-line district is a part, is presented to the county judge of that county which has jurisdiction of the county-line school district together with a certified copy of an order by the governing board of the junior college district approving the proposed annexation to the junior college district for junior college purposes only; instead of ordering an election to be held as provided in Subsection (b) of this section, the county judge shall certify the filing of the petition and order to the commissioners court. The court at its next meeting shall pass an order declaring such non-included part of the county-line school district annexed to the junior college district for junior college purposes only and cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory. Each such court shall make orders concurring in the order and cause same to be entered on the minutes of each commissioners court. (Originally Sec. 51.067.)

Sec. 130.069. DISANNEXATION OF OVERLAPPED TERRITORY. (a) All junior college districts whose boundaries have or may hereafter become established so that they include territory which prior to such establishment lay, and shall continue to lie, within the boundaries of another junior college district shall have the power to disannex such overlapped territory.

(b) Upon certification by the governing board of such a junior college district to the county board of school trustees of

the county in which its college is located that such an overlapping condition exists, the county board may by resolution disannex the overlapped territory from the district, describing such territory by metes and bounds. (Originally Sec. 51.068.)

[Sections 130.070-130.080 reserved for expansion]

SUBCHAPTER E. BOARDS OF TRUSTEES OF JUNIOR COLLEGE DISTRICTS

Sec. 130.081. GOVERNING BOARD OF JUNIOR COLLEGE OF INDEPENDENT SCHOOL DISTRICT. In each junior college district which is controlled and managed by, and under the jurisdiction of, the governing board of an independent school district or a city school district, such governing board shall be constituted and chosen in accordance with the laws of this state applicable to the governing board of such independent school district or city school district. (Originally Sec. 51.071.)

Sec. 130.082. GOVERNING BOARD OF JUNIOR COLLEGE OF OTHER THAN INDEPENDENT SCHOOL DISTRICT. (a) Except as provided by Section 130.081 or another section of this subchapter, the governing boards of all junior college districts shall be constituted and chosen as described in the provisions of this section.

(b) The official name of the governing board of the junior college district shall be the board of trustees.

(c) The official name of a junior college district shall be the "_____ Junior College District" and the board shall designate an appropriate and locally pertinent descriptive word or words to be filled in the aforesaid blank (and may change such designation when deemed advisable) by resolution or order; provided that no two districts shall have the same or substantially similar names. All resolutions or orders designating or changing names shall be filed immediately with the Coordinating Board, Texas College and University System, and the first name filed shall have priority, and the district shall be advised of any previous filing of any identical or substantially similar name. The name of any junior college district existing on the effective date of this code shall remain the same until and unless it is changed pursuant hereto, and no other district shall use the name of any such existing district.

(d) The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of this code or on the date of the creation of a new district or a new board. Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Subsection (e) of this section. Any vacancy occurring on the board through death, resignation, or otherwise, shall be filled by appointment by resolution or order of the board, and any person so appointed shall serve until the expiration of the term of office for which the vacating member of the board had been elected

or appointed. Each member of the board shall be a resident, qualified voter of the district and shall take the proper oath of office before taking up the duties thereof. Members of a board shall not receive any remuneration or emolument of office, but they shall be entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent authorized and permitted by the board. The board shall elect one of its members as president of the board, and the president shall preside at meetings of said board and perform such other duties and functions as are prescribed by the board. The president of the board shall have a vote the same as the other members. The board shall elect a secretary of the board who may or may not be a member of the board, and who shall be the official custodian of the minutes, books, records, and seal of said board, and who shall perform such other duties and functions as are prescribed by the board. The board shall be authorized to elect any other officers as deemed necessary or advisable. Officers of the board shall be elected at the first regular meeting of the board following the regular election of members of the board in even-numbered years, or at any time thereafter in order to fill a vacancy. Said board shall be authorized to appoint or employ such agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of said board; and to employ a president, dean, or other administrative officer, and upon the president's recommendation to employ faculty and other employees of the junior college. Said board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with this section.

(e) The basic term of office of a member of the board shall be six years, and one-third of the members of the board shall be elected at large in the district at regular elections to be held on the first Saturday in April in each even-numbered year; provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. The members of each board in office at the effective date of this act, and all subsequent members of the board, shall remain in office until the expiration of the terms for which they were elected or appointed, and until their successors shall have been elected and qualified; provided that where any existing board has held its regular elections for members of the board in odd-numbered years prior to the effective date of this act, the board shall nevertheless hold its next regular election on the first Saturday in April of the next even-numbered year following the effective date of this act, and the term of office of each incumbent member of the board shall, in effect, be lengthened by one year so as to comply with the foregoing provisions of this act. Upon the creation of a new board, or in any other situation where necessary, the members of the board shall choose by lot the terms for which they shall serve, so as to comply with the foregoing provisions. If a board is increased from seven to nine members, one of the members shall

be appointed to serve until the first election at which two members otherwise would have been elected, and the other shall be appointed to serve until the second election at which two members otherwise would have been elected, and three members shall be elected for six-year terms at each election.

(f) Members of a board shall be elected at large from each junior college district at regular elections to be called and held by the board for such purpose, at the expense of the district, on the first Saturday in April in each even-numbered year. Said elections shall be held in accordance with the Texas Election Code except as hereinafter provided, and all resident, qualified electors of the district shall be permitted to vote. Each such election shall be called by resolution or order of the board, and notice of each such election shall be given by publishing an appropriate notice, in a newspaper of general circulation in the district, at least 10 days prior to the date of the election, setting forth the date of the election, the polling place or places, the numbers of the positions to be filled, the candidates for each position and any other matters deemed necessary or advisable.

(g) The board shall designate a number for the position held by each member of the board, from one upward in consecutive numerical order in such manner that the lowest numbers shall be assigned to the members whose terms of office expire in the shortest length of time, provided that any such position number designations on existing boards under existing law at the effective date of this act shall remain in effect. At each election candidates shall be voted upon and be elected separately for each position on the board, and the name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. A candidate receiving a majority of the votes cast for all candidates for a position shall be declared elected. If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The run-off election for all positions shall be held on the last Saturday in April and shall be ordered, notice thereof given, and held, as provided herein for regular elections. Any resident, qualified elector of the district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing with the secretary of the board a written application therefor signed by the applicant, not less than 30 nor more than 60 days prior to the date of the election. Such application must state the number of the position for which he or she is a candidate, or the name of the incumbent member of the board holding the position for which he or she desires to run. The location on the ballot of the names of candidates for each position shall be chosen by lot by the board. A candidate shall be eligible to run for only one position at each election.

(h) Notwithstanding anything in this code to the contrary, the provisions of all or any part of the laws of this state in effect immediately prior to the effective date of this act and relating to the name of any junior college district or the name of its governing board, or to the number of members of its governing board, or the procedures and times of electing or choosing

said members, shall remain in effect under the following conditions. If, at any time before the effective date of this act (but not thereafter), the governing board of any junior college district shall specify by resolution or order the particular provisions of the aforesaid laws applicable to it which it desires to remain in effect, then such particular provisions shall continue to apply to said board and its district; provided that at any time thereafter the governing board may make this section in its entirety applicable to it and its district by appropriate resolution or order, and thereby permanently cancel the effect of the aforesaid particular provisions of other laws. All resolutions and orders permitted by this section shall be filed immediately with the Coordinating Board, Texas College and University System. (Originally Sec. 51.072.)

Sec. 130.083. GOVERNING BOARD IN ENLARGED JUNIOR COLLEGE DISTRICT. (a) From and after May 22, 1969, those junior college districts which were on May 22, 1969, operating under Chapter 15, Acts of the 58th Legislature, 1963 (Article 2815o-1b, Vernon's Texas Civil Statutes), and to which one, or more, school districts has been annexed for junior college purposes only, may, by a majority vote of the board of regents of the junior college district, choose to operate and be governed by a board of regents.

(b) Each school district which has been annexed to the junior college district for junior colleges purposes only shall be represented by at least one member of the board of regents. If the assessed tax rolls exceed $67,500,000, the school district shall be represented by one member of the board of regents for each $67,500,000 of assessed value, or a major fraction thereof, on the junior college tax roll, located within the school district. The original junior college district shall be represented on the board of regents by a number of regents arrived at according to the same formula.

(c) The total number of members of the board of regents of the junior college district shall never exceed 14. When the valuation of the enlarged district increases to the point that the number of regents exceeds 14 under the formula described in Subsection (b) of this section then the board of regents of the junior college district shall set a formula, based on proportional tax values, of representation, which will produce a total of 14 members of the board of regents.

(d) The terms of office of the regents authorized by this act shall be six years. Those regents serving as regents on May 22, 1969, shall continue in office for the remainder of their respective terms and then until such time as their successors shall have been elected and qualified, and thereafter in each even-numbered year three regents shall be elected from the area originally forming the junior college district to succeed those regents whose terms are expiring, but if the number of regents becomes more or less than nine, the formula set out in Subsection (e) of this section shall be followed. All new regents added to the board of regents under the provisions of this section shall be appointed by the board of regents which orders the enlargement of the membership of such board, and shall serve

until election specified in Subsection (e) of this section. All vacancies on the board of regents shall be filled at once for the unexpired term only by appointments made by the remaining members of such board.

(e) Where additional regent positions are provided under the terms of this section, the board of regents at the time of such authorization shall designate by resolution duly recorded in the minutes of such board the term to be served by each such additional regent, provided that the first regent authorized and appointed shall serve only until the next regular regent election, the second such regent shall serve until the regent election two years after the next regular regent election, and the third regent shall serve until the regent election four years after the next regular regent election, with additional regents which may be authorized to follow the same rotation of terms until all terms of additional regents provided under the terms of this section have been fixed to expire at the next regular regent election, or at the regent election two years after the next regular regent election, or at the regent election four years after the next regular election. Additional regents appointed to such terms and until such times as their successors shall have been elected and qualified, and thereafter the terms of such regents shall be for six years.

(f) Regent elections in all parts of the districts affected by the provisions of this section shall be held at the times and in the manner now provided for public junior colleges by general law. The qualified voters residing in the school district represented shall be entitled to vote in such elections. Each regent to be elected shall be a resident of the school district he is to represent and each regent to represent the original college district shall be a resident of the original college district.

(g) The provisions of this section shall be cumulative of existing laws governing elections of regents in public junior college districts. (V.A.C.S., Art. 2815o-1c.)

Sec. 130.084. POWERS AND DUTIES. The board of trustees of junior college districts shall be governed in the establishment, management and control of the junior college by the general law governing the establishment, management and control of independent school districts insofar as the general law is applicable. (Originally Sec. 51.073.)

[Section 130.085-130.090 reserved for expansion]

SUBCHAPTER F. REGIONAL COLLEGE DISTRICTS

Sec. 130.091. CREATION AND REGULATION OF REGIONAL COLLEGE DISTRICTS. (a) A regional college district may be established according to the method outlined herein by a county which contains a public junior college district, or by a combination of counties if one of such counties contains a public junior college district, and if the county seat of said county, or if the proposed regional college district is composed of a combination of counties, the respective county seats of such counties, is located

at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, provided that the assessed property valuation of the proposed regional college district, for state and county purposes according to the most recent tax rolls is at least $52,000,000 and that the scholastic population of such proposed district is not less than 20,000 scholastics according to the most recent scholastic census thereof, as approved by the appropriate state authority, and provided that the population of such county containing a public junior college district is not less than 80,000 according to the last preceding federal census.

(b) Any college created under the authority of this subchapter shall be subject to all provisions of Chapter 61 of this code, and it is further provided that the Coordinating Board, Texas College and University System, shall determine the date upon which any college of any grade or level created hereunder shall begin courses of instruction, such date to be determined only if a feasibility study by the Coordinating Board, Texas College and University System, shall establish a need for any such college. (Originally Sec. 51.081.)

Sec. 130.092. PETITION FOR ELECTION. Whenever it is proposed to establish a regional college district, a petition signed by not fewer than 100 of the qualified property taxpaying voters of said public junior college district and not fewer than 100 of the qualified property taxpaying voters of each of the counties in the territory of such proposed regional college district shall be addressed and presented to the commissioners court of the county or the commissioners courts of the respective counties of such proposed regional college district, praying that an election shall be held upon a stated date in such county or counties which date shall be not less than 30 nor more than 60 days after the date of such petitions for the purpose of determining whether or not such a regional college district shall be formed and such regional college shall be established and whether or not such junior college district shall be merged into said regional college district and whether or not such regional college district shall assume the bonded indebtedness of such junior college district and whether or not such proposed district shall have the power to levy taxes for the payment of such bonded indebtedness and for the maintenance and operation of said regional college and for providing buildings and facilities therefor, all of which questions shall be submitted as parts of one proposition to be printed on the ballots at such election. The signatures for such petition shall be segregated according to the county in which the signers reside and the signatures of the petitioners residing in such public junior college district shall also be segregated, under appropriate headings indicating the county or district of residence. Such petition may be in two or more counterparts according to the number of counties proposed to be included in such regional college district and respective counterparts of said petition may be filed with and presented to the commissioners courts of said respective counties. The name of such proposed regional college

district shall be set forth in said petition and shall include therein the words "regional college district." (Originally Sec. 51.082.)

Sec. 130.093. ELECTION. It shall be the duty of the said commissioners court or courts of said county or respective counties, promptly after receiving said petition or petitions to order an election to be held throughout their respective county or counties on the date fixed in said petition, and said order shall designate the polling places for said election in said county or counties and appoint officers thereof and provide the supplies therefor and shall set forth the name of such proposed district. The election precincts for said election shall conform as nearly as practicable to the regular election precincts of said county or respective counties, but the election precincts within the boundaries of such public junior college district shall not embrace any territory outside of said public junior college district. Each such commissioners court shall give notice of said election in its county by causing such notice to be published once each week for two alternate weeks before said election in some newspaper having general circulation in said county, the first publication being at least 21 days before said election. If there be no newspaper published having general circulation in such county, the notice of the election to be held in said county shall be published in some newspaper published outside of said county having general circulation in said county and such notice shall also be posted in a public place in each of the commissioner's precincts of said county, one of which shall be at the courthouse door of said county. If a regular session of any such commissioners court is not to be held in time to order such election and give such notice thereof, it shall be the duty of the county judge of such county, upon petition being called to his attention to timely call a special session of such court for this purpose.

The ballot at said election in each county shall provide for voting for or against the proposition: "The college merger, assumption of bonded indebtedness thereof, and the establishment of a regional college and the levying of taxes for the maintenance and operation thereof, and providing buildings and facilities therefor."

Except as otherwise herein provided, such election in each county shall be conducted in accordance with the general election laws of the state. (Originally Sec. 51.083.)

Sec. 130.094. CANVASS OF RETURNS AND DECLARATION OF RESULT; EFFECT OF VOTE. Such commissioners court or courts, as the case may be, shall within 10 days after holding such election, make a canvass of the returns and declare the results of the election. If a majority of those voting at said election within the boundaries of such public junior college district, and a majority of those voting at said election in each of such counties, vote for the proposition submitted, the merger of such public junior college district into and with such regional college district, and the assumption by such regional college district of the bonded indebtedness of such public junior college district shall be

deemed to have been effected, and a regional college shall be established in such regional college district, conformably to the further provisions hereof, but the failure of the proposition submitted in any county not containing a public junior college district shall in nowise affect the formation of the proposed regional college district in any other county in which such election is held wherein a majority of the voters voting in such election in such county vote for the proposition submitted in the election order; provided, that a majority of the voters voting in such election in the public junior college district and in the county in which such public junior college district is located, vote for the proposition submitted in the election order. If the regional college district is not created by virtue of such election, another election for such purpose may be held in said proposed regional college district, or portion thereof containing a public junior college district, not less than one year from the date of such previous election, provided it be initiated by the same procedure above prescribed for the first election. (Originally Sec. 51.084.)

Sec. 130.095. BOARD OF REGENTS. (a) If the merger herein provided for is effected by said election or any subsequent election held for said purposes, under the further provisions hereof, such regional college district shall thereafter be governed by a board of regents, constituted as herein provided. Said board of regents shall be made up in part of one regent at large, from each of the counties approving participation in the regional college district. In addition, there shall be one regent from each county for each 15,000 scholastics of the respective counties or a major fraction thereof, as determined by the proper state authority and provided further in addition there shall be one regent from each county for each $50 million of assessed property valuation, or major fraction thereof, as determined by the county tax assessor-collector of each approving county of said district. The first regents, constituting said board of regents, from each of such counties, shall be appointed by the commissioners court of said respective counties except as modified herein and shall be made within 30 days after the election at which said merger shall have been effected; however, in the event that only the county containing the junior college votes favorably for the proposed regional senior college district, the board of regents of the junior college district may decide:

(1) whether to activate the regional college district; or

(2) whether to continue the present junior college district and in the event that the decision is to activate the regional college district, the present junior college board will continue as the board of regents for the regional college and shall operate under all present and future junior college statutes as pertaining to junior colleges; that is to say, that in the event that more than one county votes to participate in the regional college, the board of regents shall be constituted as follows:

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(A) one regent at large from each approving county;

(B) one regent from each approving county for each 15,000 scholastics or major fraction thereof; and

(C) one regent from each approving county for each $50 million assessed property evaluation or major fraction thereof; and further, the first regents, constituting said board of regents, shall be appointed as follows:

(i) from the original junior college district, the board of regents of the junior college district shall appoint the members of the board from that county;

(ii) from each of several counties, the commissioners court shall appoint the members of the board of regents from that county. All appointments shall be made within 30 days from the date of the election. Each and every regent shall take the oath of office as prescribed for junior college board members.

(b) The board of regents thus appointed shall first meet within 21 days of the time the members are appointed at a time and place appointed by the then president of the board of regents of the junior college district and shall proceed to organize by electing from its members a president, a vice president, a secretary and an assistant secretary from members of the board. At the first meeting of said board of regents, the regents from each county shall draw lots for terms of office. The appointed regents from each county shall elect one of its members to draw for terms and all regents from the county drawing the lowest number shall serve a term of two years; all regents from the county drawing the second lowest number shall serve four years; all regents from the county drawing the third lowest number shall serve six years. In case there are more than three counties, there shall be two lowest lots; then two next lowest lots, etc.; that is to say that no board member shall serve longer than six years and all regents from any one county shall have the same term. If only the county in which the junior college is located forms the senior college district, the terms of office shall remain the same as under the statute under which the junior college district presently operates. The board of regents shall cause a permanent record to be made and preserved of the term of office of each appointed regent determined by lot as herein provided. At the expiration of the terms of office of each regent, a successor shall be elected at elections held within the respective counties at large, at the same time and in the same manner as is now presently prescribed for the existing junior college district, provided that such elections shall be called and conducted in the manner presently prescribed for junior colleges. Costs of such regent elections shall be paid for from college funds. The returns of such board elections shall be canvassed and certified by the board of regents as is now presently prescribed for junior colleges. All provisions hereof with reference to elections of regents in counties originally constituting said regional college district shall extend and apply to election of regents in entire counties that may hereafter be annexed to said college district under the further provisions hereof. (Originally Sec. 51.085.)

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Sec. 130.096. PROPERTY, FUNDS AND RESOURCES OF JUNIOR COLLEGE DISTRICT; CONTRACTS. Upon the merger of said public junior college district into and with the regional college district, all property, funds, and resources of the public junior college district are authorized and shall pass to and belong to said regional college district, and all contracts of such public junior college district shall extend to and be binding upon such regional college district; provided that the management and control of the property and affairs of the public junior college district shall continue in the board of trustees of such public junior college district until the appointment and organization of the board of regents of the regional college district, at which time the board of trustees of said public junior college district shall turn over all records, property, and affairs of the said public junior college district to the board of regents of said regional college district and shall cease to exist as a junior college board of trustees. (Originally Sec. 51.086.)

Sec. 130.097. ASSESSED TAX VALUES AND SCHOLASTIC CENSUS; NUMBER OF REGENTS; CONDUCT OF ELECTION; VACANCIES; ORGANIZATION OF BOARD; MEETINGS; OFFICE. The amount of assessed tax values of said counties, for the purposes herein provided, shall be determined in the first instance, and from time to time, according to the most recent figures available, by the county tax assessor-collector of each approving county in the district. Such assessed tax values for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the county tax assessor-collector of said county or respective counties. Such determination shall thereafter be made and certified before each biennial election of regents, by the board of regents. The number of scholastics of each of said counties, for the purposes herein provided, shall be determined in the first instance and from time to time, according to the most recent scholastic census of each of said respective counties, as approved by the state agency then authorized to approve such census. Such scholastic census of said respective counties for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the superintendent of schools of the prospective independent school districts located in the respective counties. Such determination shall thereafter be made and certified before each biennial election of regents at large, by the board of regents. All elections herein provided for shall be conducted according to the general election laws of the State of Texas, except as herein otherwise provided. All vacancies occurring in the board of regents shall be filled by appointment by the board of regents. After each election of regents the board of regents shall organize as herein provided. The board of regents shall select and maintain a regular office for their meetings and the transaction of their business, at such place as they determine, and shall hold regular meetings at such times as may be provided in the rules or bylaws of said board of regents, and may hold special meetings at the call of the president of the board. (Originally Sec. 51.087.)

Sec. 130.098. RULES OF PROCEDURE; QUORUM; SEAL; SUITS. (a) The board of regents may adopt its own rules of procedure, but a majority of said regents shall constitute a quorum, and a majority of those in attendance may transact any business.

(b) The board of regents of such regional college district shall adopt an official seal for the district, and said district may sue and be sued in its name. In any suit against said district, process may be served on the president or vice president. (Originally Sec. 51.088.)

Sec. 130.099. COMPENSATION AND EXPENSES OF BOARD. The board of regents of such regional college district may authorize the payment of a per diem of not to exceed $10 to each member of such board of regents in attendance at a regular or special meeting of such board of regents. In addition, members of said board of regents may be allowed such actual expenses as may be incurred by them in performing their duties as may be authorized and allowed by the board of regents, provided, that per diem payments may not be made in addition to payments for actual expenses. (Originally Sec. 51.089.)

Sec. 130.100. POWERS OF BOARD. The said board of regents shall have all the power and duties in respect of the business and affairs of the regional college district as provided by law in respect of the board of trustees of junior college districts, and such other powers as herein provided and as may be hereafter provided by law. (Originally Sec. 51.090.)

Sec. 130.101. ANNEXATION OF CONTIGUOUS COUNTY OR INDEPENDENT DISTRICTS. (a) The entire area of any county located in Texas, the county seat of which is located at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, or the area of any one or more independent school districts of a county in Texas who meets the requirements above, may be annexed to, and assume its pro rata part of the bonded indebtedness of said regional college district, in the manner herein provided. A petition of 100 of the property taxpaying voters of any such county or of any such independent school district, proposing that the entire area of such county, or of such independent school district, as the case may be, be annexed to, and that such countywide area or such district area assume its pro rata part of the bonded indebtedness of said regional college district, may be submitted to the board of regents of such regional college district. If the said board of regents determines that it would be to the interest of said regional college district and of the area proposed to be annexed, that such annexation be accomplished, said board of regents shall adopt a resolution so finding, and said petition and certified copy of said resolution shall be submitted to the commissioners court of said county, and it shall be the duty of said commissioners court, within 15 days after the presentation of such petition any copy of such resolution, to order an election to be held in said county at large, or in such school district, or

districts, as the case may be, for the purpose of determining if the area of said county, or the area of such school district, or districts, shall be annexed to said regional college district, and assume its pro rata part of the bonded indebtedness of said regional college district; said election to be held not earlier than 60 days nor later than 90 days after passage of such order. The ballots at said election shall be printed to provide for voting for or against the proposition: "Annexation to be the regional college district and assumption of pro rata part of its bonded indebtedness." The name of such district shall be inserted in the proposition.

(b) Said commissioners court shall designate the polling place of said election and appoint the officers thereof, and furnish the supplies therefor. Said election shall be conducted in accordance with the general election laws of Texas, insofar as applicable. Returns of said election shall be made to said commissioners court and canvassed by said court.

(c) If the majority of the votes cast at such election are in favor of said proposition, such fact shall be certified by the commissioners court to the board of regents of said regional college district, and the entire area of said county, or of said school district, or districts, as the case may be, shall be deemed to have been annexed to and shall be a part of said regional college district and shall be subject to taxation for the payment of the existing bonded indebtedness and the maintenance of said regional college district the same as other property in the area of said regional college district.

(d) In the event an entire county is so annexed, the commissioners court of such county shall forthwith appoint a regent or regents for said college from the county in accordance with the number of regents allowed as hereinabove provided. All such regents shall, before entering upon the duties of their offices, take the oath as herein prescribed for regents. Such appointment shall be certified by the clerk of the commissioners court to the board of regents of said college district. At the first meeting of the board of regents after the appointment and qualification of regents from such annexed county, the regents shall determine by lot in the manner provided by the board of regents, their term of office. Thereafter, successors to the regents from said annexed county shall be elected in the manner provided for other counties in said district.

(e) In the event the area of one or more independent school districts of a county, instead of the entire county, is annexed to said regional college district, said annexed territory shall be entitled to the number of regents as they may qualify for in terms of scholastics and tax values. Immediately after such annexation the commissioners court of the county in which such area is situated shall appoint from said area, the number of regents to which such area is entitled. This regent or regents as the case may be, so appointed, shall hold office until the expiration of the term of office of the regents of said county of which they are a part. At the expiration of the term of each regent from such annexed territory his successor shall be elected at an election to be held in the annexed area, to be called by

the board of regents, which shall designate the polling place or places, the officers of the election, provide the supplies therefor and pay the expenses thereof. (Originally Sec. 51.091.)

Sec. 130.102. TAXES. The tax assessors and collectors of the county or respective counties containing territory embraced within the boundaries of such regional college district shall assess and collect the taxes of said college district on the taxable property in the territory of said district located in said county or respective counties on levies made and rates fixed by the board of regents of said district. The assessed valuations of said property for state and county taxes shall be used as the valuations for said college district taxes. Such tax collectors shall collect the college district taxes at the same time that he collects the state and county taxes. All taxes collected for such regional college district shall be accounted for to and paid over to the treasurer of said college district by such tax collector, and he shall receive the same compensation for assessing and collecting such taxes as provided by law for like services rendered for junior college districts. (Originally Sec. 51.092.)

Sec. 130.103. PRESIDENT OF COLLEGE. The board of regents shall choose the president of the regional college, fix his term of office, designate his salary, and define his duties. The president shall be the executive officer of the board of regents and shall work under its direction. He shall recommend the plan of organization of the college and shall recommend the appointment of all employees. (Originally Sec. 51.093.)

Sec. 130.104. ESTABLISHMENT OF COLLEGE; DIVISIONS; SUPPORT. (a) The board of regents shall proceed as soon as practicable to establish a regional college in said regional college district, which shall consist of three divisions, as follows:

(1) a junior college division, which shall operate under all laws applicable to public junior colleges in Texas;

(2) an adult education division for adults regardless of age or former education for:

(A) basic education to emphasize citizenship, English, and training in elemental mathematics and science;

(B) terminal, vocational, and technological education and training in their generally accepted sense;

(C) work and study groups based on needs and interests as displayed by the residents of the area served by the regional college. The adult education division shall emphasize continuation of education of adults with emphasis upon democracy and citizenship;

(3) a senior college division which shall be guided by educational practices and principles applicable to upper division work in first-class colleges and universities; provided that any bachelor's degree shall be based on four years of college work and that any higher degree with appropriate courses may be offered when in the judgment of the board of regents, the educational welfare of the people served by the college demands

and justifies such work and such courses. All of which shall be organized and blended into an educational program by the president of the college and his staff.

(b) It is understood and provided that no funds shall ever be appropriated from the treasury of the State of Texas or public money of this state for the support or partial support by the Legislature of Texas of any adult and senior college divisions of such regional colleges created under the provisions of this act, provided, however, that nothing herein contained shall in any manner prevent or interfere with the provisions of law now or hereafter existing authorizing state aid to the junior college divisions of such regional college districts in the same manner and to the same extent as that granted to junior college districts. (Originally Sec. 51.094.)

Sec. 130.105. BUILDINGS, PROPERTY AND RESOURCES OF JUNIOR COLLEGE DISTRICT; FEES AND TUITION; TAX LEVY; BONDS. (a) All buildings, property, and other educational resources of the public junior college district at the time of said merger shall be available for all divisions of the regional college in accordance with the laws of Texas governing public junior college districts and as determined by the board of regents of the regional college district. The board of regents shall have the power to fix such fees and tuition rates as shall be deemed to be necessary. In addition, the board of regents shall have the power to levy taxes and make such distribution of such taxes as it may deem necessary for the adequate support of said college; provided that the total annual tax levy for all regional college purposes shall not exceed a rate of 50 cents on each $100 of assessed valuation of taxable property located in such regional college district. All powers relating to the issuance of bonds, the construction or acquisition of buildings and facilities, taxation, and otherwise, vested by law in public junior college districts shall be applicable to said regional college district, subject, however, to the limitation of 50 cents on each $100 of valuation above mentioned.

(b) All bonds and notes issued pursuant to the authority herein granted shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. Such bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and such bonds and notes shall be lawful and sufficient security for said deposits to the extent of the principal amount thereof, or their value on the market, whichever is the lesser, when accompanied by all unmatured coupons appurtenant thereto. (Originally Sec. 51.095.)

Sec. 130.106. DONATIONS, GIFTS, AND ENDOWMENTS. Said board of regents is authorized, in behalf of said regional college, to accept donations, gifts, and endowments for the college to be held in trust and administered by the board of regents for such

purpose and under writing by the donor, not inconsistent with the proper management and objects of the college. (Originally Sec. 51.096.)

Sec. 130.107. POWER OF EMINENT DOMAIN. (a) The power of eminent domain is hereby conferred on regional college districts, for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the boards of regents of such districts to be needed to carry out the authorized functions of such districts.

(b) Said power of eminent domain shall be exercised in the manner provided by Title 52 of the Revised Civil Statutes of Texas, 1925. (Originally Sec. 51.097.)

Sec. 130.108. DELINQUENT TAXES AFTER TRANSFER OF ASSETS. Any regional college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such regional college district and which regional college district has no outstanding bonded indebtedness is hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said regional college district shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The tax assessor and collector of the county in which said regional college district is located shall cause all delinquent and uncollected taxes of said regional college district to be collected in accordance with the general laws applicable to regional college districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this act may be used by it for any lawful purpose. (Originally Sec. 51.098.)

Sec. 130.109. TRANSFER OF ASSETS OF CERTAIN REGIONAL COLLEGE DISTRICTS. All regional college districts which have been converted to fully state-supported institutions of higher learning are hereby authorized to transfer all assets of such districts, real, personal, tangible, or intangible to the governing boards of such institutions provided that each such governing board shall continue the payment of all notes and bonds payable from revenues theretofore issued by such districts and each county in which any such regional college district is located continues to levy and collect taxes in support of all tax obligations theretofore authorized and issued by such district. (Originally Sec. 51.099.)

[Sections 130.110-130.120 reserved for expansion]

SUBCHAPTER G. FISCAL PROVISIONS

Sec. 130.121. TAX ASSESSMENT, EQUALIZATION, AND COLLECTION. (a) The governing board of each junior college district, and each regional college district, for and on behalf of its junior

college division, annually shall cause the taxable property in its district to be rendered and assessed for ad valorem taxation, and the value of such taxable property to be equalized, and the ad valorem taxes in the district to be collected, in accordance with any one of the methods set forth in this section, and any method adopted shall remain in effect until changed by the board.

(b) The laws of this state applicable to general law cities and towns may be adopted and shall be used to the extent pertinent and practicable.

(c) The laws of this state applicable to counties may be adopted and shall be used to the extent pertinent and practicable, provided that the board shall have the authority to act as its own board of equalization, or to appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization of the district, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(d) Each governing board shall be authorized to have the taxable property in its district assessed, its values equalized, and/or its taxes collected, in whole or in part, by the tax assessors, board of equalization, and/or tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the junior college district is located; and such property may be assessed and the values thereof equalized on the same basis or a different basis than that used by any such governmental subdivision. Such property shall be assessed, the values thereof equalized, and such taxes collected, in the manner and for such compensation as shall be agreed upon between the appropriate parties, and the functions thus assumed by the officials of any such governmental subdivision shall be additional duties pertaining to their offices, respectively. The ad valorem tax law applicable to each such governmental subdivision shall apply to its officials in carrying out such functions for the junior college district.

(e) It is specifically provided, however, that under any method used all taxable property within a district shall be assessed on the same basis and the values thereof shall be equalized by only one board of equalization, in an equal and uniform manner, as required by the Texas Constitution. If a governing board desires that taxable property shall be assessed and taxes collected by the tax assessors and/or collectors of more than one governmental subdivision, the governing board of the district shall either act as its own board of equalization, or appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(f) Any other method or procedure authorized or permitted by any other statute of the State of Texas may be adopted, in whole or in part, to the extent pertinent and practicable. (Originally Sec. 51.101.)

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Sec. 130.122. TAX BONDS AND MAINTENANCE TAX. (a) The governing board of each junior college district, and each regional college district for and on behalf of its junior college division, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, and to levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed 50 cents on the $100 valuation of taxable property in the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of $1 on the $100 valuation of taxable property in the district. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

(b) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the electors voting at an election held for such purpose in accordance with law, at the expense of the district. Each such election shall be called by resolution or order of the board, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by the board. Notice of said election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. The board shall canvass the returns and declare the results of such election.

(c) The governing board of each junior college district, and each regional college district, shall be authorized to refund or refinance all or any part of any of its outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable coupon refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said refunding bonds may be issued without an election in connection therewith, provided that in no event shall any series or issue of refunding bonds be issued in a principal amount greater than the face or par value of the obligations being refunded thereby, and provided that if a maximum interest rate was voted for the bonds being refunded, the refunding bonds shall not bear interest at a rate higher than such

voted maximum rate. Said refunding bonds, and the interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said refunding bonds. The refunding bonds shall be issued and delivered in lieu of, and upon surrender to the Comptroller of Public Accounts of the State of Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds. Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.

(d) All bonds issued pursuant to this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(e) All bonds issued pursuant to this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(f) Each junior college district, and each regional college district (with reference to the operation and maintenance of its junior college division) heretofore or hereafter created pursuant to the laws of this state, is hereby declared to be, and constituted as, a school district within the meaning of Article VII, Section 3, of the Texas Constitution.

(g) All tax bonds voted in any district in accordance with law but unissued at the effective date of this code may be issued in the manner provided in this section, without an additional

election; and all maintenance taxes heretofore voted in any district in accordance with law may be levied and collected in the manner provided in this act, without an additional election. (Originally Sec. 51.102.)

Sec. 130.123. REVENUE BONDS. (a) The governing board (hereinafter called the "board") of each junior college district and each regional college district shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, operations, or facilities, of any nature, for and on behalf of its institution or institutions.

(b) For the purpose of carrying out any one or more of the aforesaid powers each board shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, fees, or other resources of such board, in the manner hereinafter provided. Said bonds may be issued to mature serially or otherwise not more than 50 years from their date. In the authorization of any such bonds, each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board. Said bonds, and any interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rate or rates, as shall be determined and provided by the board in the resolution or order, authorizing the issuance of said bonds. If so permitted in the bond resolution, and required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

(c) Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board.

(d) Each board shall be authorized to pledge all or any part of any of its revenues from any of the aforesaid rentals, rates, charges, and/or fees to the payment of any bonds issued hereunder, including the payment of principal, interest, and any

other amounts required or permitted in connection with said bonds. When any of the revenues from any such rentals, rates, charges, and/or fees are pledged to the payment of bonds, they shall be fixed and collected in such amounts as will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses. Each board shall be authorized to establish and enforce such parietal rules for students and others, and to enter into such agreements regarding occupancy, use, and availability, and the amounts and collection of pledged revenues, fees, or other resources as will assure making all said required payments. Fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, may be pledged to the payment of said bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, in such amounts and in such manner as shall be determined and provided by the board in the resolution or order authorizing the issuance of the bonds, and said fees may be collected in the full amounts required or permitted herein, without regard to actual use or availability, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of any specifically described property, buildings, structures, activities, operations, or facilities, of any nature; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions. Such specific and/or general fees may be fixed and collected and pledged to the payment of any issue or series of bonds issued hereunder, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in the resolution or order authorizing the issuance of any bonds issued hereunder, and provided that no such additional specific fees shall be pledged if prohibited by any resolution or order which authorized the issuance of any then outstanding bonds issued pursuant to any Texas statute.

(e) In addition to the revenues, fees, and other resources authorized to be pledged to the payment of bonds issued hereunder, each board further shall be authorized to pledge irrevocably to such payment, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, an amount not exceeding $15 from each enrolled student for each regular semester and $7.50 from each enrolled student for each summer term, and each board also shall be authorized to pledge to such payment all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

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(f) Any revenue bonds issued by any such board under this act, and any revenue bonds or notes issued by any such board under any other Texas statute and payable from tuition fees and charges and/or any part of the use fees from or revenues of any property, buildings, structures, activities, operations, or facilities at the institution or institutions, may be refunded or otherwise refinanced by such governing board, and in such case all pertinent and appropriate provisions of this section shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds or notes the governing board may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this section and bonds or notes issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant to this section into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other type of bonds. All refunding bonds shall be issued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

(g) All bonds permitted to be issued under this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(h) All bonds issued under this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(i) All revenue bonds heretofore approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, use fees, tuition, or other resources of such board, are hereby validated in all respects, together

with all proceedings authorizing the issuance thereof, and said bonds and proceedings shall be valid as though they had been duly and legally issued and authorized originally. (Originally Sec. 51.103.)

[Sections 130.124-130.130 reserved for expansion]

SUBCHAPTER H. TRANSFER OF ASSETS ON DISSOLUTION OF DISTRICTS

Sec. 130.131. DISSOLUTION AND TRANSFER OF PROPERTY UPON CREATION OF SENIOR COLLEGE. (a) Whenever the legislature shall create within the boundary of any union junior college district a state-supported senior college of the first rank offering at least four years of college work, and whenever such union junior college district has been dissolved in the manner provided for in * Sections 19.361-19.364 of this code, which said method of dissolution of such district is hereby authorized, the trustees of such union junior college district shall transfer the corporeal properties and facilities of such union junior college district to such state-supported senior college, and such trustees, after such dissolution and transfer of properties of such district, shall not further maintain a junior college and shall function only for the purpose of carrying out the provisions of this section and shall have no authority to create any additional indebtedness against such district, and when the bonded indebtedness of such district has been fully paid, such union junior college district shall cease to exist; provided that in the order calling such election and in the notice thereof, the authorities calling such election shall designate the date when such district shall be dissolved and such transfer shall be made, which date shall be within two years from the date of the election, and on or prior to said date.

(b) When any union junior college district has been dissolved and its properties transferred as provided in Subsection (a) of this section, or in any other lawful manner, having at the time of such dissolution outstanding bonds or other indebtedness enforceable either at law or in equity, then the county commissioners court, for the purpose of paying such bonds, or other indebtedness, shall have power and be authorized to annually levy and collect ad valorem taxes sufficient only to pay the interest and create a sinking fund to retire the bonded indebtedness of such district, and the expense of collecting such taxes and paying such bonded indebtedness, and for no other purpose; provided such tax shall not exceed the rate voted by such district for junior college purposes; said county commissioners court shall have power to bring and defend litigation in the name of said union junior college district. (Originally Sec. 51.201.)

Sec. 130.132. ABOLITION OF JUNIOR COLLEGE DISTRICTS. (a) The term "applicable district," as used in this section, shall mean any junior college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such junior

college district, and which junior college district has no outstanding bonded indebtedness.

(b) All applicable districts and their governing boards are hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said applicable districts shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The persons formerly acting as the governing board and officers of each applicable district shall turn over all remaining property and assets of said applicable district, including all tax collections on hand, directly to the state-supported senior college or university located therein. The governing board of the independent school district in which any such state-supported senior college or university is located shall, for and on behalf of any such applicable district, cause, through its tax collector and other officers, all delinquent and uncollected taxes of any such applicable district to be collected in accordance with the general laws applicable to independent school districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this section may be used by it for any lawful purpose. (Originally Sec. 51.202.)

Sec. 130.133. TRANSFER OF PROPERTIES OF COUNTY JUNIOR COLLEGE DISTRICTS AFTER CREATION OF SENIOR COLLEGE. (a) Whenever the legislature has created or shall create within the boundaries of any county junior college district a state-supported senior college offering at least four years college work upon the condition that the board of trustees of said county junior college district shall convey all of the assets, real, personal, tangible, and intangible held in its name as of the date fixed for the establishment of said senior college and containing the other provision that said properties shall be conveyed to the governing body of the senior college free and clear of any indebtedness or indebtednesses, encumbrance or encumbrances of any kind or character and of whatsoever nature, the board of trustees of said county junior college district is hereby fully authorized and empowered to convey to the governing body of the senior college all of such assets, real, personal, tangible, and intangible held by it on the date fixed for such conveyance in the act creating such senior college, except moneys on hand for the payment of outstanding obligations of the district.

(b) From and after the conveyance of the properties of said county junior college district to the governing body of said senior college, the county junior college district shall not futher maintain a junior college and shall function only for the purpose of carrying out the provisions of this section.

(c) Where such county junior college district had or has outstanding tax obligations in the nature of bonds or other indebtedness, the board of trustees of said county junior college district shall continue to make the necessary tax levies annually for the purpose of paying necessary administrative expenses of the board of trustees and paying off and discharging such bonded

or other indebtedness, both principal and interest, until all of the same has been fully paid off and discharged.

(d) Where said county junior college district has outstanding any bonds payable from the revenues from any building or buildings which revenue bonds constitute an encumbrance upon the income of such building or buildings, the board of trustees of the county junior college district is hereby authorized to issue bonds of said county junior college district payable from ad valorem taxes of said district and to sell such tax-supported bonds and pay off such revenue bonds or to exchange such tax-supported bonds for said revenue bonds. No such tax-supported bonds shall be issued, however, until authorized at an election held for that purpose and at which election a majority voting thereon shall have voted in favor of the issuance of said bonds.

(e) The board of trustees of the county junior college district is hereby authorized to perform all acts necessary toward the final discharge of all the indebtedness of said county junior college district and to perform all necessary administrative acts in connection therewith. Said board of trustees is specifically authorized to continue to levy and collect sufficient taxes annually within the limits prescribed by law and authorized by the required election for the purpose of discharging the principal and interest on all outstanding bonded and other indebtedness, including the repayment of any temporary loans which said board may find necessary to obtain in order to pay all current operating expenses of the junior college up to the date of the conveyance of the properties until all such obligations have been fully discharged, and such temporary loans are hereby authorized, and such temporary loans heretofore obtained are hereby ratified and validated. (Originally Sec. 51.203.)

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CHAPTER 135. TEXAS STATE TECHNICAL INSTITUTE
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.01. PURPOSE OF INSTITUTE. Texas State Technical Institute is a coeducational institution offering courses of study in vocational and vocational-technical education for which there is demand within the State of Texas. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

Sec. 135.02. LOCATION. (a) The institute shall be located on only three campuses in McLennan, Cameron, and Potter counties.

(b) The main campus of the institute shall be located at Waco.

(c) The board of regents may accept or acquire by purchase, in the name of the State of Texas, land and facilities in Cameron County and Potter County, subject to the approval of the governor.

(d) Except as otherwise provided by this chapter, all other campus locations to be operated by the institute system require legislative approval. (V.A.C.S. Art. 2615f-1a, Sec. 9.)

Sec. 135.03. ROLE AND SCOPE OF INSTITUTE. (a) The institute shall provide occupationally oriented programs in highly technical and vocational areas, including field or laboratory work and remedial or related academic and technical instruction. Particular emphasis shall be placed on industrial and technological manpower needs of the state. Technical and vocational programs shall be subject to the approval of the State Board of Vocational Education. Related academic instruction is subject to the approval of the Coordinating Board, Texas College and University System.

(b) The institute shall provide training programs for technical teachers, counselors, and supervisors which shall be subject to prior and continuing approval of the State Board of Vocational Education.

(c) The institute shall conduct manpower development and utilization research programs for identification of training and retraining needs and projected needs and for curriculum development, either individually or in cooperation with other public and private institutions. (V.A.C.S. Art. 2615f-1a, Sec. 7 (part).)

Sec. 135.04. APPROVAL OF PROGRAMS. (a) Educational programs wholly or partially financed from state funds are subject to the prior approval of the State Board of Vocational Education and the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

(b) Before any program may be offered by the institute within the district of a public junior college that is operating a vocational and technical program, it must be established that the public junior college is not capable of offering or is unable to offer the program. After it is established that a need for the program exists and that the program is not locally available, the institute may offer the program, provided approval is secured as required by this chapter. Approval set forth in this subsection does not apply to McLennan, Cameron, and Potter counties. (V.A.C.S. Art. 2615f-1a, Sec. 7(a) (part).)

(c) Where a local government located in a county or a portion of a county that is not operating a public junior college district requests that the institute offer a program, the institute may offer the program provided approval is secured from the State Board of Vocational Education. (V.A.C.S. Art. 2615f-1a, Sec. 7 (part).)

[Sections 135.05-135.20 reserved for expansion]

SUBCHAPTER B. BOARD OF REGENTS; ADMINISTRATIVE PROVISIONS

Sec. 135.21. BOARD OF REGENTS. The organization and control of the institute is vested in a board of nine regents. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part).)

Sec. 135.22. APPOINTMENT OF BOARD. The governor shall appoint members of the board with the advice and consent of the senate. In appointing members of the board the governor shall include persons representing agriculture, business, industry, and labor. Each member of the board shall be a citizen of Texas and shall take the constitutional oath of office. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part), (b), and (c).)

Sec. 135.23. TERMS OF OFFICE. The term of office of each regent is six years. In making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board is filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part).)

Sec. 135.24. ORGANIZATION; BYLAWS. The board shall elect one of the members chairman; elect other officers as it deems necessary; and enact bylaws, rules, and regulations as it deems necessary for the successful management and operation of the institute. (V.A.C.S. Art. 2615f-1a, Sec. 2(d).)

Sec. 135.25. MEETINGS. The board shall meet as prescribed by its bylaws, but not less than six times annually. (V.A.C.S. Art. 2615f-1a, Sec. 2(e).)

Sec. 135.26. COMPENSATION. Members of the board may not receive salary or compensation for their services, but they may receive reimbursement for their actual expenses incurred in attending to the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2615f-1a, Sec. 4.)

[Sections 135.27-135.50 reserved for expansion]

SUBCHAPTER C. BOARD OF REGENTS; POWERS AND DUTIES

Sec. 135.51. CERTIFICATES AND DIPLOMAS. The board shall prescribe and award certificates and diplomas limited to those common to technical education. (V.A.C.S. Art. 2615f-1a, Sec. 6.)

Sec. 135.52. FEES AND TUITION. The board may collect tuition and registration fees authorized by law. (V.A.C.S. Art. 2615f-1, Sec. 4 (part).)

Sec. 135.53. NONRESIDENT FEE EXEMPTIONS. The board may enter into cooperative agreements which exempt technical students from nonresident fees when there are reciprocal privileges granted to Texas residents. (V.A.C.S. Art. 2615f-1a, Sec. 8.)

Sec. 135.54. CONTRACTS. The board may contract with individuals, federal, state, and local agencies and departments, corporations, and associations to provide educational programs designed to meet the need for trained personnel in Texas. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

Sec. 135.55. SUITS; VENUE. The board may sue, and may be sued, in the name of the Texas State Technical Institute, with venue being in either McLennan County or Travis County. (V.A.C.S. Art. 2615f-1a, Sec. 3.)

Sec. 135.56. DISPOSITION OF PROPERTIES; BONDS AND NOTES; PLEDGE OF REVENUE. (a) The board may lease, sell, transfer, or exchange land and permanent improvements of the institute or any other properties it may acquire which the board determines are not necessary for the establishment or operation of the institute.

(b) The board may irrevocably pledge the fees, charges, revenues, and the proceeds of the lease, sale, transfer, or exchange of or from the buildings, land, structures, and the additions to the existing buildings and structures authorized to be constructed, improved, or equipped and to pledge the revenue of the proceeds of the lease, sale, transfer, or exchange of or from any other revenue-producing buildings, structures, facilities, and other property to the payment of the interest on and the principal of bonds authorized to be issued by Chapter 55 of this code, and to enter into agreements regarding the imposition of fees, charges, and other revenue and the collection, pledge, and disposition as the board deems appropriate. However, where land and improvements on the land, the revenue of which has been pledged to pay bonds, are to be sold, the sale is conditioned on the deposit by the board of the proceeds of the sale to the sinking fund created by the bond order of the issuing authority.

(c) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the board for the establishment or operation of the institute.

(d) The bonds authorized to be issued under Chapter 55 of this code are special obligations of the board issuing the bonds and are payable only from a pledge of the fees, charges, and other revenues authorized by this section and from the proceeds of the lease, sale, transfer, or exchange of land and improvements on the land the revenue of which is pledged to secure the payment of interest on and principal of the bonds.

(e) The board, in addition to the authority already provided, may issue revenue bonds for the purposes authorized and in the manner prescribed and under the terms and conditions set forth in Chapter 55 of this code. (V.A.C.S. Art. 2615f-1b, Sec. 1.)

Sec. 135.57. INSURANCE. The board may procure the property and liability insurance coverages required by the United States to protect it and its agencies against the possibility of loss or liability in connection with property owned by the United States and loaned to the institute pursuant to the provisions of the National Industrial Reserve Act of 1948, 50 U.S.C. Secs. 451-462. (V.A.C.S. Art. 2615f-1b, Sec. 2.)

Sec. 135.58. WORKMEN'S COMPENSATION INSURANCE. The board may provide workmen's compensation insurance for its employees according to the provisions of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 2615f-1b, Sec. 3.)

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52nd, Ch. 376
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59th, Ch. 12
Sec. 2(part) 61.070

59th, Ch. 71 . . . . . 74.003

59th, Ch. 78 . . . . . 67.24

59th, Ch. 171 . . . . . Special Law

59th, Ch. 443
Sec. 8(a) 75.001
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Sec. 8(c) 75.002

61st, Ch. 729
Sec. 2 . . . . . 111.39(Note)

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 5/5/71,

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Higher Education, to whom was referred HB No. 1657, have had the same under consideration and beg to report back with recommendation that it { do / [redacted] } pass, and be NOT printed.

The Bill was reported from Committee by the following vote:
Unanimous voice vote
Majority voice vote
[redacted]

Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be a changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

(1)

AMENDMENT NO. 1 BY Hale

Amend H. B. No. 1657, first printing, as follows:

(1) On page 22, strike "and retaining a limited membership in the retirement system" on lines 16-17, and strike "except as a limited member pursuant to Section 51.357 of this code," on lines 34-35.

(2) Strike all of Section 51.357 on page 23, renumber Section 51.358 as Section 51.357, and substitute "51.358" for "51.359" on page 24, line 25.

DATE MAY 10 1971

READ AND ADOPTED

Dorothy Hoffman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

(2)

AMENDMENT NO. 2 BY Hale

Amend H. B. 1657, first printing, as follows:

Insert (1)

(1) Immediately following "The University of El Paso;" on page 64, line 43, insert "The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio;"

Insert (2)

(2) Immediately following "Houston;" on page 65, line 11, insert "The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the component institutions of The University of Texas Nursing School (System-wide); and The University of Texas School of Public Health at Houston;"

(3) On page 65, line 14, substitute "System" for "Central".

DATE MAY 10 1971

READ AND ADOPTED

Dorothy Gallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

RB4

Amendment #

Amend H.B. 1657 by a[illegible] of a new section 2 and renumbering all subsequent sections by adding the following

Insert (3)

Sec. 2. This is intended as a re-codification only and no substantive changes are intended by this legislation

MAY 10 1971

DATE

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

By: Hale H.B. No. 1657

A BILL TO BE ENTITLED

AN ACT

amending and reenacting Title 3, Texas Education Code, a nonsubstantive revision of the higher education laws of this state; repealing the statutes replaced by the code; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Title 3, Texas Education Code, is amended and reenacted to read as follows:

TITLE 3. HIGHER EDUCATION

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TITLE 3. HIGHER EDUCATION

SUBTITLE A. HIGHER EDUCATION IN GENERAL

CHAPTER 51. PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION

SUBCHAPTER A. CONTROL OF FUNDS BY CERTAIN INSTITUTIONS

Sec. 51.001. INSTITUTIONS TO WHICH APPLICABLE. Subject to Section 51.008 of this code, the provisions of this subchapter apply to:

(1) each institution and branch of The University of Texas System;

(2) each institution, agency, and service of The Texas A & M University System;

(3) Texas A & I University;

(4) Texas Tech University;

(5) East Texas State University;

(6) North Texas State University;

(7) Sam Houston State University;

(8) Stephen F. Austin State University;

(9) Southwest Texas State University;

(10) Sul Ross State University;

(11) West Texas State University; and

(12) each public junior college to the extent possible.

(V.A.C.S. Art. 2654d, Sec. 1 (part), 1a.)

Sec. 51.002. FUNDS SUBJECT TO CONTROL. (a) The governing board of each institution listed in Section 51.001 of this code may retain control of the following sums of money collected at the institution, subject to Section 51.008 of this code.

(1) student fees of all kinds;

(2) charges for use of rooms and dormitories;

(3) receipts from meals, cafes, and cafeterias;

(4) fees on deposit refundable to students under certain conditions;

(5) receipts from school athletic activities;

(6) income from student publications and other student activities;

(7) receipts from the sale of publication products and miscellaneous supplies and equipment;

(8) students' voluntary deposits of money for safe-keeping;

(9) all other fees and local institutional income of a strictly local nature arising out of and by virtue of the educational activities, research, or demonstrations carried on by the institution; and

(10) donations and gifts to the institution.

(b) The provisions of this subchapter do not apply to any income derived from the permanent university fund. (V.A.C.S. Art. 2654d, Sec. 1 (part), 5 (part), 6.)

Sec. 51.003. DEPOSITORIES. (a) The governing board of each institution may select depository banks as places of deposit for the funds enumerated in Section 51.002 of this code.

(b) The funds shall be deposited in the depository bank or banks within seven days from the date of collection.

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(c) The governing board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time it deems the deposits inadequately secured. The depository banks selected may pledge their securities to protect the funds.

(d) A depository shall pay interest on the deposits at a rate agreed on by the depository and the governing board.

(e) Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office. Venue for a suit to recover an amount claimed by the state to be due on a surety bond is in Travis County. (V.A.C.S. Art. 2654d, Sec. 2.)

Sec. 51.004. SEPARATE ACCOUNTS; TRUST FUNDS; INTEREST. (a) Separate accounts shall be kept on the books of the institution showing the sources of all sums collected and the purposes for which disbursements are made.

(b) All trust funds, including gifts, grants, and bequests received, establishing or adding to endowment funds, loan and scholarship funds, and funds for other current restricted purposes, shall be credited to separate accounts and shall not be commingled with the general income from student fees or other institutional income.

(c) If the governing board so elects, deposits of all funds not specifically required to be deposited to special accounts may be deposited in a single bank account if the records of the institution clearly reflect the balances attributable to general funds and various categories of trust funds.

(d) Interest received from depository banks for funds on deposit may be credited to an appropriate account in either general funds or trust funds in relation to the sources of temporary investments in time deposits, if the disposition of the earnings was not specified by the grantor. Interest received from the trust funds time deposits shall be available for loans, scholarships, fellowships, institutional research, faculty aid, and other lawful purposes. (V.A.C.S. Art. 2654d, Sec. 3.)

Sec. 51.005. REPORTS. (a) True and full accounts shall be kept by the governing board and by the employees of the institution of all funds collected from all sources and of all sums paid out and the persons to whom and the purposes for which the sums are paid; and the governing board shall biennially, or more often if the board so orders, print a complete report of all the sums collected, all expenditures, and all sums remaining on hand.

(b) The report shall be printed in even-numbered years between September 1 and January 1. It shall show the true condition of all funds as of the August 31 preceding as well as the collections and expenditures for the preceding two years.

(c) The governing board shall furnish copies of the report to the governor, state treasurer, comptroller of public accounts, state auditor, and attorney general. At least three copies of the report shall be furnished to the State Board of Control. Each member of the House Appropriations Committee, the Senate Finance Committee, and the house and senate committees on education of

each regular session of the legislature shall be furnished a copy of the report within a week after the selection of each committee. (V.A.C.S. Art. 2654d, Sec. 4.)

Sec. 51.006. FUNDS NOT TO BE USED TO INCREASE SALARIES. No part of any of the funds listed in Section 51.002 of this code shall ever be used to increase any salary beyond the sum fixed by the legislature in the general appropriations act, and the provisions of this subchapter are subordinate to the general appropriations act for the support of each institution. (V.A.C.S. Art. 2654d, Sec. 8a.)

Sec. 51.007. PENALTY. Any state officer, agent, employee, or member of a governing board of any of the above named institutions, or any other person who violates any provision of this subchapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $50 nor more than $500, and in addition may be sentenced to not less than 15 days nor more than three months in the county jail. Failure to print and furnish to the officers above named, the reports above specified, shall subject all of the members of the governing board of the institutions above mentioned to the penalties provided for in this section. Every day in excess of the number of days hereinabove provided for that any sum of money belonging to any of the funds enumerated in this subchapter, whether depositable in special depositories or whether those that should be deposited in the state treasury, shall be withheld from deposit at its proper place of deposit, shall constitute a separate offense and each day of such withholding shall subject the officer, agent, employee, or person so withholding said sum to the penalties herein provided for. (V.A.P.C. Art. 419b.)

Sec. 51.008. CERTAIN RECEIPTS TO BE DEPOSITED IN STATE TREASURY. (a) The governing board of every state institution of higher education is directed to designate special depository banks, subject to the approval of the state treasurer, for the purpose of receiving and keeping certain receipts of the institution separate and apart from funds now deposited in the state treasury. The receipts here referred to are described in Subsection (b) of this section. The state treasurer is directed to deposit the receipts, or funds representing such receipts, enumerated herein, in the special depository bank or banks nearest the institution credited with the receipts, so far as is practicable, and is authorized to withdraw such funds on drafts or checks prescribed by the state treasurer. The state treasurer is authorized to promulgate rules and regulations to require collateral security for the protection of such funds pursuant to the provisions of Articles 2529 and 2530, Revised Civil Statutes of Texas, 1925, as amended. For the purpose of facilitating the clearance and collection of the receipts herein enumerated, the state treasurer is hereby authorized to deposit such receipts in any state depository bank and transfer funds representing such receipts enumerated herein to the respective special depository banks. Banks so designated as special depository banks are hereby authorized to pledge their securities to protect such funds.

(b) The governing board of every state institution of higher education shall deposit in the state treasury all cash receipts accruing to any college or university under its control that may be derived from all sources except auxiliary enterprises, non-instructional services, agency and restricted funds, endowment funds, student loan funds, and Constitutional College Building Amendment funds. The state treasurer is directed to credit such receipts deposited by each such institution to a separate fund account for the institution depositing the receipts, but he shall not be required to keep separate accounts of types of funds deposited by each institution. For the purpose of facilitating the transferring of such institutional receipts to the state treasury, each institution shall open in a local depository bank a clearing account to which it shall deposit daily all such receipts, and shall, not less often than every seven days, make remittances therefrom to the state treasurer of all except $500 of the total balance in said clearing account, such remittances to be in the form of checks drawn on the clearing account, such remittances to be in the form of checks drawn on the clearing account by the duly authorized officers of the institution, and no disbursements other than remittances to the state treasury shall be made from such clearing account. All money so deposited in the state treasury shall be paid out on warrants drawn by the comptroller of public accounts as provided by law.

(c) The legislature is authorized to create revolving funds for the handling of funds of institutions of higher education, as enumerated herein, by making provision in each biennial appropriation bill enacted by the legislature.

(d) Nothing in this section affects the provisions of Title 47, Revised Civil Statutes of Texas, 1925, usually referred to as the State Depository Law. However, the limitation of deposits contained in Article 2532, Revised Civil Statutes of Texas, 1925, as amended, shall not apply insofar as the specific funds enumerated in this section are concerned.

(e) This section prevails over Sections 51.001-51.007 of this code to the extent of any conflict. (V.A.C.S. Art. 2543c.)

[Sections 51.009-51.050 reserved for expansion]

SUBCHAPTER B. GENERAL PROPERTY DEPOSITS: INVESTMENT AND USES

Sec. 51.051. INVESTMENT OF GENERAL PROPERTY DEPOSITS. The governing board of each institution of higher education may invest in United States government securities or may place on time deposit with a bank located in the state not more than 85 percent of the funds received as general property deposits authorized in Section 54.502 of this code. If the funds are placed on time deposit, they shall be secured by United States government securities. (V.A.C.S. Art. 2654d-1, Sec. 1.)

Sec. 51.052. STUDENT DEPOSIT FUND; COMPOSITION AND USES. (a) The student deposit fund consists of the income from the investment or time deposits of general property deposits and of

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forfeited general property deposits. Any general property deposit which remains without call for refund for a period of four years from the date of last attendance of the student making the deposit shall be forfeited and become a part of the student deposit fund. Nothing in this section shall be construed to prohibit refund of any balance remaining in a general property deposit when made on proper demand and within the four-year limitation period. The board may require that no student withdraw his deposit until he has been graduated or has apparently withdrawn from school.

(b) The student deposit fund shall be used, at the discretion of the board, either for the purpose of making scholarship awards to needy and deserving students or for the support of a general student union program, or for both purposes. The board shall administer the scholarship awards for the institution, including the selection of recipients and the amounts and conditions of the awards. The recipients of the scholarships must be residents of the state as defined for tuition purposes. Any use of the funds for the support of student union programs shall be approved as to amount and purpose by the board. The student deposit funds for The University of Texas at Austin, Texas A & M University, and Texas Tech University shall be available for scholarship purposes only. Direct expenses for the administration of the funds shall be paid from the funds. (V.A.C.S. Art. 2654d-1, Sec. 2, 3.)

[Sections 51.053-51.100 reserved for expansion]

SUBCHAPTER C. FACULTY DEVELOPMENT LEAVES OF ABSENCE

Sec. 51.101. DEFINITIONS. In this subchapter:

(1) "Institution of higher education" has the meaning assigned to it in Section 61.003 of this code, except that Texas State Technical Institute is included and the Rodent and Predatory Animal Control Service is excluded for the purposes of this subchapter.

(2) "Governing board" means the body charged with policy direction of an institution of higher education.

(3) "Faculty member" means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services. However, the term does not include a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system. (V.A.C.S. Art. 2647c-2, Sec. 2.)

Sec. 51.102. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that higher education is vitally important to the welfare, if not the survival, of Texas and the United States at this stage in history and that the quality of higher education is dependent upon the quality of college and university faculties. The legislature finds, therefore, that money spent on recognized means for producing an excellent system of public higher education

is money spent to serve a public purpose of great importance. The legislature finds further that a sound program of faculty development leaves of absence designed to enable the faculty member to engage in study, research, writing, and similar projects for the purpose of adding to the knowledge available to himself, his students, his institution, and society generally is a well-recognized means for improving a state's program of public higher education. The legislature's purpose in establishing the faculty development leave program provided for by this subchapter is to improve further the higher education available to the youth at the state-supported colleges and universities and to establish this program of faculty development leaves as part of the plan of compensation for the faculty of these colleges and universities. (V.A.C.S. Art. 2647c-2, Sec. 1.)

Sec. 51.103. GRANTING LEAVES OF ABSENCE; PROCEDURES. (a) On the application of a faculty member, the governing board of an institution of higher education may grant a faculty development leave of absence for study, research, writing, field observations, or other suitable purpose, to a faculty member if it finds that he is eligible by reason of service, that the purpose for which he seeks a faculty development leave is one for which a faculty development leave may be granted, and that granting leave to him will not place on faculty development leave a greater number of faculty members than that authorized.

(b) The governing board by regulation shall establish a procedure whereby the applications for faculty development leaves of absence are received by a committee elected by the general faculty for evaluation and whereby this faculty committee then makes recommendations to the chief administrative officer of the institution of higher education, who shall then make recommendations to the governing board as to which applications should be granted. (V.A.C.S. Art. 2647c-2, Sec. 3.)

Sec. 51.104. SERVICE REQUIRED. A faculty member is eligible by reason of service to be considered for a faculty development leave when he has served as a member of the faculty of the same institution of higher education for at least two consecutive academic years. This service may be as an instructor or as an assistant, associate, or full professor, or an equivalent rank, and must be full-time academic duty but need not include teaching. (V.A.C.S. Art. 2647c-2, Sec. 4.)

Sec. 51.105. DURATION AND COMPENSATION. (a) The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made from the funds appropriated for teaching or instructional salaries, or from other funds available to the institutions for this purpose.

(b) A faculty member on faculty development leave may accept a grant for study, research, or travel from any institution of higher education or from a charitable, religious, or educational

corporation or foundation, or from any federal, state, or local governmental agency. A faculty member on faculty development leave may not accept employment from any other person, corporation, or government, unless the governing board determines that it would be in the public interest to do so and expressly approves the employment. (V.A.C.S. Art. 2647c-2, Sec. 5.)

Sec. 51.106. NUMBER ON LEAVE AT ONE TIME. Not more than six percent of the faculty members of any institution of higher education may be on faculty development leave at any one time. (V.A.C.S. Art. 2647c-2, Sec. 6.)

Sec. 51.107. RIGHTS RETAINED. (a) A faculty member on faculty development leave shall continue to be a member of the Teacher Retirement System of Texas or of the Optional Retirement Program of the institution of higher education, or of both, just as any other member of the faculty on full-time duty.

(b) The institution of higher education shall cause to be deducted from the compensation paid to a member of the faculty on faculty development leave the deposit and membership dues required to be paid by him to the Teacher Retirement System of Texas or to the Optional Retirement Program, or both, the contribution for Old Age and Survivors Insurance, and any other amounts required or authorized to be deducted from the compensation paid any faculty member.

(c) A member of the faculty on faculty development leave is a faculty member for purposes of participating in the programs and of receiving the benefits made available by or through the institution of higher education or the state to faculty members. (V.A.C.S. Art. 2647c-2, Sec. 7.)

[Sections 51.108-51.150 reserved for expansion]

SUBCHAPTER D. INFORMATION NETWORK ASSOCIATIONS

Sec. 51.151. DEFINITIONS. In this subchapter:

(1) "Association" means the Western Information Network Association or any other regional network association created and named by the Coordinating Board, Texas College and University System.

(2) "Member" means one of the institutions of higher education which compose an association.

(3) "Associate member" means an organization other than an institution of higher education admitted to associate membership in an association.

(4) "Board" means the board of directors of an association.

(5) "Director" means a member of a board. (V.A.C.S. Art. 2919e-3, Sec. 2.)

Sec. 51.152. PURPOSE. The purpose of this subchapter is to promote the educational programs of state-supported institutions of higher education in Texas by authorizing the establishment and operation of a cooperative system for communication and information retrieval and transfer between the institutions and between

the institutions and private educational institutions, industry, and the public. The system, employing two-way, closed-circuit television and other electronic communication facilities, is to provide a means of effecting the interchange of ideas, talents, faculties, libraries, and data processing equipment and a means of carrying out an approved program of instructional television. (V.A.C.S. Art. 2919e-3, Sec. 1.)

Sec. 51.153. WESTERN INFORMATION NETWORK ASSOCIATION. (a) The Western Information Network Association is an agency of the state composed of the following state-supported member institutions of higher education: Amarillo College, Angelo State University, Clarendon Junior College, Frank Phillips College, Howard County Junior College, Midwestern University, Odessa College, South Plains College, Sul Ross State University, Texas Tech University, The University of Texas at El Paso, and West Texas State University.

(b) The board by a majority vote may admit other state-supported institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(c) The board by unanimous vote may admit private institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(d) The board by unanimous vote may admit other organizations to associate membership in the association. (V.A.C.S. Art. 2919e-3, Sec. 3.)

Sec. 51.154. BOARD OF DIRECTORS. The association is governed by a board of directors. The chief administrative officer, or a person designated by the chief administrative officer, of each institution of higher education holding membership in the association shall serve as a director of the board. Service on the board is an additional duty of employment of the chief administrative officers or the persons designated by the chief administrative officers of state-supported institutions and is not an additional position of honor, trust, or profit. The legislature finds that this service is necessary in accomplishing the purpose of this subchapter; is compatible with their employment; and will benefit the educational program of the institution and of the state. (V.A.C.S. Art. 2919e-3, Sec. 4.)

Sec. 51.155. DIRECTOR'S EXPENSES. A director is entitled to receive reimbursement for actual expenses incurred in attending meetings of the board and in attending to the business of the association which is authorized by a resolution of the board. (V.A.C.S. Art. 2919e-3, Sec. 5.)

Sec. 51.156. MEETINGS OF THE BOARD; QUORUM; ACTION BY BOARD. (a) The board shall hold a meeting at least once each quarter and may hold meetings at other times at the call of the chairman of the board or at the request of a majority of the other directors.

(b) A majority of the membership of the board constitutes a quorum at a meeting of the board.

(c) Action may be taken by the board by the affirmative vote of the majority of the directors present at a meeting at which a quorum is present. (V.A.C.S. Art. 2919e-3, Sec. 6.)

Sec. 51.157. CHAIRMAN, VICE CHAIRMAN. The board shall select a director to serve as chairman and a director to serve as vice chairman of the board. The chairman shall preside at meetings of the board. If the chairman is not present, or is unable to act, the vice chairman shall preside at the meeting. (V.A.C.S. Art. 2919e-3, Sec. 7.)

Sec. 51.158. GENERAL MANAGER, EMPLOYEES. The board may employ a general manager who shall serve as the chief executive officer of the association. The board may employ other employees it considers necessary in carrying on the association's duties and functions. (V.A.C.S. Art. 2919e-3, Sec. 8.)

Sec. 51.159. DELEGATION OF AUTHORITY. The board may delegate any of the powers, duties, or functions of the association to the general manager or to any other employee. (V.A.C.S. Art. 2919e-3, Sec. 9.)

Sec. 51.160. BOND OF OFFICER, AGENT, OR EMPLOYEE. (a) The general manager and every agent or employee of the association charged with the collection, custody, or payment of any money of the association shall execute a bond conditioned on the faithful performance of his duties.

(b) The board shall approve the form, amount, and surety of the bond.

(c) The surety may be a surety company authorized to do business in this state.

(d) The association shall pay the premium on the bond. (V.A.C.S. Art. 2919e-3, Sec. 10.)

Sec. 51.161. POWERS AND DUTIES OF ASSOCIATION. (a) The association may acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, a multichannel, two-way communications system, including closed-circuit television, linking classrooms, libraries, computer facilities, information retrieval systems, and communications facilities located at the member institutions.

(b) The association may lease, acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, any facilities in addition to those described in Subsection (a) of this section, which the board considers necessary or desirable in carrying out the purposes of this subchapter.

(c) The association is authorized to lease, as lessor or lessee, acquire, operate, maintain, and equip a dormitory or dormitories located on or near the campus of any member institution of the association that is a state-supported institution of higher education, and to issue its revenue bonds therefor as provided in this subchapter.

(d) The association may interchange educational information with private educational institutions, school districts, the United States government, and other parties engaged in education or participating in educational projects, and use the facilities of the association only in the exchange, retrieval, and transfer of information and the interchange of approval course offering and instruction between member-institutions and other parties engaged in education or participating in educational projects. Any dormitories leased, acquired, operated, and maintained by the association shall not be subject to the use limitation of this subsection that applies to all other facilities of the association. (V.A.C.S. Art. 2919e-3, Sec. 11.)

Sec. 51.162. GIFTS AND GRANTS. The association may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation. It may accept grants from the United States government subject to the limitations or conditions provided by law. (V.A.C.S. Art. 2919e-3, Sec. 12.)

Sec. 51.163. INFORMATION NETWORK ASSOCIATION FUND. The Information Network Association Fund is a special fund in the state treasury. All money deposited in the treasury by the Western Information Network Association or any other regional network association created by the Coordinating Board, Texas College and University System, shall be credited to the special fund and disbursed as provided by legislative appropriation. (V.A.C.S. Art. 2919e-3, Sec. 13.)

Sec. 51.164. RULES AND REGULATIONS. The association shall adopt and publish rules to govern the conduct of its business. (V.A.C.S. Art. 2919e-3, Sec. 14.)

Sec. 51.165. PRINCIPAL OFFICE. The board for Western Information Network Association shall maintain its principal office in Lubbock, at or near Texas Tech University. The boards for other regional information network associations created by the Coordinating Board, Texas College and University System, shall maintain their principal offices at locations designated by the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2919e-3, Sec. 15.)

Sec. 51.166. FACILITIES. Each member institution shall furnish suitable space to the association for a classroom-studio, a lecture studio, and a control room. It may also furnish any additional physical plant facility needed by the association in carrying on its functions at the institution. The facilities may with the approval of the association board and the governing body of the state-supported member institutions be located in a dormitory owned and operated by the association. (V.A.C.S. Art. 2919e-3, Sec. 16.)

Sec. 51.167. DESIGNATION OF REGIONS FOR ADDITIONAL ASSOCIATIONS. (a) In addition to the Western Information Network

Association, the Coordinating Board, Texas College and University System, shall at such times as the board shall determine, divide the state into information network association regions consisting of state-supported institutions of higher education located within geographical boundaries prescribed by the coordinating board.

(b) The coordinating board shall give due consideration to the geographical proximity and number of institutions of higher education to be included within a proposed region. (V.A.C.S. Art. 2919e-3, Sec. 17.)

Sec. 51.168. CREATION OF ADDITIONAL ASSOCIATIONS. (a) The coordinating board shall create and name an information network association within an information network region if:

(1) a majority of the institutions of higher education within a region apply to create an association; and

(2) the institutions applying show good cause for creating an association.

(b) The coordinating board may not create more than one information network association in an information network region.

(c) Each information network association created is an agency of the state. (V.A.C.S. Art. 2919e-3, Sec. 18.)

Sec. 51.169. PROVISIONS APPLICABLE TO ADDITIONAL ASSOCIATIONS. Except for Subsection (a), Section 51.153 of this code, the provisions of this subchapter apply to any additional information network association created by the coordinating board. (V.A.C.S. Art. 2919e-3, Sec. 19.)

Sec. 51.170. REVENUE BONDS. (a) The board may issue its revenue bonds for the purpose of providing funds to lease, as lessor or lessee, acquire, purchase, construct, improve, enlarge, or equip any property, buildings, structures, or other facilities, including but not limited to dormitories, for and on behalf of the association.

(b) The bonds shall be payable from and secured by liens on and pledges of all or any part of the revenues from any lease rentals, rentals, charges, fees, or other resources of the board or association.

(c) The bonds may be issued to mature serially or otherwise within not more than 40 years from their date. The board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under the terms and conditions set forth in the resolution authorizing the issuance of the bonds.

(d) The bonds, and any interest coupons appertaining to them, are negotiable instruments. The bonds may be issued registrable as to principal alone or as to both principal and interest. They shall be executed, and may be made redeemable prior to maturity, may be issued in the form, denominations, and manner, and under the terms, conditions, and details, may be sold in the manner, at the price, and under the terms, and shall bear interest at the rate or rates, as is determined and provided by the board in the resolution authorizing the issuance of the bonds.

(e) Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition

or construction of any facilities to be provided through the issuance of the bonds and for providing a reserve for the payment of the principal of and interest on the bonds. The proceeds may be placed on time deposit or invested until needed to the extent and in the manner provided in the bond resolution.

(f) The board shall fix and collect lease rentals, rentals, rates, charges, and fees, or any combination of them, from students or others for the occupancy, use, or availability of all or any of its property, buildings, structures, or other facilities in amounts which will be sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with any bonds issued under this section, and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the issuance of the bonds and for the payment of operation, maintenance, and other expenses in connection with the property, buildings, structures, or facilities.

(g) Fees for the use or availability of all or any property, buildings, structures, or facilities may be pledged to the payment of the bonds, and shall be fixed and collected in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds. The board may pledge to the payment of the bonds all or any part of any resources of the board or association to the extent that the resources are permitted to be pledged to the payment of the revenue bonds. Each board may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. (V.A.C.S. Art. 2919e-3, Sec. 20.)

Sec. 51.171. REVENUE REFUNDING BONDS. Any revenue bonds issued by the board under this subchapter may be refunded, and in that case all pertinent and appropriate provisions of this subchapter are applicable to the refunding bonds. In refunding any of the bonds the board may, in the same authorizing proceedings, refund bonds issued under this subchapter and may combine all the refunding bonds with any other additional new bonds to be issued under this subchapter into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under terms and conditions set forth in the authorizing proceedings. (V.A.C.S. Art. 2919e-3, Sec. 21.)

Sec. 51.172. APPROVAL OF BONDS; REGISTRATION. All bonds issued under this subchapter shall be submitted to the attorney general for examination. If he finds that the bonds have been authorized in accordance with law, he shall approve them, and thereupon they shall be registered by the comptroller of public accounts. After the approval and registration the bonds are incontestable for any reason and are valid and binding obligations in accordance with their terms for all purposes. If the bonds recite that they are secured partially or otherwise by a

pledge of the proceeds of a contract or lease made between the board and another party or parties, public agencies, or otherwise, a copy of the contract or lease and of the proceedings authorizing it may or may not be submitted to the attorney general along with the bond records. If submitted, then the approval by the attorney general of the bonds shall constitute an approval of the contract or lease, and thereafter the contract or lease shall be incontestable. (V.A.C.S. Art. 2919e-3, Sec. 22.)

Sec. 51.173. BONDS AS LEGAL INVESTMENTS. All bonds issued under this subchapter are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. The bonds are eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of the bonds, when accompanied by any unmatured interest coupons appurtenant to them. (V.A.C.S. Art. 2919e-3, Sec. 23.)

[Sections 51.174-51.200 reserved for expansion]

SUBCHAPTER E. PROTECTION OF BUILDINGS AND GROUNDS

Sec. 51.201. APPLICABILITY OF CRIMINAL LAWS. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state. (V.A.C.S. Art. 2919j, Sec. 1.)

Sec. 51.202. RULES AND REGULATIONS; PENALTY. (a) The governing board of each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

(1) limiting the rate of speed;

(2) assigning parking spaces and designating parking areas and their use and assessing a charge for parking;

(3) prohibiting parking as it deems necessary;

(4) removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and

(5) instituting a system of registration for vehicle identification, including a reasonable charge.

(b) A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than $200. (V.A.C.S. Art. 2919j, Sec. 2.)

Sec. 51.203. CAMPUS SECURITY PERSONNEL. The governing boards of each state institution of higher education may employ campus security personnel for the purpose of carrying out the provisions of this subchapter and may commission them as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the institution of higher education or otherwise in the performance of his duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of $1,000, payable to the governor and his successors in office, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be required of him by law. The bond may be sued on from time to time in the name of any person injured until the whole amount of the bond is recovered. (V.A.C.S. Art. 2919j, Sec. 3.)

Sec. 51.204. TRESPASS, DAMAGE, ETC. It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (V.A.C.S. Art. 2919j, Sec. 4.)

Sec. 51.205. PARKING; BLOCKING OR IMPEDING TRAFFIC. It is unlawful for any person to park a vehicle on any property under the control and jurisdiction of a state institution of higher education of this state except in the manner designated by the institution and in the spaces marked and designated by the governing board, or to block or impede traffic through any driveway of that property. All laws regulating traffic on highways and streets apply to the operation of vehicles within the property of the institution, except as may be modified in this subchapter. (V.A.C.S. Art. 2919j, Sec. 5.)

Sec. 51.206. PARKING AND TRAFFIC TICKETS; SUMMONS; ARREST WARRANTS. In connection with traffic and parking violations, only the officers authorized to enforce the provisions of this subchapter have the authority to issue and use traffic tickets and summons of the type used by the Texas Highway Patrol, with any changes that are necessitated by reason of this subchapter. On the issuance of any parking or traffic ticket or summons, the same procedures shall be followed as prevail in connection with the use of parking and traffic violation tickets by the cities of this state and the Texas Highway Patrol. Nothing in this subchapter restricts the application and use of regular arrest warrants. (V.A.C.S. Art. 2919j, Sec. 6.)

Sec. 51.207. VEHICLE IDENTIFICATION INSIGNIA. Each institution may provide for the issuance and use of suitable vehicle identification insignia. The institution may bar or suspend the permit of any vehicle from driving or parking on any institutional property for the violation of any rule or regulation promulgated by the board as well as for any violation of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed. (V.A.C.S. Art. 2919j, Sec. 7.)

Sec. 51.208. COURTS HAVING JURISDICTION. The judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of a state institution of higher education is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of $200. (V.A.C.S. Art. 2919j, Sec. 8.)

Sec. 51.209. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property. (V.A.C.S. Art. 2919j, Sec. 9.)

Sec. 51.210. ENFORCEMENT OF RULES AND REGULATIONS. Notwithstanding any of the provisions of this subchapter, all officers commissioned by the governing board of a state institution of higher education may be empowered by the board to enforce rules and regulations promulgated by the board. Nothing in this subchapter is intended to limit or restrict the authority of each institution to promulgate and enforce appropriate rules and regulations for the orderly conduct of the institution in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. (V.A.C.S. Art. 2919j, Sec. 10.)

Sec. 51.211. CUMULATIVE EFFECT. The provisions of this subchapter are cumulative of all other laws. (V.A.C.S. Art. 2919j, Sec. 12.)

Sec. 51.212. SECURITY OFFICERS AT PRIVATE INSTITUTIONS. (a) The governing boards of private institutions of higher education, including private junior colleges, are authorized to employ and commission campus security personnel for the purpose of enforcing the law of this state on the campuses of private institutions of higher education. Any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the respective private institution of higher education or otherwise in the performance

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of his assigned duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of $1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform the duties as may be required of him by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

(b) The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis law-enforcement officers commissioned by an incorporated city. The officers shall be under the supervision of the hiring institution, but shall be subject to dismissal and disciplinary action by the city. An incorporated city is authorized to contract with a private institution of higher education for the use and employment of its commissioned officers in any manner agreed to, provided that there is no expense incurred by the city. (V.A.C.S. Art. 5891A-1.)

[Sections 51.213-51.300 reserved for expansion]

SUBCHAPTER F. REQUIRED AND ELECTIVE COURSES

Sec. 51.301. GOVERNMENT OR POLITICAL SCIENCE. Every college and university receiving state support or state aid from public funds shall give a course of instruction in government or political science which includes consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas. This course shall have a credit value of not less than six semester hours or its equivalent. No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person unless he has credit for such a course. The college or university may determine that a student has satisfied this requirement in whole or in part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by the student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours. (V.A.C.S. Art. 2663b-1, Sec. 2.)

Sec. 51.302. AMERICAN OR TEXAS HISTORY. No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person unless he has credit for six semester hours or its equivalent in American History. A student is entitled to submit as much as three semester hours of credit or

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its equivalent in Texas History in partial satisfaction of this requirement. The college or university may determine that a student has satisfied this requirement in whole or part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university, or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by a student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours. (V.A.C.S. Art. 2663b-2, Sec. 1.)

Sec. 51.303. ELECTIVE COURSES IN DACTYLOLOGY. (a) In this section, "dactylology" means the art of communicating ideas by signs made with the fingers, as in the manual alphabets of deaf-mutes.

(b) Any state college or university offering a fully accredited program for teachers of the deaf may offer a three-hour elective course in dactylology. (V.A.C.S. Art. 2647c-1.)

Sec. 51.304. COURSES IN MILITARY AND NAVAL TRAINING. (a) The governing board of any state-supported institution of higher education may request the United States Department of Defense to establish and maintain courses in military and naval training qualifying men student graduates of the courses for reserve commission awards as a part of its curriculum. The board may enter into mutually agreeable contracts for that purpose. The work of the students enrolling in the courses may be credited toward degree requirements under regulations prescribed by the board. (V.A.C.S. Art. 2919e-1.)

[Sections 51.305-51.350 reserved for expansion]

SUBCHAPTER G. OPTIONAL RETIREMENT SYSTEM

Sec. 51.351. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that higher education is vitally important to the welfare, if not the survival, of Texas and the United States at this stage in history and that the quality of higher education is dependent upon the quality of college and university faculties. The legislature finds, therefore, that money spent on recognized means for producing an excellent system of public higher education is money spent to serve a public purpose of great importance. The legislature finds further that a sound faculty retirement program that provides full and complete retirement benefits to teachers and administrators who have given faithful service to state-supported institutions of higher education is a well-recognized means for improving a state's program of public higher education. The legislature's purpose in establishing the retirement program provided for by this subchapter is to improve further

the higher education available to the youth at the state-supported colleges and universities and to establish this retirement program as part of the plan of compensation for the faculty of these colleges and universities. (V.A.C.S. Art. 2922-1i, Sec. 1.)

Sec. 51.352. DEFINITIONS. In this subchapter:

(1) "State Board of Trustees" means the State Board of Trustees of the Teachers Retirement System of Texas.

(2) "Retirement system" means the Teachers Retirement System of Texas.

(3) "Institution of higher education" has the same meaning as is assigned to it in Section 61.003 of this code, except that for the purposes of this subchapter, the Coordinating Board, Texas College and University System, and Texas State Technical Institute are included within, and the Rodent and Predatory Animal Control Service is excluded from, the meaning of the term.

(4) "Faculty member" means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services, but does not mean a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system.

(5) "Governing board" means the body charged with policy direction of an institution of higher education.

(6) "Optional retirement program" means the program under this subchapter to provide fixed or variable retirement annuities, including retirement unit annuity certificates of participation for faculty members. (V.A.C.S. Art. 2922-1i, Sec. 2.)

Sec. 51.353. ESTABLISHMENT; PARTICIPATION. (a) There is hereby established an optional retirement program. Participation in the optional retirement program is in lieu of active membership in the retirement system. The governing boards of all institutions of higher education shall make available to all faculty members in their component institutions, agencies, and units the optional retirement program, which shall provide for the vesting of benefits after one year of participation.

(b) All faculty members are eligible to participate in the optional retirement program, subject to such rules as may be prescribed by the governing board of the institution of higher education at which they are employed. (V.A.C.S. Art. 2922-1i, Sec. 3.)

Sec. 51.354. ADMINISTRATION. In administering the optional retirement program a governing board may provide for the purchase of annuity contracts from any insurance or annuity company qualified and admitted to do business in this state. Any life insurance or annuity company qualified and admitted to do business in this state shall be exempt from the payment of all franchise or premium taxes as to all annuity or group insurance

contracts made pursuant to a benefit program authorized by the governing board of an institution of higher education, or by any private nonprofit educational institution of higher learning, which benefit program is paid for in whole or in part from the funds of such institution. Where a governing board has more than one component institution, agency, or unit under its jurisdiction, it may provide a separate optional retirement program for each component institution, agency, or unit, or place two or more component institutions, agencies, or units under a single program. (V.A.C.S. Art. 2922-11, Sec. 4.)

Sec. 51.355. OPTIONS. A faculty member who becomes eligible to participate in the optional retirement program and who is a member of the retirement system is hereby extended the option of continuing his membership in the retirement system or participating in the optional retirement program as hereinafter set forth. A faculty member who is eligible to participate in the optional retirement program on the date the optional retirement program becomes available at the institution of higher education at which he is employed, no later than the 1st day of August of the calendar year following the date on which the optional retirement program becomes available at the institution of higher education at which he is employed, shall elect to participate or not to participate in the optional retirement program. A faculty member who becomes eligible to participate in the optional retirement program subsequent to the date on which the optional retirement program becomes available at the institution of higher education at which he is employed shall make such election within 90 days following the date on which he becomes eligible to participate in the optional retirement program. A faculty member exercising the option to participate in the optional retirement program shall not thereafter be eligible for membership in the retirement system unless he ceases to be employed by an institution of higher education and becomes employed by the Texas Public School System other than in an institution of higher education. A faculty member not exercising the option to participate in the optional retirement program shall be deemed to have chosen to continue membership in the retirement system in lieu of exercising the option to participate in the optional retirement program. (V.A.C.S. Art. 2922-11, Sec. 5.)

Sec. 51.356. WITHDRAWAL OF CONTRIBUTIONS TO RETIREMENT SYSTEM. A faculty member who elects or who has elected to participate in the optional retirement program as provided under Section 51.355 of this code may further elect to withdraw from the retirement system his accumulated contributions as defined in Chapter 3 of this code, upon application in writing as prescribed by the State Board of Trustees, and the applicable amounts shall be paid within 12 months from the date the application is received. Upon such withdrawal of funds, the faculty member shall thereby forfeit and relinquish all accrued rights as a member of the retirement system. (V.A.C.S. Art. 2922-11, Sec. 6.)

Sec. 51.357. CONTRIBUTIONS. (a) With respect to a faculty member who has elected in accordance with Section 51.355 of this code to participate in the optional retirement program, the following amounts shall be disbursed and credited each fiscal year to the benefit of the faculty member in the optional retirement program:

(1) by the faculty member the amount that he would have been required to deposit during that year as a member of the retirement system; and

(2) by the state the amount that it would have been required to allocate and contribute during that year to the retirement system to the credit of the faculty member as a member of the retirement system.

(b) A faculty member participating in the optional retirement program and the institution of higher education with which he is employed, acting through its governing board, may enter into an agreement under which the salary paid to the faculty member is reduced by the amount of the faculty member's contribution required to be disbursed and credited under Subdivision (1) of Subsection (a), and under which the institution contributes an equal amount to the purchase of an annuity contract under the optional retirement program established by the respective governing board. Not more than one salary reduction agreement shall be entered into in any calendar year. Each salary reduction agreement shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect, if the agreement so provides by its terms. A salary reduction agreement may be terminable with respect to amounts not yet earned. To the extent that a salary reduction agreement is in force with a faculty member, there shall be no deduction from the salary of the faculty member, and the amounts provided in this section shall be disbursed and credited to the benefit of the faculty member as provided in Subdivision (1) of Subsection (a).

(c) The contributions of faculty members participating in the optional retirement program in each institution of higher education shall be deducted as provided by law applicable to the system or reduced under an agreement described in Subsection (b) of this section. The contribution of the state for faculty members participating in the optional retirement program in each institution of higher education shall be paid by the Comptroller of Public Accounts of the State of Texas to the applicable institution of higher education. The disbursing officer of such institution of higher education shall pay the total of such contributions from both the faculty member and the state to the company providing the optional retirement program for that institution. Each institution of higher education shall certify estimates to the comptroller of funds required for payments under its optional retirement program as required by law for the system. (V.A.C.S. Art. 2922-11, Sec. 8.)

[Sections 51.358-51.900 reserved for expansion]

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 51.901. LIABILITY INSURANCE FOR OPERATORS OF ATOMIC ENERGY REACTORS. (a) The governing boards of the state institutions of higher education, as state agencies, which are or will be constructing and operating atomic energy reactors, or otherwise performing experiments in the field of nuclear science, in cooperation with and licensed by the Atomic Energy Commission, or its successor in function, or any other governmental agency, may purchase liability insurance in any amount not to exceed $250,000, and may pay the premium from funds appropriated for that purpose.

(b) The defense of sovereign immunity shall not be available to or asserted by the insurer in any claim against it or in any cause of action arising or growing out of a nuclear incident. (V.A.C.S. Art. 4590g.)

Sec. 51.902. CONTRACTS FOR TEACHER TRAINING. The governing board of any state-supported institution of higher education which trains teachers may contract with the trustees of any independent school district for the use of the public schools of the school district as laboratory schools for the training of teachers. The available local funds of the institution or the local funds of the school district may be used in the performance of the contracts. (V.A.C.S. Art. 2647c.)

Sec. 51.903. ARCHIVES; CERTIFIED COPIES. (a) The commissioners court of any county or any other custodian of public records may lend to the library of any state-supported institution of higher education, for any period and on any conditions it may determine, any parts of its archives or records that have become mainly of historical value. The librarian shall give a receipt for any archives or records received. The librarian may make copies for historical study.

(b) The librarian and the archivist of any state-supported institution of higher education are authorized to make certified copies of public records in the custody of the institution. These certified copies are valid in law and have the same force and effect for all purposes as if certified by the county clerk or other custodian as otherwise provided by law. In making a certified copy, the librarian or archivist shall certify that the foregoing is a true and correct copy of the document, and after signing the certificate shall swear to it before any officer authorized to take oaths under the laws of this state.

(c) Nothing in this section affects the authority of the Texas State Librarian concerning public records as currently or later granted by law. (V.A.C.S. Art. 2899b.)

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CHAPTER 52. STUDENT LOAN PROGRAM

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CHAPTER 52. STUDENT LOAN PROGRAM
SUBCHAPTER A. ADMINISTRATION

Sec. 52.01. ADMINISTRATION. The Coordinating Board, Texas College and University System, or its successors, shall administer the student loan program authorized by this chapter pursuant to Article III, Section 50b, of the Texas Constitution. Personnel and other expenses required to properly administer this chapter shall be provided in the general appropriations acts. (V.A.C.S. Art. 2654g, Art. I, Sec. 1.)

Sec. 52.02. DELEGATION OF POWERS AND DUTIES. The board may delegate to the commissioner of higher education the powers, duties, and functions authorized by this chapter, except those relating to the sale of bonds and the letting of contracts for insurance. (V.A.C.S. Art. 2654g, Art. I, Sec. 2.)

[Sections 52.03-52.10 reserved for expansion]

SUBCHAPTER B. BONDS

Sec. 52.11. ISSUANCE OF BONDS. (a) The board may from time to time provide by resolution for the issuance of negotiable bonds in a total aggregate amount not exceeding $285 million.

(b) All bonds shall be on a parity and shall be called the Texas College Student Loan Bonds.

(c) The proceeds from the sale of bonds shall be placed in the Texas Opportunity Plan Fund.

(d) To assure the orderly and economical marketing of the bonds and the reasonable availability of money in the Texas Opportunity Plan Fund, the bonds may be issued in installments.

(e) The bonds of each issue shall be dated and shall bear interest at rates prescribed by the board, subject to the limitations imposed by law. At the option of the board, the interest may be payable annually or semiannually.

(f) The bonds shall mature serially or otherwise not later than 40 years from their date and may be redeemable before maturity, at the option of the board, at a price or prices and under terms and conditions fixed by the board in the resolution providing for the issuance of the bonds.

(g) The board shall determine the form of the bonds, including the form of any interest coupon to be attached to the bonds, and shall fix the denomination or denominations of the bonds and the place or places for the payment of the principal and interest.

(h) The bonds shall be executed on behalf of the coordinating board, or its successor, as general obligations of the State of Texas in the following manner: They shall be signed by the chairman or vice chairman and the secretary of the board, and the seal of the board shall be impressed on them. They shall be signed by the governor and attested by the secretary of state and the seal of the state impressed on them. The resolution authorizing the issuance of any installment or series of bonds may prescribe the extent to which facsimile signatures and facsimile

seals may be used in executing the bonds and appurtenant coupons. Interest coupons may be signed with the facsimile signatures of the chairman or vice chairman and the secretary of the board. In the event any officer whose manual or facsimile signature appears on any bond or coupon ceases to hold that office before the delivery of the bond or coupon, the signature will nevertheless be valid and sufficient for all purposes as if he had remained in office until the delivery had been made.

(i) The resolution may provide for registration of the bonds as to ownership and for successive conversion and reconversion from registered to bearer bonds and vice versa.

(j) Before any of the bonds issued are delivered to the purchasers, the record pertaining to the bonds shall be examined by the attorney general and the records and the bonds shall be approved by him. After approval by the attorney general, the bonds shall be registered in the office of the comptroller of public accounts. When approved, registered, and delivered to the purchasers, the bonds are incontestable and constitute general obligations of the State of Texas.

(k) The performance of official duties prescribed by Article III, Section 50b, of the Texas Constitution, in reference to the provision for the payment and the payment of the bonds may be enforced in any court of competent jurisdiction through mandamus or other appropriate proceedings.

(l) All bonds issued in accordance with the provisions of this chapter are negotiable instruments under the laws of this state.

(m) The board may provide for the replacement of any bond which is mutilated, lost, or destroyed. (V.A.C.S. Art. 2654g, Art. II, Sec. 1.)

Sec. 52.12. REFUNDING BONDS. (a) The board may provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds issued under the provisions of this chapter and then outstanding, together with accrued interest on them.

(b) The issuance of the refunding bonds, the maturities, and all other details of the bonds, the rights of the holders, and the duties of the board with respect to the bonds, shall be governed by the applicable provisions of Section 52.11 of this code.

(c) The refunding bonds may be exchanged for the outstanding bonds or may be sold and the proceeds used to retire the outstanding bonds. (V.A.C.S. Art. 2654g, Art. II, Sec. 2.)

Sec. 52.13. BONDS AS INVESTMENTS. All bonds issued pursuant to the provisions of this chapter are legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political subdivisions and public agencies of the State of Texas. The bonds, when accompanied by all unmatured coupons appurtenant to them, are lawful and sufficient security for all deposits of state funds and of all funds of any agency or political subdivision of the state, and of counties, school districts, cities, and

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all other municipal corporations or subdivisions at the par value of the bonds. The bonds and the income from them, including the profits made on their sale, shall at all times be free from taxation in this state. (V.A.C.S. Art. 2654g, Art. II, Sec. 3.)

Sec. 52.14. SALE OF BONDS. When the board has authorized the issuance of a series of bonds and has determined to call for bids on the bonds, it shall publish an appropriate notice of the sale at least one time not less than 20 days before the date of the sale. The publication shall be made in a daily newspaper of general statewide circulation which is published not less than seven times weekly. The notice shall also be published for a number of times determined by the board in one or more recognized financial publications of general circulation published in the state and one or more of these publications published outside the state. The board shall demand of bidders, other than the administrators of the state funds, that each bid be accompanied by an exchange or bank cashier's check for a sum considered adequate by the board to be a forfeit guaranteeing the acceptance of and payment for all bonds covered by each bid accepted by the board. (V.A.C.S. Art. 2654g, Art. II, Sec. 4.)

Sec. 52.15. COMPETITIVE BIDS. No installment or series of bonds may be sold for an amount less than the face value of all the bonds comprising the installment or series with accrued interest from their date, and all bonds shall be sold after competitive bidding to the highest and best bidder. The board may reject any and all bids. (V.A.C.S. Art. 2654g, Art. II, Sec. 5.)

Sec. 52.16. PROCEEDS FROM BOND SALE. All proceeds from the sale of bonds shall be deposited in the state treasury in the Texas Opportunity Plan Fund. (V.A.C.S. Art. 2654g, Art. II, Sec. 6.)

Sec. 52.17. INTEREST AND SINKING FUND. (a) Each fiscal year a sufficient portion of the funds received by the board as repayment of student loans granted under this chapter and as interest on the loans shall be deposited in the state treasury in the Texas College Student Loan Bonds Interest and Sinking Fund, referred to in this chapter as the interest and sinking fund, to pay the interest and principal coming due during the ensuing fiscal year and to establish and maintain a reserve in the interest and sinking fund equal to the average annual principal and interest requirements of all outstanding bonds issued under this chapter.

(b) If in any year funds are received in excess of the foregoing requirements, then the excess shall be deposited in the Texas Opportunity Plan Fund and may be used for the same purposes and upon the same terms and conditions prescribed for the proceeds derived from the sale of the Texas College Student Loan Bonds.

(c) In the event that funds received by the board in any fiscal year as repayment of student loans and as interest on the loans are insufficient to pay the interest coming due and the

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principal maturing on the bonds during the ensuing fiscal year, the state treasurer shall transfer into the interest and sinking fund out of the first money coming into the treasury, which is not otherwise appropriated by the constitution, an additional amount sufficient to pay the interest coming due and the principal maturing on the bonds during the ensuing fiscal year.

(d) The resolution authorizing the issuance of the bonds may provide for the deposit, from bond proceeds, of not more than 24 months' interest, and may provide for the use of bond proceeds as a reserve for the payment of principal of and interest on the bonds. (V.A.C.S. Art. 2654g, Art. II, Sec. 7.)

Sec. 52.18. DUTIES OF COMPTROLLER AND TREASURER. The comptroller of public accounts shall make the transfers required under the provisions of this chapter, and the state treasurer shall pay or cause to be paid the principal of and interest on the bonds as they mature and come due. (V.A.C.S. Art. 2654g, Art. II, Sec. 8.)

Sec. 52.19. INVESTMENT OF FUNDS. All money standing to the credit of the reserve portion of the interest and sinking fund and any money in the Texas Opportunity Plan Fund in excess of the amount necessary for student loans may be invested by the board in direct obligations of or obligations the principal and interest of which are guaranteed by the United States of America or invested in direct obligations of or participation certificates guaranteed by the Federal Intermediate Credit Bank, federal land banks, Federal National Mortgage Association, federal home loan banks, banks for cooperatives, and in certificates of deposit of any bank or trust company the deposits of which are fully secured by a pledge of securities of any of the kind previously specified in this section, or in bonds of the State of Texas, or of the several counties or municipalities or other political subdivisions of the State of Texas. However, money in the interest and sinking fund, except for that which is in the reserve portion of the fund, may be invested only in obligations which are scheduled to mature prior to the date money must be available for use for its intended purpose. All the bonds and obligations owned in the interest and sinking fund or in the Texas Opportunity Plan Fund are defined as "securities." The board may sell any securities owned in the interest and sinking fund or in the Texas Opportunity Plan Fund at the prevailing market price. Income from these investments shall be deposited in the interest and sinking fund. (V.A.C.S. Art. 2654g, Art. II, Sec. 9.)

[Sections 52.20-52.30 reserved for expansion]

SUBCHAPTER C. STUDENT LOANS

Sec. 52.31. PARTICIPATING INSTITUTIONS. A participating higher educational institution is any institution of higher education, public or private nonprofit, including a junior college, which is recognized or accredited by the Texas Education Agency

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or the Coordinating Board, Texas College and University System, or its successors, and which complies with the provisions of this chapter and the rules and regulations of the board promulgated in accordance with this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 1.)

Sec. 52.32. QUALIFICATIONS FOR LOANS. (a) The board may authorize loans from the Texas Opportunity Plan Fund to qualified students at any participating institution of higher education in Texas if the applicant:

(1) is a resident of Texas as defined by the board in accordance with Subchapter B, Chapter 54 of this code;

(2) has been accepted for enrollment;

(3) has established that he has insufficient resources to finance his college education;

(4) has been recommended by reputable persons in his home community; and

(5) has complied with other requirements established by rules and regulations adopted by the board in conformity with this chapter.

(b) In no event may a higher standard of academic performance be required of an applicant than the minimum standard required for enrollment in the participating institution. The student must be meeting the minimum academic requirements of the institution in the semester any loan is made. (V.A.C.S. Art. 2654g, Art. III, Sec. 2.)

Sec. 52.33. AMOUNT OF LOAN. The amount of the loan to any qualified applicant shall be limited to the difference between the financial resources available to him, including but not limited to his income from parents and other sources, scholarships, gifts, grants, other financial aid, and the amount he can reasonably be expected to earn, and the amount necessary to pay his reasonable expenses as a student at the participating institution of higher education where he has been accepted for enrollment, under the rules and regulations adopted by the board. The total loan to any individual student may never be more than the amount he can reasonably be expected to repay in a maximum period of five years after he is last enrolled in a participating institution, except as otherwise provided for in this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 3.)

Sec. 52.34. PAYMENTS TO STUDENT. No payment may be made to any student until he has executed a note payable to the Texas Opportunity Plan Fund for the full amount of the authorized loan plus interest. For the purposes of this chapter, a student has the capacity to contract and is bound by any contract executed by him, and the defense that he was a minor at the time he executed the note is not available to him in any action arising on the note. Payments to students executing notes may be made annually, semiannually, quarterly, monthly, or for each semester as the board may determine, depending on the demonstrated capacity of the student to manage his financial affairs. Disbursements may be made by the board or by the participating institution pursuant

to a contract between the board and the institution executed in conformity with this chapter. No funds may be distributed to a participating institution except to make payments to a student under a loan authorized by this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 4.)

Sec. 52.35. TERM OF LOANS. The term of all authorized loans must be for the shortest possible period, as determined by the board. However, no loan may be made to any student for a period longer than five years from the date he is last enrolled in a participating institution, except as a longer period is authorized for medical students, dental students, and students seeking professional or graduate degrees as authorized under the provisions of Section 53.38 of this code. (V.A.C.S. Art. 2654g, Art. III, Sec. 5.)

Sec. 52.36. LOAN INTEREST. The board shall annually, not later than September 1, fix the interest to be charged for any student loan at a rate sufficient to pay the interest on outstanding bonds plus any expenses incident to their issuance, sale, and retirement. Interest shall be postponed by the board as long as a student is enrolled at a participating institution and may be postponed at the board's discretion as long as a student is enrolled at any other higher educational institution, provided that the total interest paid is to be equal to that fixed at the time the note evidencing the loan is executed. (V.A.C.S. Art. 2654g, Art. III, Sec. 6.)

Sec. 52.37. INSURANCE. The board may contract with any insurance company or companies licensed to do business in Texas for insurance on the life of any student borrower in an amount sufficient to retire the principal and interest owed under a loan made under the provisions of this chapter. The cost of the insurance shall be paid by the student borrower. No contract for insurance as provided for in this section may be approved except by the board during a regular meeting attended by a quorum of the total board membership. (V.A.C.S. Art. 2654g, Art. III, Sec. 7.)

Sec. 52.38. REPAYMENT OF LOANS. Repayment of any loan and interest authorized under this chapter shall be made monthly and shall begin not later than four months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education and in no event later than five years from the date the first note evidencing a loan under this chapter is executed. The board may, however, authorize a longer period before beginning repayment of loans to medical students, dental students, and other students seeking professional or graduate degrees. The board may extend the time for beginning repayment for unusual financial hardships, with the approval of the attorney general. Repayment shall be made directly to the board or to a participating institution pursuant to a contract executed by the board in accordance with its rules and regulations. (V.A.C.S. Art. 2654g, Art. III, Sec. 8.)

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Sec. 52.39. DEFAULT; SUIT. When any person who has received a loan authorized by this chapter has failed or refused to make as many as six monthly payments due in accordance with an executed note, then the full amount of the remaining principal and interest becomes due and payable immediately, and the amount due, the person's name and his last known address, and other necessary information shall be reported by the board to the attorney general. Suit for the remaining sum shall be instituted by the attorney general, or any county or district attorney acting for him, in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County, unless the attorney general finds reasonable justification for delaying suit and so advises the board in writing. (V.A.C.S. Art. 2654g, Art. III, Sec. 9.)

[Sections 52.40-52.50 reserved for expansion]

SUBCHAPTER D. GENERAL PROVISIONS

Sec. 52.51. ADVISORY COMMITTEES. The board may appoint advisory committees from outside its membership as it deems necessary to assist it in achieving the purposes of this chapter. (V.A.C.S. Art. 2654g, Art. IV, Sec. 1.)

Sec. 52.52. CONTRACTS. In achieving the goals outlined in this chapter and the performance of functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations, associations, partnerships, and individuals. (V.A.C.S. Art. 2654g, Art. IV, Sec. 2.)

Sec. 52.53. GIFTS AND GRANTS. The board may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation or the United States, subject to limitations or conditions set by law. The gifts, grants, or donations of money shall be deposited in the Texas Opportunity Plan Fund, separately accounted for, and expended in accordance with the specific purpose for which given and under such conditions as are imposed by the donor and as provided by law. (V.A.C.S. Art. 2654g, Art. IV, Sec. 3.)

Sec. 52.54. RULES AND REGULATIONS. The board shall adopt and publish rules and regulations to effectuate the purposes of this chapter in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 2654g, Art. IV, Sec. 4.)

Sec. 52.55. AUDIT. All transactions under the provisions of this chapter are subject to audit by the state auditor. (V.A.C.S. Art. 2654g, Art. IV, Sec. 5.)

Sec. 52.56. ANNUAL REPORT. (a) The board shall make a report of the operations of the Texas Opportunity Plan to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature.

(b) The report shall include, for the state as a whole and for each participating institution, the following information:

(1) the number of loans;

(2) the maximum loan;

(3) the minimum loan;

(4) the total amount of loans made;

(5) a list of persons who have failed or refused to make as many as six monthly payments on any note, showing the amount due and the person's last known address; and

(6) any other information that will describe the effectiveness of the loan program. (V.A.C.S. Art. 2654g, Art. IV, Sec. 6.)

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CHAPTER 53. HIGHER EDUCATION AUTHORITIES

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CHAPTER 53. HIGHER EDUCATION AUTHORITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 53.01. SHORT TITLE. This chapter may be cited as the Higher Education Authority Act. (V.A.C.S. Art. 1269j-101, Sec. 1 (part).)

Sec. 53.02. DEFINITIONS. In this chapter:

(1) "City" means an incorporated city or town in this state.

(2) "Governing body" means the council, commission, or other governing body of a city.

(3) "Authority" means a higher education authority created under this chapter.

(4) "Board" means the board of directors of an authority.

(5) "Institution of higher education" means a degree-granting college or university nonprofit corporation accredited by the Texas Education Agency.

(6) "Educational facility" means a classroom building, laboratory, science building, faculty or administrative office building, or other facility used exclusively for the conduct of the educational and administrative functions of an institution of higher education.

(7) "Housing facility" means a single- or multi-family residence used exclusively for housing or boarding, or housing and boarding students, faculty, or staff members of an institution of higher learning. The term includes infirmary and student union building, but does not include a housing or boarding facility for the use of a fraternity, sorority, or private club.

(8) "Bond resolution" means the resolution authorizing the issuance of revenue bonds.

(9) "Trust indenture" means the mortgage, deed of trust, or other instrument pledging revenue of property, or creating a mortgage lien on property, or both, to secure the revenue bonds issued by the authority.

(10) "Trustee" means the trustee under the trust indenture. (V.A.C.S. Art. 1269j-101, Sec. 2.)

[Sections 53.03-53.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 53.11. CREATION OF AUTHORITY. When the governing body of a city finds that it is to the best interest of the city and its inhabitants to create a higher education authority, it shall pass an ordinance creating the authority and designating the name by which it shall be known. If the governing bodies of two or more cities find that it is to the best interest of the cities to create an authority to include those cities, each governing body shall pass an ordinance creating the authority and designating the name by which it shall be known. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.12. TERRITORY. The authority comprises only the territory included within the boundaries of the city or cities creating it. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.13. CORPORATE POWERS. An authority is a body politic and corporate having the power of perpetual succession. It shall have a seal; it may sue and be sued; and it may make, amend, and repeal its bylaws. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.14. BOARD OF DIRECTORS. (a) The authority shall be governed by a board of directors consisting of not less than 7 nor more than 11 members to be determined at the time of creating the authority. Except as otherwise provided by this section, the first directors shall be appointed by the governing body of the city or by the governing bodies of the cities, and they shall serve until their successors are appointed as provided by this section. If the authority includes more than one city, each governing body shall appoint an equal number of directors unless otherwise agreed by the cities.

(b) When the authority issues its revenue bonds, the resolution authorizing the issuance of the bonds or the trust indenture securing them may prescribe the method of selecting and the term of office of a majority of the members of the board. The remaining members of the board shall be appointed by the governing body of the city or the governing bodies of the cities for two-year terms. The trust indenture may also provide that, in event of default as defined in the trust indenture, the trustee may appoint all of the directors, in which event the terms of the directors then in office shall automatically terminate.

(c) Unless and until provision is made in the bond resolution or indenture in connection with the issuance of bonds for the appointment by other means of part of the directors, all the directors shall be appointed by the governing body of the city or each of the cities, as the case may be, for terms not to exceed two years, but the terms of directors appointed prior to the issuance of the first issue of revenue bonds shall be subject to the exercise of the provision made by this section for appointment of a majority of the members of the board in connection with the issuance of the bonds.

(d) No officer or employee of any such city is eligible for appointment as a director. Directors are not entitled to compensation for services but are entitled to reimbursement for expenses incurred in performing such service.

(e) In the event the authority purchases from a nonprofit corporation an educational facility or a housing facility for students, faculty, or staff members, which facility or facilities are then in existence or in process of construction, the first members of the board of directors and their successors shall be determined as provided in the contract of purchase. (V.A.C.S. Art. 1269j-101, Sec. 4.)

Sec. 53.15. ORGANIZATION OF BOARD; QUORUM; EMPLOYEES; COUNSEL. (a) The board shall elect from among its members a president and vice president, and shall elect a secretary and a

treasurer who may or may not be directors, and may elect other officers as authorized by the authority's bylaws. The offices of secretary and treasurer may be combined.

(b) The president has the same right to vote on all matters as other members of the board.

(c) A majority constitutes a quorum, and when a quorum is present action may be taken by a majority vote of directors present.

(d) The board may employ a manager or executive director of the facilities and other employees, experts, and agents as it sees fit. It may delegate to the manager the power to employ and discharge employees.

(e) The board may employ legal counsel. (V.A.C.S. Art. 1269j-101, Sec. 5.)

[Sections 53.16-53.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 53.31. NO TAXING POWER. An authority has no power to tax. (V.A.C.S. Art. 1269j-101, Sec. 1 (part).)

Sec. 53.32. NO POWER OF EMINENT DOMAIN. The authority does not have the power of eminent domain. (V.A.C.S. Art. 1269j-101, Sec. 17 (part).)

Sec. 53.33. FACILITIES: CONSTRUCTION, ACQUISITION, ETC. The authority may acquire by purchase, purchase contract, or lease, or may construct, enlarge, extend, or improve educational facilities or housing facilities. It may acquire land for those purposes, furnish and equip the facilities, and provide by contract, lease, or otherwise for the operation and maintenance of the facilities. The facilities need not be located within the city limits of the city or cities. (V.A.C.S. Art. 1269j-101, Sec. 6.)

Sec. 53.34. REVENUE BONDS. The authority may issue revenue bonds to provide funds for any of its purposes. The bonds shall be payable from and secured by a pledge of the net revenue to be derived from the operation of the facility or facilities and any other revenue resulting from the ownership of the educational facilities properties. The bonds may be additionally secured by a mortgage or deed of trust on real property of the authority or by a chattel mortgage on its personal property, or by both. (V.A.C.S. Art. 1269j-101, Sec. 7.)

Sec. 53.35. ISSUANCE OF BONDS; PROCEDURES; ETC. The bonds shall be authorized by resolution adopted by a majority vote of a quorum of the board, and shall be signed by the president or vice president and countersigned by the secretary, or either or both of their facsimile signatures may be printed on them. The seal of the authority shall be impressed or printed on the bonds. The bonds shall mature serially or otherwise in not to exceed 50 years and may be sold at a price and under terms determined by the board to be the most advantageous reasonably obtainable, provided that the rate of interest to be borne by the bonds shall not exceed six

and one-half percent per annum and that the bonds shall not be sold at less than 90 percent of their par or face value, plus accrued interest. Within the discretion of the board, the bonds may be made callable prior to maturity at any times and prices prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest. (V.A.C.S. Art. 1269j-101, Sec. 8.)

Sec. 53.36. BOND RESOLUTION; NOTICE; ELECTION. (a) Before authorizing the issuance of bonds, other than refunding bonds, the board shall cause a notice to be issued stating that it intends to adopt a resolution authorizing the issuance of the bonds, the maximum amount thereof, and the maximum maturity thereof. The notice shall be published once each week for two consecutive weeks in a newspaper or newspapers having general circulation in the authority. The first publication shall be at least 14 days prior to the day set for adopting the bond resolution.

(b) If, prior to the day set for the adoption of the bond resolution, there is presented to the secretary or president of the board a petition signed by not less than 10 percent of the qualified voters residing in the city or cities comprising the authority, who own taxable property in the authority and who have duly rendered it for taxation to the city in which such property is located or situated, requesting an election on the proposition for the issuance of the bonds, the bonds shall not be issued unless an election is held and a majority vote is in favor of the bonds. The election shall be called and held in accordance with the procedure prescribed in Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, with the board and the president and secretary performing the functions there assigned to the governing body of the city, the mayor and city secretary, respectively. If no such petition is filed, the bonds may be issued without an election. However, the board may call an election on its own motion without the filing of the petition. (V.A.C.S. Art. 1269j-101, Sec. 9.)

Sec. 53.37. JUNIOR LIEN BONDS; PARITY BONDS. Bonds constituting a junior lien on the net revenue or properties may be issued unless prohibited by the bond resolution or trust indenture. Parity bonds may be issued under conditions specified in the bond resolution or trust indenture. (V.A.C.S. Art. 1269j-101, Sec. 10.)

Sec. 53.38. RESERVES FOR OPERATING AND OTHER EXPENSES. Money for the payment of not more than two years' interest on the bonds and an amount estimated by the board to be required for operating expenses during the first year of operation may be set aside for those purposes out of the proceeds from the sale of the bonds. (V.A.C.S. Art. 1269j-101, Sec. 11.)

Sec. 53.39. REFUNDING BONDS. Bonds may be issued for the purpose of refunding outstanding bonds in the manner provided in this chapter for other bonds, and may be exchanged by the comptroller of public accounts or sold and the proceeds applied in accordance with the procedure prescribed by Chapter 503, Acts of

the 54th Legislature, 1955 (Article 717k, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 1269j-101, Sec. 12.)

Sec. 53.40. APPROVAL OF BONDS; REGISTRATION; NEGOTIABILITY. Bonds issued under this chapter and the record relating to their issuance shall be submitted to the attorney general, and if he finds that they have been issued in accordance with this chapter and constitute valid and binding obligations of the authority and are secured as recited therein he shall approve them, and they shall be registered by comptroller of public accounts who shall certify the registration thereon. Thereafter they are incontestable. The bonds shall be negotiable and shall contain the following provision: "The holder hereof shall never have the right to demand payment thereof out of money raised or to be raised by taxation." (V.A.C.S. Art. 1269j-101, Sec. 13.)

Sec. 53.41. AUTHORIZED INVESTMENTS. All bonds issued under this chapter are legal and authorized investments for all banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies of all kinds and types, and for the interest and sinking funds and other public funds of any issuer. The bonds are also eligible and lawful security for all deposits of public funds of the State of Texas and of any issuer, to the extent of the value of the bonds, when accompanied by any unmatured interest coupons appurtenant to them. (V.A.C.S. Art. 1269j-101, Sec. 18.)

Sec. 53.42. INVESTMENT OF FUNDS; SECURITY. To the extent it is applicable, the law as to the security for and the investment of funds, applicable to cities, controls the investment of funds belonging to authority. The bond resolution or the indenture or both may further restrict the making of investments. The authority may invest the proceeds of its bonds, until the money is needed, in the direct obligations of or obligations unconditionally guaranteed by the United States, to the extent authorized in the bond resolution or indenture or in both. (V.A.C.S. Art. 1269j-101, Sec. 19.)

Sec. 53.43. DEPOSITORIES. The authority may select a depository or depositories according to the procedures provided by law for the selection of city depositories, or it may award its depository contract to the same depository or depositories selected by the city or cities and on the same terms. (V.A.C.S. Art. 1269j-101, Sec. 15.)

Sec. 53.44. OPERATION OF FACILITIES; RATES CHARGED; RESERVE FUNDS. (a) The facilities may be operated by the authority without the intervention of private profit for the use and benefit of the public, or may be leased to an institution of higher education, or may be operated by the institution under a contract with the authority, the lease or contract to be in effect until any revenue bonds issued in connection with it have been finally retired.

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(b) The board shall charge rates for the use of the facilities, or for their lease or operation, that are fully sufficient to pay all expenses in connection with the ownership, operation, and upkeep of the facilities, to pay the interest on the bonds as it becomes due, to create a sinking fund to pay the bonds as they become due, and to create and maintain a bond reserve fund and other funds and reserves that may be provided in the bond resolution or trust indenture. The bond resolution or trust indenture may prescribe systems, methods, routines, and procedures under which the facilities shall be operated. (V.A.C.S. Art. 1269j-101, Sec. 14.)

Sec. 53.45. TRANSACTIONS WITH OTHER AGENCIES AND PERSONS. The authority may borrow money and accept grants from, and enter into contracts, leases, or other transactions with the United States, the State of Texas, any municipal corporation in the state, and any public or private person or corporation resident or authorized to do business in the state. (V.A.C.S. Art. 1269j-101, Sec. 17 (part).)

Sec. 53.46. AUTHORITY EXEMPT FROM TAXATION. Because the property owned by authority will be held for educational purposes only and will be devoted exclusively to the use and benefit of the students, faculty, and staff members of an accredited institution of higher education, it is exempt from taxation of every character. (V.A.C.S. Art. 1269j-101, Sec. 16.)

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CHAPTER 54. TUITION AND FEES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "Institution of higher education" has the same meaning as is assigned to it by Section 61.003 of this code.

(2) "Governing board" has the same meaning as is assigned to it by Section 61.003 of this code. (New.)

Sec. 54.002. APPLICABILITY OF CHAPTER. The provisions of this chapter apply to all institutions of higher education, except that as to junior colleges this chapter applies only to the extent provided by Section 130.003(b) of this code. (New.)

Sec. 54.003. TUITION AND CHARGES TO BE AUTHORIZED BY LAW. No institution of higher education may collect from students attending the institution any tuition, fee, or charge of any kind except as permitted by law, and no student may be refused admission to or discharged from any institution for the nonpayment of any tuition, fee, or charge except as permitted by law. (V.A.C.S. Art. 2654a, Sec. 1.)

Sec. 54.004. RETENTION AND USE OF FUNDS. All tuition, local funds, and fees collected by an institution of higher education shall be retained and expended by the institution and accounted for annually as provided in the general appropriations act. (V.A.C.S. Art. 2654c, Sec. 1(n), 2 (part).)

Sec. 54.005. RIGHT TO COLLECT SPECIAL FEES. The provisions of this subchapter requiring the governing board of each institution of higher education to collect tuition fees do not deprive the board of the right to collect special fees authorized by law. (V.A.C.S. Art. 2654c, Sec. 1(m) (part).)

[Sections 54.006-54.050 reserved for expansion]

SUBCHAPTER B. TUITION RATES

Sec. 54.051. TUITION RATES. The governing board of each institution of higher education shall cause to be collected from students registering at the institution tuition or registration fees at the following rates:

Item No. Type of Student	Rate
1. Resident student registered for 12 or more semester credit hours of work per semester of four and one-half months	$ 50
2. Resident student registered for 12 or more term hours of work per term of three months	30
3. Nonresident student registered for 12 or more semester credit hours of work per semester of four and one-half months, not less than	200
4. Nonresident student registered for 12 or more term hours of work per term of three months . . .	150

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5. Resident or nonresident student registered for fewer than 12 semester credit hours of work--a sum proportionately less than prescribed for 12 semester hours, but not less than 15

6. Resident or nonresident student registered for fewer than 12 term hours of work--a sum proportionately less than prescribed for 12 term hours, but not less than 10

7. Resident student registered for a summer session of 12 weeks 50

8. Nonresident student registered for a summer session of 12 weeks, not less than 200

9. Resident or nonresident student registered for fewer than a full semester credit hour or term hour load in a summer session--a sum proportionately less than prescribed for the full load, but not less than 10

10. Resident student registered in medical or dental branch, school, or college, per semester or its equivalent 150-200

11. Nonresident student registered in a medical or dental branch, school or college, per semester or its equivalent 300-400

12. Resident or nonresident student registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction--a fee in addition to the regular tuition, to be designated by the governing board of the institution; but in no event shall the fees be more per course per semester of four and one-half months, or per summer session, than 75

(V.A.C.S. Art. 2654c, Sec. 1(a), (c).)

Sec. 54.052. RESIDENTS; NONRESIDENTS; GENERAL RULES. (a) The term "residence," as used in this subchapter, means "domicile." The term "resided in" means "domiciled in." For the purposes of this subchapter, the status of a student as a resident or nonresident student is determined as prescribed by this section, subject to the other applicable provisions of this subchapter.

(b) An individual under 21 years of age who is living away from his family and whose family resides in another state or has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student.

(c) An individual 21 years of age or under whose family has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student, regardless of whether he has become the legal ward of residents of Texas or has been adopted by residents of Texas while he is attending an educational institution in Texas.

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or within a 12-month period before his attendance, or under circumstances indicating that the guardianship or adoption was for the purpose of obtaining status as a resident student.

(d) An individual 21 years of age or over who has come from outside Texas and who is gainfully employed in Texas for a 12-month period immediately preceding registration in an educational institution shall be classified as a resident student as long as he continues to maintain a legal residence in Texas.

(e) An individual 21 years of age or over who resides out of the state or who has come from outside Texas and who registers in an educational institution before having resided in Texas for a 12-month period shall be classified as a nonresident student. (V.A.C.S. Art. 2654c, Sec. 1(e).)

Sec. 54.053. REGULATIONS OF COORDINATING BOARD. The governing board of each institution required by this chapter to charge a nonresident tuition or registration fee is subject to the rules, regulations, and interpretations issued by the Coordinating Board, Texas College and University System, for the administration of the nonresident tuition provisions of this subchapter. The rules, regulations, an interpretations promulgated by the coordinating board shall be furnished to the presidents or administrative heads of all Texas public senior and junior colleges and universities. (V.A.C.S. Art. 2654c, Sec. 1(g).)

Sec. 54.054. NONRESIDENT STATUS: PRESUMPTION; RECLASSIFICATION. A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. (V.A.C.S. Art. 2654c, Sec. 1(h).)

Sec. 54.055. PARENTS, CHANGE OF RESIDENCE TO ANOTHER STATE. An individual 21 years of age or under whose parents were formerly residents of Texas is entitled to pay the resident tuition fee for the 12-month period immediately following the parents' change of legal residence to another state. (V.A.C.S. Art. 2654c, Sec. 1(f).)

Sec. 54.056. EFFECT OF MARRIAGE. A nonresident who marries and remains married to a resident of Texas, classified as such under this chapter at the time of the marriage and at the time the nonresident registers, is entitled to pay the resident tuition fee regardless of the length of time he has lived in Texas; and any student who is a resident of Texas and who marries a nonresident is entitled to pay the resident tuition fee as long as he does not adopt the legal residence of the spouse in another state. (V.A.C.S. Art. 2654c, Sec. 1(i).)

Sec. 54.057. ALIENS. An alien student is classified as a nonresident student. However, an alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for resident status for fee purposes under this subchapter as has a citizen of the United States. A resident alien residing in a junior college district located immediately adjacent to Texas boundary lines shall be charged the resident tuition by that junior college. (V.A.C.S. Art. 2654c, Sec. 1(j).)

Sec. 54.058. MILITARY PERSONNEL AND DEPENDENTS. (a) Military personnel are classified as provided by this section.

(b) An officer, enlisted man or woman, selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, Texas State Guard, Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fee and other fees or charges required of Texas residents, without regard to the length of time he has been assigned to duty or resided in the state. However, out-of-state Army National Guard or Air National Guard members attending training with Texas Army or Air National Guard units under National Guard Bureau regulations may not be exempted from nonresident tuition by virtue of that training status nor may out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves training with units in Texas under similar regulations be exempted from non resident tuition by virtue of that training status. It is the intent of the legislature that only those members of the Army or Air National Guard, Texas State Guard, or other reserve forces mentioned above be exempted from the nonresident tuition fee and other fees and charges only when they become members of Texas units of the military organizations mentioned above.

(c) As long as they reside continuously in Texas, the spouse and children of a member of the Armed Forces of the United States who has been assigned to duty elsewhere immediately following assignment to duty in Texas are entitled to pay the tuition fees and other fees or charges provided for Texas residents.

(d) If nonresident military personnel are attending an institution of higher education under a contract between the institution and any branch of the Armed Forces of the United States, in which the tuition of the member of the military is paid in full by the United States government, the student shall pay the nonresident tuition fee.

(e) A Texas institution of higher education may charge to the United States government the nonresident tuition fee for a veteran enrolled under the provisions of a federal law or regulation authorizing educational or training benefits for veterans.

(f) The spouse and children of a member of the Armed Forces of the United States who dies or is killed are entitled to pay the

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resident tuition fee if the wife and children become residents of Texas within 60 days of the date of death.

(g) If a member of the Armed Forces of the United States is stationed outside Texas and his spouse and children establish residence in Texas by residing in Texas and by filing with the Texas institution of higher education at which they plan to register a letter of intent to establish residence in Texas, the institution of higher education shall permit the spouse and children to pay the tuition, fees, and other charges provided for Texas residents without regard to length of time that they have resided in the state. (V.A.C.S. Art. 2654c, Sec. 1(k).)

Sec. 54.059. FACULTY, STAFF, DEPENDENTS. A teacher, professor, or other employee of an institution of higher education is entitled to register himself, his spouse, and their children in an institution of higher education by paying the tuition fee and other fees or charges required for Texas residents without regard to the length of time he has resided in Texas. A teacher, professor, or other employee of an institution of higher education is any person employed at least one-half time on a regular monthly salary basis by an institution of higher education. (V.A.C.S. Art. 2654c, Sec. 1 (L).)

Sec. 54.060. RESIDENT OF BORDERING STATE: TUITION AT JUNIOR COLLEGE. The nonresident tuition fee prescribed in this chapter does not apply to a nonresident student who is a resident of a state situated adjacent to Texas and who registers in any Texas public junior college situated immediately adjacent to the state in which the nonresident student resides. The nonresident student described in this section shall pay an amount equivalent to the amount charged a Texas student registered at a similar school in the state in which the nonresident student resides. (V.A.C.S. Art. 2654c, Sec. 1 (d).)

Sec. 54.061. PENALTY FOR NONCOMPLIANCE WITH RULES. The governing board of an institution of higher education may assess and collect from each nonresident student who fails to comply with the rules and regulations of the board concerning nonresident fees a penalty not to exceed $10 a semester. (V.A.C.S. Art. 2654c, Sec. 1(o).)

[Sections 54.062-54.100 reserved for expansion]

SUBCHAPTER C. TUITION SCHOLARSHIPS

Sec. 54.101. TUITION SCHOLARSHIPS. (a) The governing board of each institution of higher education shall reserve and set apart in a separate account on the books of the institution a portion of the tuition fees levied and collected from students, and shall use the funds set aside to award tuition scholarships to needy resident students enrolled in the institution. The portion of the fees to be set aside for each institution shall be determined by the legislature in the general appropriations act.

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(b) Tuition scholarships shall be awarded to students with the approval of the president or other administrative head of the institution in accordance with rules and regulations promulgated by the governing board of the institution. Rules and regulations shall be subject to the provisions of this section.

(c) Eligibility shall be based primarily on financial need. In determining need, consideration should be given to the student's own efforts to finance his education as evidenced by part-time jobs, loans from private sources, or financial capacity of the parents.

(d) Awards shall be based on character and satisfactory scholastic record.

(e) Each recipient of a tuition scholarship must be classified as a "resident student" under the provisions of Subchapter B of this chapter.

(f) Tuition scholarships shall be awarded in the amount of $25 per semester or $50 per long session for each student, except that in the case of medical and dental students, the tuition scholarships shall be awarded in the amount of $125 per semester or $250 per long session for each student. The amount of an award shall be credited to the student as a partial payment of his tuition fee. Students otherwise entitled to a refund shall receive the refund based only on that portion of the tuition actually paid by the student.

(g) Not later than 30 days after the close of the fiscal year each institution shall transfer any unused balance in the fund set up for scholarship awards to the tuition income account from which the scholarship fund was established. (V.A.C.S. Art. 2654c, Sec. 1(b).)

[Sections 54.102-54.200 reserved for expansion]

SUBCHAPTER D. EXEMPTIONS FROM TUITION

Sec. 54.201. HIGHEST RANKING HIGH SCHOOL GRADUATES. The governing board of each institution of higher education may issue scholarships each year to the highest ranking graduate of each accredited high school of this state, exempting the graduates from the payment of tuition during both semesters of the first regular session immediately following their graduation. This exemption may be granted for any one of the first four regular sessions following the individual's graduation from high school when in the opinion of the institution's president the circumstances of an individual case, including military service, merit the action. (V.A.C.S. Art. 2654b-1, Sec. 2.)

Sec. 54.202. HIGH SCHOOL GRADUATES OF STATE HOMES. The governing board of each institution of higher education shall exempt each citizen of Texas who at the time of his admission is a high school graduate of a state home from the payment of all dues, fees, and charges, including fees for correspondence courses. The exemption does not apply either to general property deposits, which may be required as security for the return of or

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proper care of property loaned for the use of a student, or to charges for lodging, board, or clothing. The governing board shall require every applicant who claims this exemption to submit satisfactory evidence that he is a citizen of Texas and is otherwise entitled to the exemption. (V.A.C.S. Art. 2654f.)

Sec. 54.203. VETERANS, DEPENDENTS, ETC. (a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the persons seeking the exemptions were citizens of Texas at the time they entered the services indicated and have resided in Texas for at least the period of 12 months before the date of registration:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the Spanish-American War or during World War I;

(2) all nurses, members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members of the armed forces of the United States who served during World War II except those who were discharged from service because they were over the age of 38 or because of a personal request on the part of the person that he be discharged from service;

(3) all honorably discharged men and women of the armed forces of the United States who served during the national emergency which began on June 27, 1950, and which is referred to as the Korean War; and

(4) all persons who were honorably discharged from the armed forces of the United States after serving on active military duty, excluding training, for more than 180 days during the Cold War which began on the date of the termination of the national emergency cited in Subdivision (3) of this subsection. (V.A.C.S. Art. 2654b; Art. 2654b-1, Sec. 1 (part), 3 (part), 5 (part), 6(a) (part).)

(b) The exemptions provided for in Subsection (a) of this section also apply and inure to the benefit of the children of members of the armed forces of the United States who were killed in action or died while in service during World War II, the national emergency which began on June 27, 1950, or the Cold War, and to the benefit of orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty either in the service of their state or the United States. However, to qualify for this exemption a person must be a citizen of Texas and must have resided in the state for at least 12 months immediately preceding the date of his registration. (V.A.C.S. Art. 2654b-1, Sec. 3 (part), 5 (part), and 6(a) (part).)

(c) The governing board of each institution of higher education granting exemptions shall require every applicant claiming the benefit of an exemption to submit satisfactory evidence that he fulfills the necessary citizenship and residency requirements. (V.A.C.S. Art. 2654b-1, Sec. 1 (part).)

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(d) The exemption from fees provided for in Subsection (a) of this section does not apply to a person if at the time of his registration he is eligible for educational benefits under federal legislation in effect at the time of his registration. A person is covered by the exemptions if his right to benefits under federal legislation is extinguished at the time of his registration. (V.A.C.S. Art. 2654b-1, Sec. 4 (part), 5 (part), and 6(b).)

(e) The governing board of each institution of higher education may enter into contracts with the United States government, or any of its agencies, to furnish instruction to ex-servicemen and ex-service women at a tuition rate which covers the estimated cost of the instruction or, in the alternative, at a tuition rate of $100 a semester, as may be determined by the governing board. If the rates specified are prohibited by federal law for any particular class of ex-servicemen or ex-service women, the tuition rate shall be set by the governing board, but shall not be less than the established rate for civilian students. If federal law provides as to any class of veterans that the tuition payments are to be deducted from subsequent benefits to which the veteran may be entitled, the institution shall refund to any veteran who is a resident of Texas within the meaning of this section the amount by which any adjusted compensation payment is actually reduced because of tuition payments made to the institution by the federal government for the veteran. (V.A.C.S. Art. 2654b-1, Sec. 4 (part).)

Sec. 54.204. CHILDREN OF DISABLED FIREMEN AND PEACE OFFICERS. (a) In this section:

(1) "Eligible employee" means a full-paid or volunteer fireman, or a full-paid municipal, county, or state peace officer, or a custodial employee of the Texas Department of Corrections, or a game warden, who has a child under 21 years of age.

(2) "Disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be under a disability unless he furnishes such proof of its existence as may be required.

(b) The governing board of each institution of higher education shall exempt from the payment of all tuition and laboratory fees any person whose parent is an eligible employee who has suffered an injury, resulting in death or disability, sustained in the line of duty according to the regulations and criteria then in effect governing the department or agency in which he was employed. The exemption does not apply to general property deposits or to fees or charges for lodging, board, or clothing.

(c) A person is not entitled to the exemption if he:

(1) does not apply initially for the exemption before he becomes 21 years of age;

(2) does not meet all entrance requirements of the institution; or

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(3) does not maintain a scholastic average sufficient to remain in good standing.

(d) A person loses his right to an exemption after eight consecutive semesters, not including summer semesters, beginning with the first semester for which he registers.

(e) A person entitled to an exemption under the provisions of this section may use the exemption:

(1) only at the public senior college or university which he first attends under the provisions of this section; or

(2) only at the public junior college which he first attends, and upon successful completion of four consecutive semesters at the public junior college he may continue to use the exemption for four consecutive semesters only at the public senior college or university which he subsequently first attends.

(f) A person entitled to an exemption under the provisions of this section shall, when transferring from a public junior college to a public senior college or university, meet the standard entrance requirements required by the senior college or university of an applicant for admission not covered by the provisions of this section.

(g) An eligible employee whose injury results in a disability shall submit to a physical examination by a physician designated by the United States Social Security Administration to conduct physical examinations and to make disability reports to the Social Security Administration. If the physician decides the injury received has resulted in a disability, he shall certify this fact to the head of the department which employs the employee.

(h) The head of the department which employed the eligible employee at the time he sustained the injury shall file a certificate with the Coordinating Board, Texas College and University System, on a form prepared by the board for the purpose. The head of the department shall attach the certificate of the examining physician if an examination is required by Subsection (g) of this section. A copy of the certificate on file with the coordinating board is sufficient evidence for the institution to grant the exemption. (V.A.C.S. Art. 2654f-1.)

Sec. 54.205. BLIND, DEAF STUDENTS. (a) In this section:

(1) "Resident" has the same meaning as is assigned it in Subchapter B of this chapter.

(2) "Blind person" means a person who is a "blind disabled individual" as defined in Section 5, Chapter 291, Acts of the 59th Texas Legislature, Regular Session, 1965 (Article 3207c, Vernon's Texas Civil Statutes), and who is eligible for the rehabilitation services of the State Commission for the Blind.

(3) "Deaf person" means a person whose sense of hearing is nonfunctional, after all necessary medical treatment, surgery, and use of hearing aids, for understanding normal conversation and who is eligible for the services of the Division of Vocational Rehabilitation of the Texas Education Agency.

(4) "Tuition fees" includes all dues, fees, and charges, including fees for correspondence courses, except general property deposit fees, student services fees, and fees or charges for lodging, board, or clothing.

(b) A deaf or blind person who is a resident is entitled to exemption from the payment of tuition fees at any institution of higher education utilizing public funds if he presents:

(1) certification by the appropriate state vocational rehabilitation agency that he is deaf or blind and is a client of the agency;

(2) a high school diploma or its equivalent;

(3) proof of good moral character, which may be evidenced by a letter of recommendation from the principal of the high school attended by the deaf or blind individual or, if the high school no longer exists or if the principal cannot be located, a letter of recommendation from the individual's clergyman, a public official, or some other responsible person who knows the deaf or blind individual and is willing to attest to his good moral character; and

(4) proof that he meets all other entrance requirements of the institution.

(c) The governing board of an institution may establish special entrance requirements to fit the circumstances of deaf and blind persons. In order to obtain the maximum vocational benefits of their college training, all deaf students applying for a tuition exemption under this legislation shall cooperate with the Commission for Rehabilitation, and all blind students applying for a tuition exemption under this section shall cooperate with the State Commission for the Blind. The Commission for Rehabilitation and the State Commission for the Blind shall utilize all available and appropriate resources at the institutions of higher education to insure that deaf or blind students receive the maximum benefits from college training for which tuition fee exemptions are claimed under this Act. The Commission for Rehabilitation, the State Commission for the Blind, and the Coordinating Board, Texas College and University System, may develop any rules and procedures that these agencies determine necessary for the efficient implementation of this section. (V.A.C.S. Art. 2654f-2.)

Sec. 54.206. LOW-INCOME FAMILIES. (a) This section may be cited as the Connally-Carillo Act.

(b) In this section, "family income" means the combined gross income of the applicant and his parents, if he is single, or the combined gross income of the applicant, his parents, and his spouse, if he is married.

(c) The governing board of each institution of higher education shall exempt from the payment of tuition fees and charges each person:

(1) who is a citizen of Texas under 25 years of age on the date of registration and who has resided in the state for a period of not less than 12 months before the date of registration;

(2) who was graduated in the top 25 percent of his graduating class of an accredited high school in 1967 or later or was graduated from an accredited high school in 1967 or later and scored in the top 20 percent on a nationally standardized college admission examination; and

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(3) whose family income was not more than $4,800, as determined by the gross income on the last applicable federal income tax return (or returns) or financial statement which shall be sworn to by the applicant's parents or guardian at the time of registration.

(d) The exemption is limited to the payment of tuition, fees, and charges, including fees for correspondence courses, and does not apply to property deposits or fees or charges for lodging, board, or clothing. The exemption is limited to a maximum of six years for each qualified citizen.

(e) The exemption is not applicable in the case of any person whose tuition, fees, and charges are being or will be paid to the educational institution by the United States government, or one of its agencies, or in the case of any person whose tuition, fees, and charges are paid from funds, either public or private, other than his own or those of his family or his guardian.

(f) The governing board of the institution shall require every applicant claiming an exemption to submit satisfactory evidence that he is entitled to the exemption. (V.A.C.S. Art. 2654f-3.)

Sec. 54.207. STUDENTS FROM OTHER NATIONS OF THE AMERICAN HEMISPHERE. (a) The governing boards of the institutions of higher education may annually exempt from the payment of tuition fees the following students:

(1) 200 native-born students from the other nations of the American hemisphere; and

(2) 35 native-born students from a Latin American country designated by the United States Department of State.

(b) Ten students from each nation, as authorized in Subsection (a)(1) of this section, shall be exempt as provided in this subsection. In the event any nation fails to have 10 students available and qualified for exemption, additional students from the other nations may be exempted, subject to the approval of the State Board of Education and allocation by it. However, not more than 235 students from all the nations shall be exempt each year. In the event the nation designated in Subsection (a)(2) of this section fails to have 35 students available and qualified for exemption within a reasonable time, additional students from other nations may be exempt, subject to the approval of the State Board of Education.

(c) Every applicant desiring the exemption shall furnish satisfactory evidence, certified by the proper authority of his native country, that he is a bona fide native-born citizen and resident of the country which certifies his application and that he is scholastically qualified for admission.

(d) The State Board of Education, after consultation with representatives of the governing boards of the institutions of higher education, shall formulate and prescribe a plan governing the admission and distribution of all applicants desiring to qualify under the provisions of this section.

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(e) No student shall be exempted under this section who is not a native-born citizen of the country certifying his qualifications and who has not lived in one of the nations of this hemisphere for a period of at least five years. No member of the Communist Party and no student from Cuba shall be eligible for benefits under this section. (V.A.C.S. Art. 2654e.)

[Sections 54.208-54.500 reserved for expansion]

SUBCHAPTER E. OTHER FEES AND DEPOSITS

Sec. 54.501. LABORATORY FEES. An institution of higher education may make and collect a laboratory charge in an amount sufficient to cover in general the cost of laboratory materials and supplies used by a student. The laboratory charge shall be not less than $2 nor more than $8 for any one semester or summer term for any student in any one laboratory course, but shall not exceed the cost of actual materials and supplies used by the student. (V.A.C.S. Art. 2654a, Sec. 2 (part); Art. 2654c, Sec. 1(m) (part), 2 (part).)

Sec. 54.502. GENERAL PROPERTY DEPOSITS. An institution of higher education may collect a reasonable deposit not to exceed $10 from each student to insure the institution against losses, damages, and breakage in libraries and laboratories. The deposit shall be returned on the withdrawal or graduation of a student, less any loss, damage, or breakage caused by the student. The medical and dental units of The University of Texas System shall collect a breakage or loss deposit no greater than $30. (V.A.C.S. Art. 2654a, Sec. 2 (part).)

Sec. 54.503. STUDENT SERVICES FEES. (a) For the purposes of this section, "student services" means textbook rentals, recreational activities, health and hospital services, automobile parking privileges, intramural and intercollegiate athletics, artists and lecture series, cultural entertainment series, debating and oratorical activities, student publications, student government, and any other student activities and services specifically authorized and approved by the appropriate governing board.

(b) The governing board of an institution of higher education may charge and collect from students registered at the institution fees to cover the cost of student services which the board deems necessary or desirable in carrying out the educational functions of the institution. The fee or fees may be either voluntary or compulsory as determined by the governing board. The total of all compulsory student service fees collected from a student for any one semester or summer session shall not exceed $30. No fee for parking services or facilities may be levied on a student unless the student desires to use the parking facilities provided.

(c) The governing board may fix and collect a reasonable fee or fees for the enforcement and administration of parking or traffic regulations approved by the board for the institution.

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(d) The provisions of this section do not affect the building use fees or other special fees authorized by the legislature for any institution for the purpose of financing revenue bond issues.

(e) All money collected as student services fees shall be reserved and accounted for in an account or accounts kept separate and apart from educational and general funds of the institution and shall be used only for the support of student services. All the money shall be placed in a depository bank or banks designated by the governing board and shall be secured as required by law. Each year the governing board shall approve for the institution a separate budget for student activities and services financed by fees authorized in this section. The budget shall show the fees to be assessed, the purpose or functions to be financed, the estimated income to be derived, and the proposed expenditures to be made. Copies of the budgets shall be filed annually with the coordinating board, the governor, the legislative budget board, the state auditor, and the state library.

(f) The governing board may waive all or part of any compulsory fee or fees authorized by this section in the case of any student for whom the payment of the fee would cause an undue financial hardship, provided the number of the students does not exceed 10 percent of the total entrollment. The board may limit accordingly the participation of a student in the activities financed by the fee so waived. (V.A.C.S. Art. 2654a, Sec. 4.)

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CHAPTER 55. FINANCING PERMANENT IMPROVEMENTS

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CHAPTER 55. FINANCING PERMANENT IMPROVEMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 55.01 DEFINITIONS. In this chapter:

(1) "Institution of higher education" or "institution" has the meaning assigned to it by Section 61.003(7) of this code, except that "public junior college" is excluded.

(2) "Governing board" or "board" means the board having management and control of an institution of higher education. (New.)

[Sections 55.02-55.10 reserved for expansion]

SUBCHAPTER B. REVENUE BONDS AND FACILITIES.

Sec. 55.11. GENERAL AUTHORITY. Each board is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof.

Sec. 55.12. CONTRACTS FOR JOINT CONSTRUCTION. Each board may enter into contracts with municipalities or school districts for the joint construction of museums, libraries, or other buildings.

Sec. 55.13. AUTHORITY TO ISSUE REVENUE BONDS. For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof, each board may issue its revenue bonds from time to time and in one or more issue or series, to be payable from and secured by liens on and pledges of all or any part of any of the revenues, income, or receipts of the board and its institution or institutions, or any branch or branches thereof, including, without limitation, any rentals, rates, charges, fees, or other resources, in the manner provided by this subchapter.

Sec. 55.14. TERMS AND CONDITIONS. (a) The bonds may be issued to mature serially or otherwise within not to exceed 50 years from their date, and each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under any terms or conditions that may be set forth in the resolution authorizing the issuance of the bonds.

(b) The bonds, and any interest coupons appertaining thereto, are and shall constitute negotiable instruments within the meaning and for all purposes of the Texas Uniform Commercial Code (provided that the bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall

bear interest at such rates, all as shall be determined and provided by the board in the resolution authorizing the issuance of the bonds.

Sec. 55.15. DISPOSITION OF BOND PROCEEDS. Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition or construction of any facilities to be provided through the issuance of the bonds, and for providing a reserve for the payment of the principal of and interest on the bonds, and such proceeds may be placed on time deposit or invested, until needed, to the extent, and in the manner provided, in the bond resolution.

Sec. 55.16. RENTALS, RATES, CHARGES, AND FEES. Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, services, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or other facilities, in such amounts and in such manner as may be determined by the board.

Sec. 55.17. PLEDGES; PARIETAL RULES; TYPES OF FEES; ADDITIONAL PLEDGE OF RESOURCES. (a) Each board may pledge all or any part of its revenues, income, or receipts from such rentals, rates, charges, and/or fees, or other resources to the payment of the bonds, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds. The pledged rentals, rates, charges, and/or fees shall be fixed and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the bonds and for the payment of operation, maintenance, and other expenses in connection with the aforesaid property, buildings, structures, activities, services, operations, or other facilities.

(b) Each board may establish and enforce parietal rules for students and others, and enter into agreements regarding occupancy, use, and availability of facilities, and the amounts and collection of pledged revenues, income, receipts, rentals, rates, charges, fees, or other resources, that will assure making all the required payments and deposits.

(c) Fees for the use by or availability to the students of all or any property, buildings, structures, activities, services, operations, or other facilities, may be pledged to the payment of the bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, or any branch or branches thereof, in the amounts and in the manner as determined and provided by the board in the resolution authorizing the issuance of the bonds; and said fees may be collected in the full amounts required or permitted herein, without regard to actual use, availability, or existence of any facility, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of

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any specifically described property, buildings, structures, activities, services, operations, or other facilities; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions, or any branch or branches thereof. Such specific and/or general fees may be fixed and collected, and pledged to the payment of any issue or series of bonds issued by the board, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions, or any branch or branches thereof; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in any resolution authorizing the issuance of bonds, and provided that no such additional specific fees shall be pledged if prohibited by any resolution which authorized the issuance of any then outstanding bonds.

(d) Additionally, each board may pledge irrevocably to the payment of the bonds, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, or any branch or branches thereof, an amount not exceeding $5 from each enrolled student for each regular semester and $2.50 from each enrolled student for each summer term. Each board also may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. A board also may pledge to the payment of the bonds all or any part of any revenues, income, receipts, or other resources of said board, including, without limitation, student charges, to the extent that such revenues, income, receipts, or other resources are permitted to be pledged to the payment of revenue bonds authorized to be issued by the board by any other law. Further, in issuing bonds pursuant to this subchapter, each board additionally may pledge to the payment of outstanding bonds, issued pursuant to any other law, all or any part of the revenues, income, receipts, or resources of the board authorized to be pledged to the payment of bonds issued pursuant to this subchapter.

Sec. 55.18. BONDS NOT OBLIGATIONS OF THE STATE. Bonds issued by a board are payable solely from the revenues, income, receipts, or other resources of the board, as provided in this subchapter, and such bonds shall never be an obligation of the State of Texas.

Sec. 55.19. REFUNDING BONDS. Any bonds or notes at any time issued by a board may be refunded or otherwise refinanced by the issuance by the board of refunding bonds for such purpose, under such terms, conditions, and details as may be determined by resolution of the board. All pertinent and appropriate provisions of this subchapter shall be applicable to such refunding bonds, and they shall be issued in the manner provided herein for other bonds authorized under this subchapter; provided that such refunding bonds may be sold and delivered in amounts necessary to pay the principal, interest, and redemption premium, if any, of

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bonds or notes to be funded or refunded, at maturity or on any redemption date. Also, such refunding bonds may be issued to be exchanged for the bonds or notes being refunded thereby. In the latter case, the Comptroller of Public Accounts of the State of Texas shall register the refunding bonds and deliver the same to the holder or holders of the bonds or notes being refunded thereby, in accordance with the provisions of the resolution authorizing the refunding bonds; and any such exchange may be made in one delivery, or in several installment deliveries. Bonds issued at any time by a board also may be refunded in the manner provided by any other applicable law.

Sec. 55.20. APPROVAL AND REGISTRATION OF BONDS. All bonds issued by any board, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

Sec. 55.21. BONDS ARE AUTHORIZED INVESTMENTS AND SECURITY FOR DEPOSITS. All bonds issued by any board are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and for all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and for all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

Sec. 55.22. VALIDATION OF BONDS AND PROCEEDINGS. All revenue bonds heretofore approved by the attorney general and registered by the comptroller, which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, income, receipts, or other resources of such board, are hereby validated in all respects, together with all proceedings authorizing the issuance thereof, and said bonds and proceedings are and shall be valid and binding obligations in accordance with their terms and conditions for all purposes, as though they had been duly and legally issued and authorized originally.

Sec. 55.23. CUMULATIVE EFFECT OF SUBCHAPTER. This subchapter shall be cumulative of all other law on the subject, but this

subchapter shall be wholly sufficient authority within itself for the issuance of the bonds and the performance of the other acts and procedures authorized hereby, without reference to any other law or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds are being issued under this subchapter, then to the extent of any conflict or inconsistency between any provisions of this subchapter and any provision of any other law, the provisions of this subchapter shall prevail and control; provided, however, that any board shall have the right to use the provisions of any other laws, not in conflict with the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this subchapter.

Sec. 55.24. PLEDGES UNDER PREVIOUS LAWS TO REMAIN IN EFFECT. Where any revenues, income, receipts, or other resources of any board have been pledged to the payment of principal of and interest on any bonds or notes issued and delivered pursuant to any other law, the repeal of such law by virtue of the enactment of Title 3 of this code shall not affect any such pledge or any covenants with respect to such bonds or notes, or any bonds issued to refund same, and all such pledges and covenants shall remain in full force and effect in accordance with the terms and provisions thereof.

[Sections 55.25-55.40 reserved for expansion]

SUBCHAPTER C. REFUNDING CONSTITUTIONAL BONDS AND NOTES

Sec. 55.41. REFUNDING BONDS. The governing board of any institution which has heretofore issued or which hereafter issues bonds or notes pursuant to the authority of Article VII, Section 17, of the Texas Constitution, as amended, may issue refunding bonds to refinance or refund any or all of the bonds or notes by the issuance of its refunding bonds; and the governing board may pledge all or any part of the funds allotted pursuant to that section of the constitution to any institution governed by the board to secure the refunding bonds issued pursuant to this section. The refunding bonds shall be issued in the amounts, and bear interest at the rates, determined by the governing board, provided that such interest rates shall not exceed any constitutional limit; and shall mature serially or otherwise in not more than 10 years. The refunding bonds shall be examined and approved by the attorney general, and when so approved shall be incontestable, and all bonds shall be registered by the comptroller of public accounts. The refunding bonds may be exchanged for bonds or notes issued pursuant to the section of the constitution or may be sold and the proceeds used to call and redeem the outstanding bonds and notes. (V.A.C.S. Art. 2909c-2.)

SUBTITLE B. STATE COORDINATION OF HIGHER EDUCATION

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SUBTITLE B. STATE COORDINATION OF HIGHER EDUCATION
CHAPTER 61. COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 61.001. SHORT TITLE. This chapter may be cited as the Higher Education Coordinating Act of 1965. (V.A.C.S. Art. 2919e-2, Sec. 1 (part).)

Sec. 61.002. PURPOSE. The purpose of this chapter is to establish in the field of public higher education in the State of Texas an agency to provide leadership and coordination for the Texas higher education system, institutions, and governing boards, to the end that the State of Texas may achieve excellence for college education of its youth through the efficient and effective utilization and concentration of all available resources and the elimination of costly duplication in program offerings, faculties, and physical plants. (V.A.C.S. Art. 2919e-2, Sec. 1 (part).)

Sec. 61.003. DEFINITIONS. In this chapter:

(1) "Board" means the Coordinating Board, Texas College and University System.

(2) "Public junior college" means any junior college certified as required by law, including but not limited to the following as long as they retain certification: Alvin Junior College; Amarillo Junior College; Blinn Junior College, Brenham; Cisco Junior College; Clarendon Junior College; Cooke County Junior College, Gainesville; Del Mar Junior College, Corpus Christi; Frank Phillips Junior College, Borger; Grayson County Junior College, Denison; Henderson County Junior College, Athens; Hill County Junior College, Hillsboro; Howard County Junior College, Big Spring; Kilgore Junior College; Laredo Junior College; Lee Junior College, Baytown; Navarro County Junior College, Corsicana; Odessa Junior College; Panola County Junior College, Carthage; Paris Junior College; Ranger Junior College; San Antonio Junior College; San Jacinto Junior College, Pasadena; South Plains Junior College, Levelland; Southwest Texas Joint Counties Junior College, Uvalde; Temple Junior College; Texarkana Junior College; Texas Southmost College, Brownsville; Tyler Junior College; Victoria Junior College; Weatherford Junior College; and Wharton County Junior College, Wharton.

(3) "General academic teaching institution" means The University of Texas at Austin; The University of Texas at El Paso; The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio; Texas A & M University, Main University; The University of Texas at Arlington; Tarleton State College; Prairie View Agricultural and Mechanical College; Texas Maritime Academy; Texas Tech University; North Texas State University; Lamar State College of Technology; Texas A & I University; Texas Woman's University; Texas Southern University; Midwestern University; University of Houston; Pan American College; East Texas State University; Sam Houston State University; Southwest Texas State University; West Texas State University; Stephen F. Austin State University; Sul Ross State University; Angelo State University; and any other college,

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university, or institution so classified as provided in this chapter or created and so classified, expressly or impliedly, by law.

(4) "Public senior college or university" means a general academic teaching institution as defined above.

(5) "Medical and dental unit" means The University of Texas Medical Branch at Galveston; Southwestern Medical School; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the component institutions of The University of Texas Nursing School (System-wide); and The University of Texas School of Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

(6) "Other agency of higher education" means The University of Texas System, System Administration; Texas Western University Museum; Texas A & M University System, Administrative and General Offices; Texas Agricultural Experiment Station; Texas Agricultural Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas Agricultural Extension Service); Texas Engineering Experiment Station (including the Texas Transportation Institute); Texas Engineering Extension Service; Texas Forest Service; Texas Tech University Museum; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Water Resources Institute of Texas; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

(7) "Institution of higher education" means any public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in this section.

(8) "Governing board" means the body charged with policy direction of any public junior college, public senior college or university, medical or dental unit, or other agency of higher education, including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards insofar as they are charged with policy direction of a public junior college.

(9) "University system" means the association of one or more public senior colleges or universities, medical or dental units, or other agencies of higher education under the policy direction of a single governing board.

(10) "Degree program" means any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle him to a degree from a public senior college or university or a medical or dental unit.

(11) "Certificate program" means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle him to a certificate, associate degree from a junior college, or documentary evidence, other than a degree, of completion of a course of study from an institution of higher education, provided that programs approved by or subject to the approval of the State Board of Vocational Education are excluded from this definition.

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(12) "Recognized accrediting agency" means the Southern Association of Colleges and Schools and any other association or organization so designated by the board.

(13) "Educational and general buildings and facilities" means buildings and facilities essential to or commonly associated with teaching, research, or the preservation of knowledge. Excluded are auxiliary enterprise buildings and facilities, including but not limited to dormitories, cafeterias, student union buildings, stadiums, and alumni centers. (V.A.C.S. Art. 2919e-2, Sec. 2.)

[Sections 61.004-61.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 61.021. ESTABLISHMENT OF COORDINATING BOARD: FUNCTIONS. The Coordinating Board, Texas College and University System, is an agency of the state. It shall have its office in Austin. It shall perform only the functions which are enumerated in this chapter and which the legislature may assign to it. Functions vested in the governing boards of the respective institutions of higher education not specifically delegated to the coordinating board shall be performed by the governing boards. The coordinating functions and other duties delegated to the board in this chapter shall apply to all public institutions of higher education. (V.A.C.S. Art. 2919e-2, Sec. 3.)

Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF OFFICE. The board shall consist of 18 members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Of the initial appointments to the board six shall be for terms which shall expire August 31, 1967, six for terms which shall expire August 31, 1969, and six for terms which shall expire on August 31, 1971, or at such time as their successors are appointed and have qualified. Thereafter, the governor shall appoint members for terms of six years. Members of the Texas Commission on Higher Education are eligible for appointment to the board. No member may be employed professionally for remuneration in the field of education during his term of office. (V.A.C.S. Art. 2919e-2, Sec. 4 (part).)

Sec. 61.023. BOARD OFFICERS. The governor shall designate a chairman and vice chairman of the board. The board shall appoint a secretary of the board whose duties may be prescribed by law and by the board. (V.A.C.S. Art. 2919e-2, Sec. 4 (part), Sec. 4a.)

Sec. 61.024. COMPENSATION AND EXPENSES OF MEMBERS. Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending meetings of the board or in attending to other work of the board when that other work is approved by the chairman of the board. (V.A.C.S. Art. 2919e-2, Sec. 5.)

Sec. 61.025. QUORUM; MEETINGS; AGENDA. A majority of the membership of the board constitutes a quorum. The board shall hold regular quarterly meetings in the city of Austin, and other meetings at places and times scheduled by it in formal sessions and called by the chairman. An agenda for the meetings in sufficient detail to indicate the items on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each state institution of higher education at least 30 days prior to the meeting. (V.A.C.S. Art. 2919e-2, Sec. 6.)

Sec. 61.026. COMMITTEES AND ADVISORY COMMITTEES. The chairman may appoint committees from the board's membership as he or the board may find necessary from time to time. The board may appoint advisory committees from outside its membership as it may deem necessary. (V.A.C.S. Art. 2919e-2, Sec. 7.)

Sec. 61.027. RULES OF PROCEDURE; HEARINGS; NOTICE; MINUTES. The board shall adopt and publish rules and regulations in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes), to effectuate the provisions of this chapter. The board shall grant any institution of higher education a hearing upon request and after reasonable notice. Minutes of all meetings shall be available in the board's office for public inspection. (V.A.C.S. Art. 2919e-2, Sec. 8.)

Sec. 61.028. COMMISSIONER OF HIGHER EDUCATION; PERSONNEL; CONSULTANTS. The board shall appoint a commissioner of higher education, who shall select and supervise the board's staff and perform other duties delegated to him by the board. The commissioner shall serve at the pleasure of the board. The commissioner shall be a person of high professional qualifications having a thorough background by training and experience in the fields of higher education and administration and shall possess such other qualifications as the board may prescribe. The commissioner shall employ professional and clerical personnel and consultants as necessary to assist the board and the commissioner in performing the duties assigned by this chapter. The number of employees, their compensation and the other expenditures of the board shall be within the limits and in compliance with the appropriation made for those purposes by the legislature and within budgets that shall be approved from time to time by the board. (V.A.C.S. Art. 2919e-2, Sec. 9.)

[Sections 61.029-61.050 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 61.051. COORDINATION OF INSTITUTIONS OF PUBLIC HIGHER EDUCATION. (a) The board shall represent the highest authority in the state in matters of public higher education.

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(b) The board shall define a junior college, a senior college, a university, and a university system; provided, that nothing in this section may be construed to authorize the board to establish or create any university system or to alter any university system presently existing by virtue of statute or the constitution of this state.

(c) The board shall develop and publish criteria to be used as a basis for determining the need for changing the classification of any public institution of higher education and for determining the need for new public junior colleges, public senior colleges, universities, or university systems.

(d) The board shall classify and prescribe the role and scope for each public institution of higher education in Texas, shall make such changes in classification or role and scope of each institution as it deems necessary, and shall hear applications from the institutions for changes in classification or role and scope.

(e) The board shall review periodically all degree and certificate programs offered by the institutions of higher education to assure that they meet the present and future needs of the state. The board shall also order the initiation, consolidation, or elimination of degree or certificate programs where that action is in the best interests of the institutions themselves or the general requirements of the State of Texas, or when that action offers hope of achieving excellence by a concentration of available resources. No new department, school, degree program, or certificate program may be added at any institution of higher education after September 1, 1965, except with specific prior approval of the board.

(f) The board shall encourage and develop in cooperation with the State Board of Vocational Education new certificate programs in technical and vocational education in institutions of higher education as the needs of technology and industry may demand and shall recommend the elimination of certificate programs for which a need no longer exists.

(g) The board shall develop and promulgate a basic core of general academic courses which, when offered at a junior college during the first two years of collegiate study, shall be freely transferable among all public institutions of higher education in Texas which are members of recognized accrediting agencies on the same basis as if the work had been taken at the receiving institution.

(h) The board shall make continuing studies of the needs of the state for research and for extension and public services and designate the institutions of higher education to perform research, public service, and extension programs, including limitation of extension programs for credit to specific geographic areas. The board shall also maintain an inventory of all institutional and programmatic research, extension, and public service activities being conducted by the various institutions, whether state-financed or not. Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the last preceding year. All reports required by this subsection shall be

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made subject to the limitations imposed by security regulations governing defense contracts for research.

(i) The board shall develop and promote one or more degree or certificate programs to the highest attainable quality at each institution of higher education for which the particular institution is uniquely suited and for which there is marked promise of excellence. (V.A.C.S. Art. 2919e-2, Sec. 10.)

Sec. 61.052. LIST OF COURSES: ANNUAL SUBMISSION TO BOARD. Each governing board shall submit to the board once each year on dates designated by the board a comprehensive list by department, division, and school of all courses, together with a description of content, scope, and prerequisites of all these courses, that will be offered by each institution under the supervision of that governing board during the following academic year. The board may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board involved. (V.A.C.S. Art. 2919e-2, Sec. 11.)

Sec. 61.053. BOARD ORDERS; NOTICE. (a) Any order of the board affecting the classification, role and scope, and program of any institution of higher education may be entered only after:

(1) a written factual report and recommendations from the commissioner of higher education covering the matter to be acted on have been received by the board and distributed to the governing board and the administrative head of the affected institution;

(2) the question has been placed upon the agenda for a regularly-scheduled quarterly meeting; and

(3) the governing board of the affected institution has had an opportunity to be heard.

(b) Notice of the board's action shall be given in writing to the governing board concerned not later than four months preceding the fall term in which the change is to take effect. (V.A.C.S. Art. 2919e-2, Sec. 12.)

Sec. 61.054. EXPENDITURES FOR PROGRAMS DISAPPROVED BY BOARD. No funds appropriated to any institution of higher education may be expended for any program which has been disapproved by the board, unless the program is subsequently specifically approved by the legislature. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

Sec. 61.055. INITIATION OF NEW DEPARTMENTS, SCHOOLS, AND PROGRAMS. No new department, school, or degree or certificate program approved by the board or its predecessor, the Texas Commission on Higher Education, may be initiated by any institution of higher education until the board has made a written finding that the department, school, or degree or certificate program is adequately financed by legislative appropriation, by funds allocated by the board, or by funds from other sources. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

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Sec. 61.056. REVIEW OF LEGISLATION ESTABLISHING ADDITIONAL INSTITUTIONS. Any proposed statute which would establish an additional institution of higher education, except a public junior college, shall be submitted, either prior to introduction or by the standing committee considering the proposed statute, to the board for its opinion as to the state's need for the institution. The board shall report its findings to the governor and the legislature. A recommendation that an additional institution is needed shall require the favorable vote of at least two-thirds of the members of the board. A recommendation of the board shall not be considered a condition precedent to the introduction or passage of any proposed statute. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

Sec. 61.057. PROMOTION OF TEACHING EXCELLENCE. To achieve excellence in the teaching of students at institutions and agencies of higher education, the board shall:

(1) develop and recommend:

(A) minimum faculty compensation plans, basic increment programs, and incentive salary increases;

(B) minimum standards for faculty appointment, advancement, promotion, and retirement;

(C) general policies for faculty teaching loads, and division of faculty time between teaching, research, administrative duties, and special assignments;

(D) faculty improvement programs, including a plan for sabbatical leaves, appropriate for the junior and senior colleges and universities, respectively; and

(E) minimum standards for academic freedom, academic responsibility, and tenure;

(2) pursue vigorously and continuously a goal of having all college and university academic classes taught by persons holding the minimum of an earned master's degree or its equivalent in academic training, creative work, or professional accomplishment;

(3) explore, promote, and coordinate the use of educational television among institutions of higher education and encourage participation by public and private schools and private institutions of higher education in educational television;

(4) conduct, and encourage the institutions of higher education to conduct, research into new methods, materials, and techniques for improving the quality of instruction and for the maximum utilization of all available teaching techniques, devices, and resources, including but not limited to large classes, team teaching, programmed instruction, interlibrary exchanges, joint libraries, specially-designed facilities, visual aids, and other innovations that offer promise for superior teaching or for meeting the need for new faculty members to teach anticipated larger numbers of students; and

(5) assume initiative and leadership in providing through the institutions of higher education in the state those programs and offerings which will achieve the objectives set forth in Section 61.002 of this code. (V.A.C.S. Art. 2919e-2, Sec. 14.)

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Sec. 61.058. CONSTRUCTION FUNDS AND DEVELOPMENT OF PHYSICAL PLANTS. To assure efficient use of construction funds and the orderly development of physical plants to accomodate projected college student enrollments, the board shall:

(1) determine formulas for space utilization in all educational and general buildings and facilities at institutions of higher education;

(2) devise and promulgate methods to assure maximum daily and year-round use of educational and general buildings and facilities, including but not limited to maximum scheduling of day and night classes and maximum summer school enrollment;

(3) consider plans for selective standards of admission when institutions of higher education approach capacity enrollment;

(4) require, and assist the public senior colleges and universities, medical and dental units, and other agencies of higher education in developing, long-range plans for campus development;

(5) endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;

(6) develop and publish standards, rules, and regulations to guide the institutions and agencies of higher education in making application for the approval of new construction and major repair and rehabilitation of educational and general buildings and facilities; and

(7) approve or disapprove all new construction and repair and rehabilitation of educational and general buildings and facilities at institutions of higher education financed from any source other than ad valorem tax receipts of the public junior colleges, provided that:

(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used and their gross dimensions to assure conformity with approved space utilization standards and the institution's approved programs and role and scope;

(B) the requirement of approval for new construction financed from other than appropriated funds applies only to projects the total cost of which is in excess of $100,000;

(C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to projects the total cost of which is in excess of $25,000; and

(D) the requirement of approval or disapproval by the board does not apply to construction, repair, or rehabilitation involving the use of constitutional funds which are authorized by Article VII, Section 11, 17, or 18, of the Texas Constitution. (V.A.C.S. Art. 2919e-2, Sec. 15.)

Sec. 61.059. APPROPRIATIONS RECOMMENDATIONS. (a) To finance a system of higher education and to secure an equitable distribution of state funds deemed to be available for higher education, the board shall perform the functions described in this section.

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(b) The board shall devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature. Not later than March 1 of every even-numbered calendar year, the board shall notify the governing boards and the chief administrative officers of the respective institutions of higher education and university systems, the governor, and the Legislative Budget Board of the formulas designated by the board to be used by the institutions in making appropriation requests for the next succeeding biennium and shall certify to the governor and the Legislative Budget Board that each institution has prepared its appropriation request in accordance with the designated formulas and in accordance with the uniform system of reporting provided in this chapter. The board shall furnish any other assistance to the governor and the Legislative Budget Board in the development of appropriations recommendations as either or both of them may request. However, nothing in this chapter shall prevent or prohibit the governor, the Legislative Budget Board, the board, or the governing board of any institution of higher education from requesting or recommending deviations from any applicable formula or formulas prescribed by the board and advancing reasons and arguments in support of them.

(c) The board shall recommend to the governor and the Legislative Budget Board supplemental contingent appropriations to provide for increases in enrollment at the institutions of higher education. Contingent appropriations may be made directly to the institutions or to the board, as the legislature may direct in each biennial appropriations act. In the event the contingent appropriation is made to the board, the funds shall be allocated and distributed by the board to the institutions as it may determine, subject only to such limitations or conditions as the legislature may prescribe.

(d) The board shall recommend to the governor and the Legislative Budget Board tuition policies for public junior colleges, public senior colleges and universities, medical and dental units, and other agencies of higher education and vocational and technical programs receiving support from state funds.

(e) The board shall distribute funds appropriated to the board for allocation for specified purposes under limitations prescribed by law and the rules and regulations of the board in conformity therewith, provided that no distribution or allocation may be made to any institution of higher education which has failed or refused to comply with any order of the board as long as that failure or refusal continues.

(f) The board shall make continuing studies on its own initiative or upon the request of the governor or the Legislative Budget Board of the financial needs of public higher education and all services and activities of the institutions of higher education and issue reports to the governor and the Legislative Budget Board that result from its studies. (V.A.C.S. Art. 2919e-2, Sec. 16.)

Sec. 61.060. CONTROL OF PUBLIC JUNIOR COLLEGES. The board shall exercise, under the acts of the legislature, general control

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of the public junior colleges of this state, on and after September 1, 1965. All authority not vested by this chapter or other laws of the state in the board is reserved and retained locally in each respective public junior college district or the governing board of each public junior college as provided in the applicable laws. (V.A.C.S. Art. 2919e-2, Sec. 17.)

Sec. 61.061. POLICIES, RULES, AND REGULATIONS RESPECTING JUNIOR COLLEGES. The board has the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges placed upon it by the legislature. The commissioner of higher education is responsible for carrying out these policies and enforcing these rules and regulations. (V.A.C.S. Art. 2919e-2, Sec. 18.)

Sec. 61.062. POWERS RESPECTING JUNIOR COLLEGES. (a) The board may authorize the creation of public junior college districts as provided in the applicable laws. In the exercise of this authority the board shall give particular attention to the need for a public junior college in the proposed district, and the ability of the district to provide adequate local financial support.

(b) The board may dissolve any public junior college district which has failed to establish and maintain a junior college in the district within three years from the date of its authorization.

(c) The board may adopt standards for the operation of public junior colleges and prescribe rules and regulations for them.

(d) The board may require of each public junior college whatever reports it deems necessary in accordance with its rules and regulations.

(e) The board may establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the board with respect to public junior colleges. (V.A.C.S. Art. 2919e-2, Sec. 19.)

Sec. 61.063. LISTING AND CERTIFICATION OF JUNIOR COLLEGES. The commissioner of higher education shall file with the state auditor and the state comptroller on or before October 1 of each year a list of the public junior colleges in this state. The commissioner shall certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the board. Only those colleges which are so certified shall be eligible for and may receive any appropriation made by the legislature to public junior colleges. (V.A.C.S. Art. 2919e-2, Sec. 20.)

Sec. 61.064. COOPERATIVE UNDERTAKINGS WITH PRIVATE COLLEGES AND UNIVERSITIES. The board shall:

(1) enlist the cooperation of private colleges and universities in developing a statewide plan for the orderly growth of the Texas system of higher education;

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(2) encourage cooperation between public and private institutions of higher education wherever possible and may enter into cooperative undertakings with those institutions on a shared-cost basis as permitted by law;

(3) consider the availability of degree and certificate programs in private institutions of higher education in determining programs for public institutions of higher education; and

(4) cooperate with these private institutions, within statutory and constitutional limitations, to achieve the purposes of this chapter. (V.A.C.S. Art. 2919e-2, Sec. 21.)

Sec. 61.065. REPORTING; ACCOUNTING. After consultation with the governor, the state auditor, and the Legislative Budget Board, the board shall prescribe a uniform system of reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. Financial reports of the institutions of higher education shall classify accounts in accordance with the recommendation of the National Committee on the Preparation of a Manual on College and University Business Administration as set forth in Volume I of College and University Business Administration published by the American Council on Education with a copyright date of 1952, and subsequent published revisions, with such modifications as may be developed as provided by this chapter or as may be required to conform with specific provisions of the biennial appropriations acts of the legislature. The accounts of the institutions shall be maintained and audited in accordance with the approved reporting system. (V.A.C.S. Art. 2919e-2, Sec. 22.)

Sec. 61.066. STUDIES AND RECOMMENDATIONS; REPORTS. The board shall make studies and recommendations directed toward the achievement of excellence or toward improved effectiveness and efficiency in any phase of higher education in Texas and shall report on their studies and recommendations to the governor and the legislature. The officials of the institutions of higher education shall comply with requests for reports or information made by the board or the commissioner. To assure that the institutions of higher education timely file various reports with the appropriate agencies, the board shall receive and distribute the reports required by statute to be filed with the governor, the Legislative Budget Board, the state auditor, the state library, and any other state agency. (V.A.C.S. Art. 2919e-2, Sec. 23.)

Sec. 61.067. CONTRACTS. In achieving the goals outlined in this chapter and in performing the functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations and individuals. The board shall propose, foster, and encourage the use of interagency contracts among the institutions of higher education to reduce duplication and achieve better use of personnel and facilities. (V.A.C.S. Art. 2919e-2, Sec. 24.)

Sec. 61.068. GIFTS, GRANTS, DONATIONS. The board may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation, or the United States, subject to such limitations or conditions as may be provided by law. Gifts, grants, or donations of money shall be deposited in the state treasury and expended in accordance with the specific purpose for which given, under such conditions as may be imposed by the donor and as provided by law. (V.A.C.S. Art. 2919e-2, Sec. 25.)

Sec. 61.069. BOARD REPORT. The board shall make a report of its activities to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature. (V.A.C.S. Art. 2919e-2, Sec. 26.)

Sec. 61.070. DUTIES OF CENTRAL EDUCATION AGENCY NOT AFFECTED. None of the duties or functions assigned by statute to the central education agency, except those relating to public junior colleges, are affected by this chapter. (59th Legis., Ch. 12, Sec. 2 (part).)

[Sections 61.071-61.090 reserved for expansion]

SUBCHAPTER D. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE AND BAYLOR UNIVERSITY COLLEGE OF DENTISTRY

Sec. 61.091. DEFINITIONS. In this subchapter:

(1) "Bona fide Texas resident" means a person defined
* as a "resident student" in Subchapter B, Chapter 54 of this code, and rules, regulations, and interpretations promulgated under that subchapter by the board or the Commission on Higher Education.

(2) "Established public medical schools" means The University of Texas Medical Branch and Southwestern Medical School.

(3) "Undergraduate medical student" means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree.

(4) "Scholastic year of disbursement" means the period of time commencing on September 1 of each calendar year and terminating on August 31 of the next succeeding calendar year. The first scholastic year of disbursement commences on September 1, 1970, and terminates on August 31, 1971.

(5) "Average annual state tax support per undergraduate medical student enrolled at the established public medical schools" means an amount calculated by dividing the net general revenue appropriations to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of undergraduate medical students enrolled in those schools on October 15 of the fiscal year. (V.A.C.S. Art. 2919e-2.1, Sec. 1.)

Sec. 61.092. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE. The board may contract with Baylor College of Medicine for the administration, direction, and performance of all services and the

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provision, maintenance, operation, and repair of all buildings, facilities, structures, equipment, and materials necessary or proper to the education, training, preparation, or instruction of bona fide Texas resident undergraduate medical students. However, nothing in this subchapter may be construed to empower the board to limit, alter, modify, or in any other manner change or approve, or negotiate for changes in or approval of, the administration, direction, and performance of these services or the provision, maintenance, operation, and repair of buildings, facilities, structures, equipment, or materials. (V.A.C.S. Art. 2919e-2.1, Sec. 2.)

Sec. 61.093. DISBURSEMENTS. (a) In the exercise of the authority described in Section 61.092 of this code, the board may disburse to Baylor College of Medicine, during each scholastic year of disbursement, an amount equal to the average annual state tax support per undergraduate medical student at the established public medical schools, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Baylor College of Medicine. However, the board may never disburse an amount exceeding the amount appropriated by the legislature for this purpose.

(b) Subject to the limitations described in Subsection (a) of this section, the board may establish, by contract with Baylor College of Medicine, the method by which the disbursement shall be accomplished, and may prescribe reasonable rules and regulations necessary to ascertain the average annual state tax support per undergraduate medical student at the established public medical schools. (V.A.C.S. Art. 2919e-2.1, Sec. 3.)

Sec. 61.094. CONTRACTS WITH BAYLOR UNIVERSITY COLLEGE OF DENTISTRY. The board may contract with the Baylor University College of Dentistry, to the extent it is owned by a nonprofit corporation distinct from the Baptist Church, for the education, training, preparation, or instruction of bona fide Texas resident undergraduate dental students enrolled for a regular schedule of courses in pursuit of a Doctor of Dentistry degree, in the same manner as provided in this subchapter for medical students, including all powers with respect to medical students, and all powers with respect to the Board and the Baylor University College of Medicine granted in this subchapter. For the purposes of this section, The University of Texas Dental Branch at Houston shall be used to calculate the average annual state tax support per undergraduate dental student. (V.A.C.S. Art. 2919e-2.1, Sec. 4.)

Sec. 61.095. RESTRICTIONS. The rights, powers, and authority granted in this subchapter shall not be subject to restriction, limitation, obligation, or requirement provided in Section 61.068 of this code or Articles 665 through 678m, inclusive, of Vernon's Texas Civil Statutes, notwithstanding any other provision in this subchapter. (V.A.C.S. Art. 2919e-2.1, Sec. 5.)

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CHAPTER 65. ADMINISTRATION OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 65.01. DEFINITIONS. In this chapter:

(1) "System" or "university system" means The University of Texas System.

(2) "Board" means the board of regents of The University of Texas System. (New.)

[Sections 65.02-65.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 65.11. BOARD OF REGENTS. The government of the university system is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (R.S. Art. 2584 (part); V.A.C.S. Art. 2584a.)

Sec. 65.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2907 (part).)

Sec. 65.13. BOARD OFFICERS. The board shall elect a chairman from its members to serve at the will of the board. The state treasurer shall be the treasurer of the university system. (R.S. Art. 2584 (part).)

Sec. 65.14. EXPENSES. The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from the available university fund. (R.S. Art. 2589.)

Sec. 65.15. SEAL. The board may make and use a common seal and may alter it at will. (R.S. Art. 2584 (part).)

[Sections 65.16-65.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 65.31. GENERAL POWERS AND DUTIES. (a) The board shall enact bylaws, rules, and regulations it deems necessary for the successful management and government of the university system.

(b) The board shall:

(1) establish the organization of the university system;

(2) determine the offices and professorships;

(3) appoint a chief executive officer for each component institution within the system, who, if the board deems it advisable, shall also discharge the duties of a professor;

(4) appoint the professors and other officers and fix their respective salaries;

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(5) regulate the course of instruction and prescribe, with the advice of the faculty, the books and authorities used in the several departments; and

(6) confer the degrees and grant the diplomas usually conferred and granted by universities. (R.S. Art. 2585.)

Sec. 65.32. REMOVAL OF OFFICERS, ETC. The board may remove any officer, member of the faculty, or employee connected with the system when in its judgment the interest of the system requires the removal. (R.S. Art. 2586.)

Sec. 65.33. EMINENT DOMAIN. (a) The board has the power of eminent domain to acquire for the use of the university system any land that may be necessary and proper for carrying out its purposes in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended.

(b) Whenever the board has been made trustees by a will, instrument in writing, or otherwise of a trust for a scientific, educational, philanthropic, or charitable purpose, or other trust for a public purpose, it may act by a quorum of the board or a majority of all members. Unless otherwise directed by the terms of the will or instrument, as trustees the board may exercise for the purpose of the trust the power of eminent domain and may condemn land and other property as provided by Title 52, Revised Civil Statutes of Texas, 1925, as amended.

(c) The taking of the property is declared to be for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925. (V.A.C.S. Art. 2585b; Art. 3264b.)

Sec. 65.34. CONTRACTS. (a) All contracts with architects, plan makers, landscapers, or draftsmen, or with any other person, firm, or corporation of whatever name or designation shall be absolutely void unless approved by the signed written vote of a majority of the board in regular or called meeting assembled.

(b) All contracts for the construction or erection of permanent improvements shall be absolutely void unless made after receiving sealed competitive bids after advertisement by the chairman of the board of regents for four consecutive weeks in one or more newspapers of general circulation in the State of Texas, and the bids are considered and awards made to the lowest responsible bidder by the signed written vote of a majority of the board in a regular or called meeting assembled. The bids and awards shall be made only after the publication. (R.S. Art. 2593.)

Sec. 65.35. EXPENDITURES. All expenditures may be made by the order of the board and shall be paid on warrants from the comptroller based on vouchers approved by the chairman of the board or his delegate, or by the institutional head or his delegate of the component institution making the expenditures. (R.S. Art. 2594.)

Sec. 65.36. DONATIONS FOR PROFESSORSHIPS AND SCHOLARSHIPS. (a) Donations of property may be made for the purpose of establishing or assisting in the establishment of a professorship or scholarship in the university system or any of its institutions, either temporarily or permanently, and the donations will be governed by the rules prescribed by this section.

(b) The legal title to the property shall be vested in a person or persons, body corporate, or the State of Texas, to be held in trust for the purpose under any directions, limitations, and provisions that may be declared in writing in the donation, not inconsistent with the objects and proper management of the system or its institutions.

(c) The donor may declare and direct the manner in which the title to the property shall thereafter be transmitted from the trustee in continued succession, to be held for and appropriated to the declared purposes.

(d) The donor may declare and direct the person or class of persons who shall receive the benefit of the donation and the manner of their selection.

(e) The declarations, directions, and limitations shall not be inconsistent with the objects and proper management of the system or its institutions.

(f) In case of failure to transmit the title to the property or to bestow its use in the manner declared and directed in the donation, or in case the uses, or either of them, become impracticable from the change of circumstances, the title to the property, unless otherwise expressly directed by the donor, shall vest in this state to be held in trust to carry into effect the purposes of the donation as nearly as practicable by such agencies as may be provided therefor.

(g) The title to the property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent the loss of, or damage to, the property donated, or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

(h) Copies of the donation shall be filed with the board or the branch to which the donation applies; and the board shall report the condition and management of the property and the manner in which the trust is being administered as part of the matters reported pertaining to the institution. (R.S. Art. 2595.)

Sec. 65.37. FUNDS RECEIVED FOR TRUST SERVICES. The board may deposit in an appropriate university account all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the university system or any institution of the system. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system. (V.A.C.S. Art. 2594a.)

Sec. 65.38. NONSECTARIAN. No religious qualification shall be required for admission to any office or privilege in the university system. No course of instruction of a sectarian character shall be taught in the system. (R.S. Art. 2604.)

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CHAPTER 66. PERMANENT UNIVERSITY FUND
SUBCHAPTER A. COMPOSITION, INVESTMENT, AND USE

Sec. 66.01. PERMANENT UNIVERSITY FUND. The composition, investment, purposes, and use of the permanent university fund are governed by Article VII, Sections 11, 11a, 15, and 18, of the Texas Constitution. (New.)

Sec. 66.02. AVAILABLE UNIVERSITY FUND. All income derived from the permanent university fund shall be deposited in the state treasury to the credit of the available university fund within five days after receipt by any state officer, agent, or employee. (V.A.C.S. Art. 2654d, Sec. 5 (part).)

Sec. 66.03. APPORTIONMENT AND USE OF AVAILABLE FUND. (a) The board of regents of The University of Texas System and the board of directors of The Texas A & M University System, with the approval of the legislature, shall expend the available university fund for the construction of buildings on the campuses, the extension and improvement of the campuses, and the equipment of buildings on the campuses of The University of Texas at Austin, The University of Texas Medical Branch at Galveston, and Texas A & M University, in the proportions and amounts indicated by this section.

(b) The board of regents of The University of Texas System shall expend as much of the available university fund as is appropriated by the legislature for the administration of the university lands and of the permanent university fund, the expenses to be apportioned between the two systems in proportion to their receipts of available university funds under the terms of this section.

(c) The board of directors of The Texas A&M University System shall expend one-third of all the available university fund received from the permanent university fund arising from the 1,000,000 acres of land appropriated by the constitution and the land appropriated by the Act of 1883, except income from grazing leases on university lands (less its proportion of expenses of administration and excluding any expenses of administration from grazing leases); and the board of regents of The University of Texas System shall expend the balance of the available fund, including all the income from grazing leases on university lands (less its proportion of expenses of administration). (R.S. Art. 2592.)

Sec. 66.04. VALIDITY OF BONDS PURCHASED BY BOARD. Whenever the board has purchased the bonds of any city, county, or municipality, approved by the attorney general, the certificate of the attorney general attesting their validity shall be admitted and received as prima facie evidence of the validity of the bonds; and in all cases in which the proceeds of the sale of these bonds have been received by the proper officers of the city, municipality, or county, or by the party acting for them in negotiating the sale of the bonds, the city, municipality, or county is thereafter estopped from denying the validity of the bonds and

they shall be held to be valid and binding obligations. (V.A.C.S. Art. 2591a, Sec. 3 (part).)

[Sections 66.05-66.20 reserved for expansion]

SUBCHAPTER B. PERMANENT UNIVERSITY FUND BONDS AND NOTES

Sec. 66.21. REGISTRATION. All bonds and notes issued pursuant to the provisions of Article VII, Section 18, of the Texas Constitution, as originally adopted or as amended, shall be registered by the comptroller of public accounts after they have been approved by the attorney general. (V.A.C.S. Art. 2909d, Sec. 1.)

Sec. 66.22. REFUNDING BONDS AND NOTES. Any bonds or notes issued pursuant to the constitutional provisions described in Section 66.21 of this code, or issued pursuant to this subchapter, may be refunded by the governing board which issued the bonds or notes, upon such terms and conditions, including interest rates and maturities, as may be determined by that board, provided that such terms and conditions shall not be inconsistent with the applicable constitutional provisions. Any such bonds or notes may be so refunded by the issuance of refunding bonds or notes, either to be exchanged for the bonds or notes being refunded and cancelled, or to be sold, with the proceeds to be used for the redemption and cancellation of the bonds or notes being refunded. (V.A.C.S. Art. 2909d, Sec. 2.)

Sec. 66.23. REFUNDING BONDS AND NOTES: APPROVAL; REGISTRATION. All refunding bonds or notes authorized to be issued under this subchapter and the records relating to their issuance, including any proceedings relating to the redemption of any outstanding bonds or notes, shall be submitted to the attorney general for examination, and if he finds that they have been issued in accordance with law, he shall approve them, and then they shall be registered by the comptroller of public accounts, and after such approval and registration they shall be incontestable. When any such refunding bonds or notes are issued to be exchanged for any outstanding bonds or notes, the comptroller of public accounts shall register and deliver such refunding bonds on surrender for cancellation of the bonds or notes being refunded. When any such refunding bonds or notes are sold, with the proceeds to be used for redeeming any outstanding bonds or notes, the comptroller of public accounts shall register such refunding bonds or notes, even though the bonds or notes to be redeemed shall not have been surrendered for redemption or cancellation. (V.A.C.S. Art. 2909d, Sec. 3.)

Sec. 66.24. AUTHORIZED INVESTMENTS; SECURITY FOR DEPOSITS. All bonds and notes, whether original or refunding, issued pursuant to the constitutional provisions or issued pursuant to this subchapter, shall be fully negotiable instruments, and all bonds and notes are declared to be legal and authorized investments for

banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be lawful and sufficient security for those deposits to the extent of their par value when accompanied by all unmatured coupons appurtenant to them. (V.A.C.S. Art. 2909d, Sec. 4.)

Sec. 66.25. TAX EXEMPT. The carrying out of the purposes of the constitutional provisions and of this subchapter will be performing an essential public function under the constitution, and all bonds and notes, whether original or refunding, heretofore or hereafter issued pursuant to the constitutional provisions or this subchapter, and their transfer and the income from them, including the profits made on their sale, shall at all times be free from taxation in this state. (V.A.C.S. Art. 2909d, Sec. 5.)

[Sections 66.26-66.40 reserved for expansion]

SUBCHAPTER C. MANAGEMENT OF UNIVERSITY LANDS

Sec. 66.41. MANAGEMENT OF UNIVERSITY LANDS. The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the permanent university fund. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the permanent university fund, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. (R.S. Art. 2596; V.A.C.S. Art. 2592a, Sec. 1; Art. 2603b-1.)

Sec. 66.42. DUTY OF LAND COMMISSIONER. The commissioner of the general land office shall:

(1) furnish to the board of regents complete and accurate maps and all other data necessary to show the location and condition of every tract of the university lands;

(2) furnish to the board any additional information it may require; and

(3) render to the board any possible assistance it may request in the discharge of its duties under this chapter. (R.S. Art. 2598.)

Sec. 66.43. UNIVERSITY LANDS: SURVEYS; GEOLOGIST AND MINERALOGIST; OTHER PERSONNEL. (a) The board of regents shall cause

to be done such surveying or resurveying of the blocks and subdivisions of the university lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed on the ground, the blocks shall be surveyed or resurveyed and divided into surveys of sections and fractional sections, and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors to do such surveying shall be employed by the board. The field notes of such surveys shall be returned to the general land office, and when correct and in accordance with law shall be approved by the commissioner of the general land office, filed in the general land office, and become archives therein.

(b) The board of regents may employ and compensate personnel the board deems necessary in connection with performance of any duties under this section or under Subchapter D of this chapter. (V.A.C.S. Art. 2603b, Sec. 1, 3 (part).)

Sec. 66.44. MANAGEMENT OF MINERALS OTHER THAN OIL AND GAS. The board of regents has the sole and exclusive management and control of all minerals, other than oil and gas, in lands set aside and appropriated to, or acquired by the permanent university fund. The board may sell, lease, and otherwise manage and control the minerals, other than oil and gas, in those lands as may seem best to it for the interests of the permanent university fund. The board may also explore and have explored and developed the minerals and may make any contract or contracts with any person, association of persons, firm, or corporation for the exploration, development, mining, production, disposition, and sale of the minerals in those lands. (R.S. Art. 2597.)

[Sections 66.45-66.60 reserved for expansion]

SUBCHAPTER D. BOARD FOR LEASE OF UNIVERSITY LANDS

Sec. 66.61. DEFINITION. As used in this subchapter, "board" means the Board for Lease of University Lands. (V.A.C.S. Art. 2603a, Sec. 1 (part).)

Sec. 66.62. BOARD FOR LEASE. (a) The Board for Lease of University Lands is composed of the commissioner of the general land office and two members of the board of regents selected by the board of regents.

(b) Neither regent member may be directly or indirectly employed by, or be an officer of or an attorney for, an oil or gas company.

(c) A majority of the board has the power to act for the board.

(d) The board shall perform the duties prescribed by this subchapter and shall keep a public record of all its proceedings. (V.A.C.S. Art. 2603a, Sec. 1 (part); Sec. 18 (part).)

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Sec. 66.63. OIL AND GAS SUBJECT TO SALE. The oil and gas in the university lands are subject to sale under the regulations, at the times, and on the terms provided in this subchapter, and under the rules and regulations adopted by the board as authorized by this subchapter, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2603a, Sec. 3.)

Sec. 66.64. PLACING OIL AND GAS ON MARKET; PUBLIC AUCTION; ADVERTISEMENT. (a) Whenever there is a demand for the purchase of oil and gas in any university land that will reasonably insure that the oil and gas may be sold advantageously, the board shall place the oil and gas in the land on the market in separate tracts of such area and extent as the board may determine most suitable for profitable marketing; but in no event shall any tract in which oil and gas is offered for as a unit exceed an area of 6,000 acres.

(b) The sale of the oil and gas shall be made at public auction held in Austin at any hour between 10 a.m. and 5 p.m.

(c) The board shall cause an advertisement to be made of the sale in two or more newspapers of general circulation in this state. The advertisement shall state the method, time, and place of sale; the primary term of the lease proposed to be executed covering any sale; the royalty to be paid; that lists describing the land to be sold may be obtained from the board; and other matters that in the judgment of the board are deemed advisable. In addition to the foregoing mandatory provisions, the board may cause the advertisement to be placed in oil and gas journals in and out of the state and to be mailed generally to persons it thinks might be interested. (V.A.C.S. Art. 2603a, Sec. 4.)

Sec. 66.65. ROYALTY; BONUS; ANNUAL RENTAL; SPECIAL FEE. (a) The oil and gas in each tract shall be offered for sale for a bonus in addition to the stipulated royalty. Each tract shall be offered separately.

(b) Each bid is subject to the royalty specified in the official advertisement preceding the sale, but in no event less than one-eighth of the gross production of oil and gas in the land; and shall further be subject to the payment of an annual rental after the first year of not less that 10 cents per acre, payable each year in advance, unless the royalties received from the land during the preceding year equal or exceed the amount of the annual rental payment.

(c) Each bid is also subject to the payment of a special fee equal to one percent of the total sum bid, which special payment shall constitute a special fund from which the board for lease shall defray the expenses of the sale, including the payment for the services of the auctioneer crying the sale and the payment of the general operating expenses in geologizing, oil field supervision, and auditing oil and gas production of university lands, including salaries and traveling expenses of persons employed by the board of regents for those purposes, and for the purpose of acquiring, constructing, and equipping a building in the city of Midland or adjacent area to house the administrative staff of the offices of University Lands, Geology and Land Agent, and such

other related agencies necessary for the management and development of university lands in West Texas.

(d) The board for lease may also direct the comptroller of The University of Texas System to transmit to the state treasurer for deposit to the credit of the permanent university fund any unexpended balances remaining in the special fund after reserving a sufficient amount in it for the payment of current expenses as set out in Subsection (c) of this section.

(e) The highest successful bidder shall pay to the commissioner of the general land office on the day the bid is accepted the full amount of bonus bid and the special fee. (V.A.C.S. Art. 2603a, Sec. 5.)

Sec. 66.66. WITHDRAWAL OF LANDS BEFORE BIDS RECEIVED. The board may withdraw any lands advertised for lease before the hour set for receiving bids. (V.A.C.S. Art. 2603a, Sec. 18 (part).)

Sec. 66.67. AWARD OF LEASE. (a) If any one of the bidders at the sale at public auction has offered a reasonable and proper price for any tract offered, not less than the price fixed by the board, the land advertised may be leased for oil and gas purposes under the terms of this subchapter and any regulations the board may prescribe, not inconsistent with the provisions of this subchapter. All bids may be rejected by the board.

(b) If the board determines that a satisfactory bid has been offered for the oil and gas, it shall make an award to the bidder offering the highest price, and a lease shall be executed by the commissioner of the general land office. A duplicate copy of the lease shall be filed in the general land office. (V.A.C.S. Art. 2603a, Sec. 7, 8(a).)

Sec. 66.68. PROVISIONS OF LEASE. (a) Each lease executed under this subchapter shall contain, and each valid and subsisting oil and gas lease previously executed by the commissioner under the source statute for this subchapter, on the application of the lessee and payment of a sum of money equal to one year's annual rental under the lease, shall be amended by written instrument to contain, the provisions prescribed by this section.

(b) Each lease shall provide that the primary term of the lease, as determined by the board prior to the promulgation of the advertisement, shall in no case exceed five years.

(c) Each lease shall provide that if oil and/or gas is being produced in paying quantities from the leased premises before the termination of the primary term, such lease shall not terminate but shall continue in force and effect as long as oil and/or gas is being so produced.

(d) Each lease shall provide that in the event production of oil or gas on the leased premises, after once obtained, shall cease for any cause within 60 days before the expiration of the primary term of such lease or at any time or times thereafter, such lease shall not terminate, if the lessee commences additional drilling or reworking operations within 60 days thereafter, and such lease shall remain in full force and effect so long as such

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operations continue in good faith and in workmanlike manner, without interruptions, totaling more than 60 days during any one such operation; and if such drilling or reworking operations result in the production of oil and/or gas, such lease shall remain in full force and effect so long as oil or gas is produced therefrom in paying quantities or payment of shut-in gas well royalty or compensatory royalties is made as hereinafter provided in this subchapter.

(e) Each lease shall provide that if at the expiration of the primary term or at any time thereafter there is located on the leased premises a well or wells capable of producing gas in paying quantities and such gas is not produced for lack of a suitable market and such lease is not being otherwise maintained in force and effect, the lessee may pay as royalty $1,200 per annum for each well on the lease capable of producing gas in paying quantities, such payment to be made to the commissioner of the general land office at Austin, Texas, prior to the expiration of the primary term of the lease, or if the primary term has expired, within 60 days after lessee ceases to produce gas from such well or wells; and if such payment is made, the lease shall be considered to be a producing lease and such shut-in gas well royalty payment shall extend the term of the lease for a period of one year from the end of the primary term or from the first day of the month next succeeding the month in which production ceased; and thereafter if no suitable market for such gas exists, the lessee may extend the lease for two additional and successive periods of one year each by the payment of a like sum of money each year on or before the expiration of the extended term. Provided, however, that if, while such lease is being maintained in force and effect by payment of such shut-in gas well royalty, gas should be sold and delivered in paying quantities from a well situated within 1,000 feet of the leased premises and completed in the same producing reservoir or in any case where drainage is occurring, the right to further extend the lease by such shut-in gas well royalty payments shall cease, but such lease shall remain in force and effect for the remainder of the current one year period for which the shut-in gas well royalty has been paid, and for an additional period not to exceed a combined total of three years from the expiration of the primary term or from the first day of the month next succeeding the month in which production ceased by the payment by the lessee of compensatory royalty, at the royalty rate provided for in such university lease as would be due on an equivalent amount of like quality gas produced and delivered from the well completed in the same producing reservoir from which gas is being sold and delivered and which is situated within 1,000 feet of, or draining, the leased premises on which shut-in gas well is situated, such compensatory royalty to be paid monthly to the Commissioner of the General Land Office at Austin, Texas, beginning on or before the last day of the month next succeeding the month in which such gas is sold and delivered from the well situated within 1,000 feet of, or draining, the leased premises and completed in the same producing reservoir; provided further, that in the event such compensatory royalties paid in any 12-month

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period are in a sum less than the annual shut-in gas well royalties provided for in this section, the lessee shall pay an additional sum equal to the difference within 30 days from the end of such 12-month period; provided further, that nothing herein shall relieve the lessee of the obligation of reasonable development, nor of the obligation to drill offset wells required by Section 66.75 of this code.

(f) Each lease shall provide that if, at the expiration of the primary term, production of oil and/or gas has not been obtained in paying quantities on the leased premises but drilling operations are being conducted thereon in good faith and in good and workmanlike manner, the lessee may, on or before the expiration of the primary term, file in the general land office written application to the commissioner for a 30-day extension of such lease, such application to be accompanied by a payment of $7.50 per acre for each acre in the lease, and the commissioner shall, in writing, extend such lease for a 30-day period from and after the expiration of the primary term and so long thereafter as oil or gas is produced in paying quantities from the premises; provided further, that the lessee may, so long as such drilling operations are being conducted in good faith, make like application and payment during any 30-day extended period for an additional extension of 30 days not to exceed a combined total of 180 days; provided, however, lessee may, so long as such drilling operations are being conducted in good faith, make written application to the commissioner, on or before the expiration of the initial extended period of 180 days for an additional extension of 180 days, such application to be accompanied by a payment of $50 per acre for each acre in the lease, and the commissioner shall, in writing, extend such lease for an additional 180-day period from and after the expiration of the initial extended period of 180 days, and so long thereafter as oil or gas is produced in paying quantities from the premises; provided, that no lease shall be extended under the provisions of this section for more than a total of 360 days from and after the expiration of the primary term unless production in paying quantities has been obtained. (V.A.C.S. Art. 2603a, Sec. 8(b)-1.)

Sec. 66.69. LEASE: ADDITIONAL PROVISIONS. Each oil and gas lease issued on university lands under this subchapter shall include any additional provisions and regulations, not inconsistent with the provisions of this subchapter, that the board may prescribe to preserve the interest of the state and safeguard the university funds. (V.A.C.S. Art. 2603a, Sec. 8(b)-2.)

Sec. 66.70. COMPENSATORY ROYALTIES IN LIEU OF OFFSET WELLS. (a) Subject to the provisions of this section, the commissioner of the general land office may execute agreements on behalf of the permanent university fund that provide for the payment by university land oil and gas lessees of compensatory royalty in lieu of drilling offset wells that may be required to protect a university oil and gas lease from drainage from a well or wells located on non-university lands or university lands leased at a lesser royalty situated within 1,000 feet of or draining the university-leased premises.

(b) Agreements providing for the payment of compensatory royalty must be approved by the board for lease of university lands.

(c) Any such agreement must be found by the commissioner and the board for lease to be in the best interest of the state and necessary to prevent economic waste.

(d) Nothing in an agreement shall relieve the lessee of the obligation of reasonable development or of the obligation to drill offset wells as required by Section 66.75 of this code as to other producing horizons.

(e) Beginning on the date fixed in the agreement, the lessee shall pay the compensatory royalty monthly to the commissioner at the land office in Austin.

(f) The agreement with respect to the interest of the state shall remain in force and effect as long as oil and gas, or either of them, is produced from a well located on university or non-university acreage and draining the university-leased premises.

(g) The agreement may contain other provisions the commissioner and the board for lease deem necessary to protect the interests of the permanent university fund. (V.A.C.S. Art. 2603a-1.)

Sec. 66.71. PRORATED OR REDUCED PRODUCTION CONTRACTS. Whenever in the discretion of the board it is to the best interest of the university and its permanent fund that production from any lease for a limited period of time should be prorated or reduced, the board may execute the necessary contract or contracts with the lessee or lessees and their assignees to effectuate the same and to carry out the intention of this subchapter. (V.A.C.S. Art. 2603a, Sec. 8(c).)

Sec. 66.72. EXTENSION OF PRODUCING LEASE. If oil or gas is discovered in paying quantities on any tract covered by a lease, then the lease as to that tract shall remain in force as long as oil and gas is produced in paying quantities from the tract, provided that the other provisions of this subchapter are complied with by the lessee. (V.A.C.S. Art. 2603a, Sec. 9.)

Sec. 66.73. ASSIGNMENT; RELINQUISHMENT. (a) All rights purchased may be assigned in quantities of not less than 40 acres, unless there are less than 40 acres remaining out of the tract originally leased under this subchapter, in which case the lesser area may be assigned. All assignments shall be filed in the general land office within 100 days after the date of the first acknowledgment thereof, accompanied by 10 cents an acre for each acre assigned; and if not so filed and payment made, the assignment shall be ineffective.

(b) All rights to any entire lease and to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated and filed in the land office accompanied by $1 for each area assigned; but such assignment shall not release the owners of any past due obligations theretofore accrued thereon. (V.A.C.S. Art. 2603a, Sec. 10.)

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Sec. 66.74. ROYALTY PAYMENTS; INSPECTION OF RECORDS. (a) Royalty as stipulated in the sale shall be paid to the general land office at Austin for the benefit of the university permanent fund on or before the last day of each month for the preceding month during the life of the rights purchased; and it shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil produced and saved since the last report, the amount of gas produced and sold off the premises, and the market value of the oil and gas, together with a copy of gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, tanks, or pools and gas lines or gas storage.

(b) The books and accounts, receipt and discharges of all wells, tanks, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil and gas shall at all times be subject to inspection and examination by the commissioner of the general land office, the attorney general, the governor, or any member of the board of regents, or the representative of either. (V.A.C.S. Art. 2603a, Sec. 11.)

Sec. 66.75. PROTECTION FROM DRAINAGE. In every case where the area in which the oil and gas sold shall be contiguous or adjacent to land not university land, the acceptance of the bid and the sale made thereby shall constitute an obligation on the lessee to adequately protect the land leased from drainage from adjacent lands. In cases where the area in which the oil and gas is sold is contiguous to other university lands leased or sold, at a lesser royalty, the lessee shall likewise protect the state from drainage from the land so leased or sold for a lesser royalty. On failure to protect the land from drainage, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures. (V.A.C.S. Art. 2603a, Sec. 12.)

Sec. 66.76. FORFEITURE; OTHER REMEDIES; LIEN. (a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental or royalty on the production, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, or drilling, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority to access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

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(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil and gas produced upon the leased area and upon all rigs, tanks, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of the lease. (V.A.C.S. Art. 2603a, Sec. 13.)

Sec. 66.77. FILING OF RECORDS. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the general land office and constitute archives thereof. (V.A.C.S. Art. 2603a, Sec. 14 (part).)

Sec. 66.78. PAYMENTS; DISPOSITION. Payments under this subchapter shall be made to the commissioner of the general land office at Austin, who shall:

(1) transmit to the state treasurer for deposit to the credit of the permanent university fund all bonus and royalty payments;

(2) transmit to the state treasurer for deposit to the credit of the available university fund all payments for delay in drilling, all filing, assignment, and relinquishment fees, and all other payments except those described in Subdivision (3) of this section; and

(3) transmit to the comptroller of The University of Texas System the special one percent fee payment prescribed by Section 66.65(c) of this code, which shall be disbursed by the comptroller for the authorized purposes after approval thereof by the board. (V.A.C.S. Art. 2603a, Sec. 14 (part).)

Sec. 66.79. FORMS; CONTRACTS; REGULATIONS. The board shall adopt forms and contracts and shall promulgate rules and regulations, not inconsistent with the terms of this subchapter, that in its judgment will best effectuate the purpose of this subchapter and will best protect the university, its lands, and the income from the lands. (V.A.C.S. Art. 2603a, Sec. 18 (part).)

Sec. 66.80. EXPENSES OF EXECUTING THIS SUBCHAPTER. The expenses of executing the provisions of this subchapter shall be paid monthly by warrants drawn by the comptroller on the state treasury. (V.A.C.S. Art. 2603a, Sec. 16.)

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CHAPTER 67. THE UNIVERSITY OF TEXAS AT AUSTIN

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CHAPTER 67. THE UNIVERSITY OF TEXAS AT AUSTIN
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 67.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at Austin.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 67.02. THE UNIVERSITY OF TEXAS AT AUSTIN. The University of Texas at Austin is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2585c, Sec. 2(a).)

[Sections 67.03-67.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 67.21. SPECIAL FEES. (a) The board may levy and collect special fees from each student as a prerequisite to registration in the university as provided by this section.

(b) The board may levy and collect from each student a compulsory group hospitalization fee of $4 for each regular semester and $2 for each term of each summer session.

(c) The board may levy and collect from each student a compulsory fee for operating, maintaining, improving, equipping, and/or constructing additions to the existing Texas Union building near Guadalupe Street, of not to exceed $10 for each regular semester and $5 for each term of each summer session, with such fees to be deposited to an account known as the Texas Union Fee Account. The activities of said Texas Union building financed in whole or in part by this fee shall be limited to those activities in which the entire student body is eligible to participate, and in no event shall any of the activities so financed be held outside of the territorial limits of the campus of The University of Texas at Austin.

(d) The fees thus collected and placed in the Texas Union Fee Account shall be placed under the control of and subject to the order of the board of directors of the Texas Union building, which board shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the same, and shall then levy the fees in such amounts as will be sufficient to meet the budgetary needs of said Texas Union building, within the limits herein fixed.

(e) The power and authority conferred by this section does not and shall not constitute in any way a limitation or restriction upon the power and authority of the board of regents under Chapter 55 of this code. (V.A.C.S. Arts. 2589c, 2589d, 2589e.)

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Sec. 67.22. MILITARY TRAINING. No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university. (V.A.C.S. Art. 2585a.)

Sec. 67.23. TEXAS MEMORIAL MUSEUM. The board has the management and control of the Texas Memorial Museum. It shall be maintained as a museum and shall be an integral part of The University of Texas at Austin. (V.A.C.S. Art. 2589f.)

Sec. 67.24. RESEARCH AND EXPERIMENTATION FOR HIGHWAY DEPARTMENT. The state comptroller of public accounts may draw proper warrants in favor of the university based on vouchers or claims submitted by the university through the State Highway Department covering reasonable fees and charges for services rendered by members of the staff of the university system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, drainage, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the university in accordance with the provisions of Texas Highway Department Minute Order Number 52742, dated May 24, 1963; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the university shall be credited and deposited to local institutional funds under its control. (Acts 59th Legis., Ch. 78.)

[Sections 67.25-67.50 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS MCDONALD OBSERVATORY AT MOUNT LOCKE

Sec. 67.51. UNIT OF UNIVERSITY. The University of Texas McDonald Observatory at Mount Locke is a part of and under the direction and control of The University of Texas at Austin. (V.A.C.S. Art. 2585c, Sec. 2(b); Art. 2585d, Sec. 3(a) (part).)

[Sections 67.52-67.60 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MARINE SCIENCE INSTITUTE AT PORT ARANSAS

Sec. 67.61. UNIT OF UNIVERSITY. The University of Texas Marine Science Institute at Port Aransas is a part of and under the direction and control of The University of Texas at Austin. (V.A.C.S. Art. 2585c, Sec. 2(c); Art. 2585d, Sec. 3(a) (part).)

CHAPTER 68. THE UNIVERSITY OF TEXAS AT ARLINGTON

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CHAPTER 68. THE UNIVERSITY OF TEXAS AT ARLINGTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 68.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at Arlington.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 68.02. THE UNIVERSITY OF TEXAS AT ARLINGTON. The University of Texas at Arlington is a four-year and graduate-level coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (R.S. Art. 2620; V.A.C.S. Art. 2620a, Sec. 2 (part), 3; Art. 2621a, Sec. 1; Art. 2585c, Sec. 2(h).)

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CHAPTER 69. THE UNIVERSITY OF TEXAS AT EL PASO

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 69.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at El Paso.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 69.02. THE UNIVERSITY OF TEXAS AT EL PASO. The University of Texas at El Paso is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (R.S. Art. 2633 (part); V.A.C.S. Art. 2633a; V.A.C.S. Art. 2585c, Sec. 2(i).)

[Sections 69.03-69.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 69.21. ACQUISITION OF LAND. The board may acquire by purchase, exchange, or otherwise any tract or parcel of land in El Paso County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion. (V.A.C.S. Art. 2603b-3.)

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CHAPTER 70. THE UNIVERSITY OF TEXAS AT DALLAS

Sec. 70.01. UNIVERSITY AUTHORIZED. The Board of Regents of The University of Texas System shall establish and maintain a state-supported general academic institution of higher education to be known as The University of Texas at Dallas. (V.A.C.S. Art. 2606c-3.1, Sec. 1 (part).)

Sec. 70.02. LOCATION. The board shall locate The University of Texas at Dallas on a site, to be selected in Dallas County, consisting of not less than 250 acres of land that shall be donated for that purpose without cost to the State of Texas. The site may extend into any county adjacent to Dallas County. (V.A.C.S. Art. 2606c-3.1, Sec. 1 (part).)

Sec. 70.03. COURSES AND DEGREES. (a) The board may prescribe courses leading to customary degrees offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees, and their equivalents.

(b) No department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System, or its successor.

(c) Initial programs and departments shall be limited to those which existed in the Southwest Center for Advanced Studies on September 1, 1969. Approval of these programs, their expansion, and initiation of other programs shall be recommended by the board of regents and approved by the coordinating board. (V.A.C.S. Art. 2606c-3.1, Sec. 2 (part).) *

Sec. 70.04 RULES AND REGULATIONS; JOINT APPOINTMENTS. The board may adopt other rules and regulations for the operation, control, and management of the university that are necessary for the conduct of the university as one of the first class. The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-3.1, Sec. 2 (part).)

Sec. 70.05. PROGRAMS AT OTHER UNIVERSITIES. It is the intent of the legislature that existing programs leading to undergraduate and graduate degrees at North Texas State University, Texas Woman's University, East Texas State University, and The University of Texas at Arlington shall never be placed at a disadvantage, curtailed, or restricted from orderly and proper expansion for any cause attributable to the establishment of, or the curricular objectives for, The University of Texas at Dallas; and that these universities shall not, as a result of the establishment of The University of Texas at Dallas, be handicapped in realizing their full potentials in quantity or quality for developing additional undergraduate and graduate programs which may from time to time be authorized by the coordinating board. (V.A.C.S. Art. 2606c-3.1, Sec. 3.)

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*Dr. Johnson's letter of 9/17/70

Sec. 70.06. LIMITATIONS ON ENROLLMENT. (a) The board may not permit the enrollment of freshman or sophomore undergraduate students at any time.

(b) The board may not permit the enrollment of junior or senior undergraduate students prior to September 1, 1975.

(c) The board may provide for the enrollment of graduate students and the awarding of graduate degrees after September 1, 1969. (V.A.C.S. Art. 2606c-3.1, Sec. 4.)

Sec. 70.07. GRANTS AND GIFTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at Dallas, and in aid of the research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-3.1, Sec. 5.)

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CHAPTER 71. THE UNIVERSITY OF TEXAS AT SAN ANTONIO

Sec. 71.01. THE UNIVERSITY OF TEXAS AT SAN ANTONIO. The University of Texas at San Antonio is a coeducational institution of higher education in Bexar County. The site of the university shall be on land selected by the board of regents and provided or donated for that purpose. (V.A.C.S. Art. 2606c-3, Sec. 1.)

Sec. 71.02. ORGANIZATION AND CONTROL. The organization and control of The University of Texas at San Antonio is vested in the Board of Regents of The University of Texas System. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.03. COURSES AND DEGREES. The board may prescribe courses leading to such customary degrees as are offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees and their equivalents, and that there be established a standard four-year undergraduate program; but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.04. OTHER RULES AND REGULATIONS. The board shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.05. JOINT APPOINTMENTS. The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.06. BOARD MAY ACCEPT GRANTS AND GIFTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at San Antonio, and in aid of research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-3, Sec. 3.)

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CHAPTER 72. THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

Sec. 72.01. ESTABLISHMENT. The Board of Regents of the University of Texas System shall establish and maintain a fully state-supported coeducational institution of higher education to be known as The University of Texas of the Permian Basin. The institution shall be organized to accept only junior-, senior-, and graduate-level students, with at least 60 semester hours of accredited college or university study. (V.A.C.S. Art. 2606c-4, Sec. 1.)

Sec. 72.02. COURSES AND DEGREES. The board of regents may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and may award those degrees. It is the intent of the legislature that those degrees include bachelor's and master's degrees and their equivalents, and that there be established a standard program for this type of institution, but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.03. OTHER RULES AND REGULATIONS. The board of regents shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.04. JOINT APPOINTMENTS. The board of regents is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.05. BOARD MAY ACCEPT GRANTS AND GIFTS. The board of regents may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, or any part of existing junior college facilities that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas of the Permian Basin, and in aid of research and teaching at the university. The board of regents may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-4, Sec. 3.)

Sec. 72.06. LOCATION. (a) The board of regents shall establish The University of Texas of the Permian Basin at a site consisting of at least 200 acres, unless otherwise specifically acceptable to the board.

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(b) The site shall, within a reasonable length of time, be accessible to roads, and shall be accessible to required utilities at the perimeter of the site. The site shall be accessible to, and within a reasonable distance of, the present site of the Odessa College Campus in Odessa.

(c) The board shall select a site which is in Ector County; however, the site may extend into an adjoining county. If, within the discretion of the board, those sites made available within the provisions of this chapter are not suitable and other sites are suitable, then the board may accept and acquire a similar site wholly or partly in an adjoining county; however, that site may not be outside a 12-mile radius from the present campus of Odessa College in Odessa.

(d) The board is authorized to accept and acquire and shall accept and acquire a site for such college within the provisions of this chapter and the land for the site shall be deeded by proper conveyance free and clear of debt, to the state.

(e) The board shall in no event delay the acquisition of land for the institution created by the provisions of this chapter later than December 31, 1969.

(f) The board must follow the provisions of this chapter with respect to site and any decision reached to the contrary shall be null and void and all laws to the contrary are hereby expressly repealed. (V.A.C.S. Art. 2606c-4, Sec. 4.)

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CHAPTER 73. THE UNIVERSITY OF TEXAS AT HOUSTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 73.001. COMPOSITION. The University of Texas at Houston is composed of the following component institutions under the management and control of the board of regents of The University of Texas System:

(1) The University of Texas Medical School at Houston;

(2) The University of Texas Dental Branch at Houston;

(3) The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston;

(4) The University of Texas Graduate School of Biomedical Sciences at Houston;

(5) The University of Texas School of Public Health at Houston; and

(6) other institutions and activities assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(d).)

[Sections 73.002-73.050 reserved for expansion]

SUBCHAPTER B. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON

Sec. 73.051. SHORT TITLE. This subchapter may be cited as the Brooks-Bass Medical Training Act of 1969. (V.A.C.S. Art. 2606c-1.1, Sec. 1.)

Sec. 73.052. ESTABLISHMENT; SCOPE. The board of regents shall establish and maintain The University of Texas Medical School at Houston, a component institution of the university system located in Harris County. The board may provide for the training and teaching of medical students, medical technicians, and other technicians in the practice of medicine. (V.A.C.S. Art. 2606c-1.1, Sec. 2.)

Sec. 73.053. TRANSFER OF DIVISION OF CONTINUING EDUCATION. The board may transfer the division of continuing education from The University of Texas Graduate School of Biomedical Sciences at Houston to The University of Texas Medical School at Houston. After the transfer, all appropriations, assets, funds, property, and equipment owned or held by the division of continuing education shall be owned, held, and controlled by The University of Texas Medical School at Houston. (V.A.C.S. Art. 2606c-1.1, Sec. 3.)

Sec. 73.054. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-1.1, Sec. 5.)

Sec. 73.055. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-1.1, Sec. 6.)

Sec. 73.056. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-1.1, Sec. 7.)

Sec. 73.057. TEACHING HOSPITAL. A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school. (V.A.C.S. Art. 2606c-1.1, Sec. 8.)

[Sections 73.058-73.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS M. D. ANDERSON HOSPITAL AND TUMOR INSTITUTE AT HOUSTON

Sec. 73.101. LOCATION. The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston is located in the Texas Medical Center in the city of Houston. (V.A.C.S. Art. 2603e, Sec. 1; Art. 2603f, Sec. 1 (part).)

Sec. 73.102. PURPOSE. The institution and its substations shall be devoted to the diagnosis, teaching, study, prevention, and treatment of neoplastic and allied diseases. (V.A.C.S. Art. 2603e, Sec. 5.)

Sec. 73.103. PRESIDENT. (a) The board of regents shall appoint a president of the institution.

(b) To be qualified for appointment as president, a person must be a licensed physician with at least five years of experience practicing medicine.

(c) The president has charge of the operation and conduct of the institution and has any other powers and duties conferred on him by the board. (V.A.C.S. Art. 2603e, Sec. 2.)

Sec. 73.104. MEDICAL STAFF. The medical staff of the institution shall be selected and employed by the board on the

recommendation of the president, and may be discharged in like manner. (V.A.C.S. Art. 2603e, Sec. 3.)

Sec. 73.105. DIAGNOSTIC AND TREATMENT SUBSTATIONS. The board may establish and maintain diagnostic and treatment substations as deemed expedient from time to time. The location, erection, operation, and management of the substations are under the control and direction of the board, subject to the other provisions of this subchapter. The substations and the main institution shall conform to the standards of the American College of Surgeons and the American Medical Association. (V.A.C.S. Art. 2603e, Sec. 4.)

Sec. 73.106. PATIENTS. Except to the extent of any conflict with this subchapter, the provisions of Chapter 152, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 3196a, Vernon's Texas Civil Statutes), govern the admission of patients to the institution and its substations, the support of patients, and other matters relating to patients. (V.A.C.S. Art. 2603e, Sec. 6.)

Sec. 73.107. ADMISSION: RULES AND REGULATIONS; APPROVAL OF PRESIDENT. (a) Admission to the institution and its substations is subject to rules and regulations promulgated from time to time by the president.

(b) No person shall be admitted until the president is satisfied that all requirements of this subchapter and the rules and regulations of the president have been met. (V.A.C.S. Art. 2603e, Sec. 7 (part), 9.)

Sec. 73.108. APPLICATION. (a) Admission is subject to the written application of the patient, the guardian of the patient, or some friend or relative of the patient.

(b) The written application shall be on forms prescribed by the president and shall include:

(1) the patient's name, age, sex, and national origin;

(2) the patient's residence address or addresses for at least the two-year period preceding the date of the application;

(3) the patient's occupation, trade, profession, or employment;

(4) the names and addresses of the patient's parents, children, brothers, sisters, and other responsible relatives, if any;

(5) the names, addresses, and ages of any relatives who are or who may have been similarly afflicted;

(6) a complete statement of the location, description, and value of any real or personal property owned, possessed, or held by the patient or his guardian;

(7) the name of each person legally liable for the support of the patient and a statement of the location, description, and value of any real or personal property owned, possessed, or held by that person; and

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(8) any other information or statements that may be required by the president.

(c) Each application shall be accompanied by a written request for the patient's admission by his attending physician which includes:

(1) a statement that he has adequately examined the patient and that the patient has, or is suspected of having, a neoplasm or allied disease;

(2) a statement indicating the duration of the disease, if known, and indicating any accompanying bodily disorder or disorders the patient may have at the time of the application; and

(3) any other information that may be required by the president. (V.A.C.S. Art. 2603e, Sec. 7 (part), 8.)

Sec. 73.109. FEE SCHEDULE. The president shall establish a schedule of minimum fees and charges conforming to the fees and charges customarily made for similar services in the community in which the services are rendered. (V.A.C.S. Art. 2603e, Sec. 10.)

Sec. 73.110. GIFTS AND GRANTS. The board may accept gifts and grants of money from other than state sources for the benefit of the institution and its substations. (V.A.C.S. Art. 2603e, Sec. 12.)

Sec. 73.111. ACCEPTANCE OF LAND IN MEDICAL CENTER. The board may accept for and in behalf of the State of Texas title by proper conveyance or conveyances to any land located in the Texas Medical Center for the operation and maintenance of the program of the institution. (Art. 2603f, Sec. 1 (part).)

[Sections 73.112-73.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS GRADUATE SCHOOL OF BIOMEDICAL SCIENCES AT HOUSTON

Sec. 73.151. DEAN. (a) The University of Texas Graduate School of Biomedical Sciences at Houston is under the direction of a dean appointed by the board of regents.

(b) To be qualified for appointment as dean, a person must have a doctor of medicine degree or a doctor of philosophy degree in one of the biomedical sciences.

(c) The dean is responsible through the chancellor or other executive officer of the system to the board. (V.A.C.S. Art. 2603f-2, Sec. 1.)

Sec. 73.152. SCOPE; DEGREE PROGRAMS; RULES AND REGULATIONS. (a) The board of regents may prescribe courses and conduct graduate and postdoctoral programs at the master's and doctoral levels in the sciences and other academic areas directly related to medical education and research, but the board shall not operate this institution as a general academic graduate school. The degree programs to be offered by the graduate school are subject to approval by the Coordinating Board, Texas College and University System.

(b) The board of regents may make rules and regulations necessary for the operation, control, and management of the graduate school. (V.A.C.S. Art. 2603f-2, Sec. 2.)

Sec. 73.153. GIFTS AND GRANTS. The board may accept and administer grants and gifts from any source for the benefit of the graduate school. (V.A.C.S. Art. 2603f-2, Sec. 3.)

Sec. 73.154. RESEARCH AND GRADUATE INSTRUCTION; JOINT APPOINTMENTS. (a) The board may expend funds appropriated by the legislature to the graduate school and grant, gift, and contract funds of the school in support of research and graduate instruction, within approved areas and programs, to be carried out either in its own facilities or in the facilities of other component units of The University of Texas at Houston.

(b) The board may make joint appointments in the graduate school and in one or more of the other component units of The University of Texas System. The salary of a person who is receiving a joint appointment shall be apportioned to the different units on the basis of services rendered. (V.A.C.S. Art. 2603f-2, Sec. 4.)

Sec. 73.155. AFFILIATION AND COOPERATION WITH OTHER UNITS. The graduate school shall maintain the closest possible affiliation with the science programs at The University of Texas at Austin and with the other medical units of The University of Texas System. It shall cooperate with other institutions, private and public, in furtherance of research in the biomedical sciences and related fields. (V.A.C.S. Art. 2603f-2, Sec. 5.)

Sec. 73.156. DIVISION OF CONTINUING EDUCATION. The board may establish as a part of the graduate school a separate division of continuing education for physicians. (V.A.C.S. Art. 2603f-2, Sec. 6.)

[Sections 73.157-73.200 reserved for expansion]

SUBCHAPTER E. THE UNIVERSITY OF TEXAS SCHOOL OF PUBLIC HEALTH AT HOUSTON

Sec. 73.201. LOCATION. The University of Texas School of Public Health at Houston is located in the Texas Medical Center in the city of Houston. (V.A.C.S. Art. 2603f, Sec. 1 (part); Art. 2585c, Sec. 2(e).)

Sec. 73.202. GIFTS AND DONATIONS. The board of regents may accept gifts and donations for the benefit of the school. (V.A.C.S. Art. 2603f, Sec. 2 (part).)

[Sections 73.203-73.300 reserved for expansion]

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SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL BRANCH AT HOUSTON

Sec. 73.301. COMPOSITION, LOCATION. The University of Texas Dental Branch at Houston is composed of The University of Texas Dental School at Houston, The University of Texas Dental Science Institute at Houston, The University of Texas School of Dental Hygiene at Houston, The University of Texas Postgraduate School of Dentistry at Houston, and other institutions and activities assigned to it from time to time. It is located in the Texas Medical Center. (V.A.C.S. Art. 2585c, Sec. 2(f) and (g); Art. 2585d, Sec. 3(c); Art. 2623b-1.)

Sec. 73.302. PURPOSE. The principal purpose of the dental school is to teach the subjects of dental education that will give a thorough knowledge of dentistry and related subjects and that meet the requirements of the Council on Dental Education, the American Association of Dental Schools, and other educational associations of similar standards concerned with dental education. (V.A.C.S. Art. 2623b-2.)

Sec. 73.303. FACULTY. The board of regents shall appoint the faculty of the dental school. (V.A.C.S. Art. 2623b-3.)

Sec. 73.304. COURSES AND DEGREES; RULES AND REGULATIONS. (a) The board may confer degrees and issue diplomas, and may fix a standard of grades for students.

(b) The dental school shall have regular courses leading to degrees and special courses deemed necessary by the board.

(c) The board may make other rules and regulations it deems necessary for the proper control and management of the dental school. (V.A.C.S. Art. 2623b-4.)

Sec. 73.305. GIFTS AND GRANTS. The board may accept gifts and grants from any source for the benefit of the dental branch. (V.A.C.S. Art. 2623b-6.)

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CHAPTER 74. OTHER MEDICAL, DENTAL, AND NURSING UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

Sec. 74.001. COMPOSITION. The University of Texas Medical Branch at Galveston is composed of the following component institutions under the control and management of the board of regents of The University of Texas System:

(1) The University of Texas Medical School at Galveston;

(2) The University of Texas Nursing School at Galveston;

(3) The University of Texas Hospitals at Galveston, including:

(A) John Sealy Hospital;

(B) Rosa and Henry Ziegler Hospital;

(C) Marvin L. Graves Hospital;

(D) Children's Hospital;

(E) Randall Pavilion;

(F) R. Waverly Smith Pavilion;

(G) John W. McCullough Outpatient Clinic; and

(H) Moody State School for Cerebral Palsied Children; and

(4) other institutions that may be assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(b).)

Sec. 74.002. JENNIE SEALY HOSPITAL. (a) The Jennie Sealy hospital shall be operated by the medical branch as an integral part of its hospital operations, but without cost or expense to the medical branch or to the state for maintenance, operations, repairs, or otherwise.

(b) Title to the hospital facility shall remain in the name of the Sealy-Smith Foundation; and the property shall not be sold, granted, leased, or in any manner conveyed to the medical branch or to the university system.

(c) Except as otherwise provided in this section, the land on which the hospital is situated (Lots 11, 12, 13, and 14, Block 667, city of Galveston, Galveston County, Texas, conveyed to the Sealy-Smith Foundation by the board of regents) shall be used as the site of the Jennie Sealy Hospital, and in the event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents and the trustees of the Sealy-Smith Foundation, the purpose or use of the hospital facility may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school. However, no agreement shall be made which will impose on the medical branch or the state any obligation for maintenance, operation, repairs, or otherwise. (V.A.C.S. Art. 2603h, Sec. 1-7.)

Sec. 74.003. LAND ACQUISITION. The board may acquire by donation or deed of gift, for the use and benefit of the medical

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branch, any and all properties contiguous or adjacent, or both, to the campus of the medical branch when the lands are deemed necessary for campus expansion. (Acts 59th Legis., Ch. 71, Sec. 1.)

[Sections 74.004-74.050 reserved for expansion]

SUBCHAPTER B. MOODY STATE SCHOOL FOR CEREBRAL PALSIED CHILDREN

Sec. 74.051. MOODY STATE SCHOOL FOR CEREBRAL PALSIED CHILDREN. The Moody State School for Cerebral Palsied Children is under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 3254c, Sec. 1 (part); Art. 3254c-1; Art. 3254c-2.)

Sec. 74.052. PURPOSE OF SCHOOL. The purpose of the school is to provide for the diagnosis, care, and education of persons afflicted with cerebral palsy. (V.A.C.S. Art. 3254c, Sec. 2.)

Sec. 74.053. SUPERINTENDENT, OFFICERS, EMPLOYEES. (a) The board of regents shall appoint a well-educated person as superintendent of the school and shall determine his salary and his duties. The board may remove him for reasons it deems sufficient.

(b) The superintendent may appoint and remove the subordinate officers and employees, the number and salaries of whom shall be fixed by the board.

(c) The superintendent is responsible to the board for the details of management of the school. He shall exercise the power conferred on him by law with the approval and consent of the board. (V.A.C.S. Art. 3254c, Sec. 3.)

Sec. 74.054. RULES AND REGULATIONS. The superintendent, with the approval of the board of regents, shall make the necessary rules and regulations for the government and management of the school. (V.A.C.S. Art. 3254c, Sec. 12.)

Sec. 74.055. PERSONS WHO MAY BE ADMITTED; CLASSIFICATION. (a) A person afflicted with cerebral palsy who has been a citizen of this state and of the county from which he comes at the time of filing his application with the county judge as provided by this subchapter shall be admitted to the school.

(b) A "citizen of this state" is defined to be any person who has actually resided in the state with the bona fide intention of being a citizen of the state for a period of 12 months immediately preceding the date of the application.

(c) Students admitted to the school shall be classified as:

(1) indigent public students;

(2) non-indigent public students; and

(3) private students.

(d) Indigent public students are those who possess no property of any kind and have no one legally liable for their support and able to reimburse the state.

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(e) Non-indigent public students are those who possess some property out of which the state may be reimbursed or who have someone legally liable for their support and able to reimburse the state. (V.A.C.S. Art. 3254c, Sec. 4.)

Sec. 74.056. PRIVATE STUDENTS. (a) Private students may be admitted to the school on the application of a parent, guardian, or friend under regulations prescribed by the board and the superintendent not in conflict with the provisions of this subchapter.

(b) A private student shall be kept and maintained at the school at his own expense or at the expense of his parent, guardian, relative, or friend. For the board, care, and education of private students, the superintendent shall make a special contract at the rate set by the board of regents. At the time of admission of a private student, the agreed fee must be paid in advance for six months, and bond and security must be given for the prompt payment of all future expenses of the student.

(c) Payments under this section shall be made to the school, which shall give receipt for the payments and shall use them for the maintenance and improvement of the school. (V.A.C.S. Art. 3254c, Sec. 6.)

Sec. 74.057. PREFERENCE AS BETWEEN APPLICANTS. When application is made for more students than can be admitted, the superintendent shall give preference to indigent public students over non-indigent public students, and shall at all times give preference to both of those classes over private students. (V.A.C.S. Art. 3254c, Sec. 5.)

Sec. 74.058. APPLICATION. (a) The parent, guardian, or friend of a person for whom admission is sought may make application in writing and under oath to the county judge of the county where the person for whom admission is sought resides.

(b) The application shall state as to the person for whom admission is sought:

(1) the name, age, sex, and national origin;

(2) his occupation, trade, or employment;

(3) his residence address or addresses for the three years immediately preceding the date of the application;

(4) the name and address of any living parent or guardian;

(5) the name and address of the husband or wife, if any;

(6) the name, address, age, and sex of each child, if any;

(7) a description and estimated value of any property interest;

(8) the name and address of each person liable for his support, if any, and a description and estimated value of any property owned by that person; and

(9) the name and address of any relative who is or was similarly afflicted, insane, inebriate, consumptive, or criminal. (V.A.C.S. Art. 3254c, Sec. 7.)

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Sec. 74.059. CERTIFICATE OF PHYSICIAN. The application shall be accompanied by a certificate of a reputable practicing physician stating that he has carefully examined the person for whose admission application is made and that the person is afflicted with cerebral palsy. The certificate shall also show the present physical condition of the applicant and any special and other information that would be helpful to the superintendent in the care and education of the person. (V.A.C.S. Art. 3254c, Sec. 8.)

Sec. 74.060. DUTIES OF COUNTY JUDGE. (a) The county judge shall certify that the physician making the certificate is a reputable physician actively engaged in the practice of his profession and has complied with the laws of this state granting license to physicians to practice medicine.

(b) If the judge is not satisfied as to the showing made in the application and certificate, or either, he may subpoena witnesses and examine them under oath as to those matters.

(c) If it appears to the county judge that the person is entitled to admission to the school, he shall forward an application to the superintendent of the school for admission of the person as an indigent or non-indigent student, as the judge determines on careful investigation. The application shall be accompanied with full copy of the proceedings had in the case, and the original shall be filed in the office of the county clerk.

(d) The county judge shall see that each student admitted to the school is supplied with three full suits of substantial clothing. (V.A.C.S. Art. 3254c, Sec. 9.)

Sec. 74.061. EXPENSES. The cost of the clothing and the transportation of an indigent public student and the expenses and compensation of the necessary escort shall be paid by the county from which the student is sent. Non-indigent public students shall pay for the clothing, transportation, and escort. In no case shall the escort be entitled to charge or receive more than $2 a day and expenses actually necessary in going to and returning from the school. (V.A.C.S. Art. 3254c, Sec. 10.)

Sec. 74.062. SUPPORT OF INDIGENT PUBLIC STUDENTS. Indigent public students shall be supported entirely at the expense of the state. (V.A.C.S. Art. 3254c, Sec. 11 (part).)

Sec. 74.063. SUPPORT OF NON-INDIGENT PUBLIC STUDENTS; REIMBURSEMENT; SUIT. (a) Each non-indigent public student shall be kept and maintained at the expense of the state in the first instance; but the state has the right to be reimbursed for the support of a non-indigent student, and the claim of the state for support constitutes a valid lien against any property of the student, or in case he has a guardian, against his estate, or against the person or persons who may be legally liable for his support and financially able to contribute to his support.

(b) The claim may be collected by suit or other proceedings in the name of this state by the county or district attorney of

the county from which the student is sent, against the student, his guardian, or the person or persons liable for his support, as the case may be.

(c) The suit or proceeding shall be instituted on the written request of the superintendent, accompanied by his certificate as to the amount due the state, which shall in no case exceed the sum set by the board of regents. The certificate of the superintendent shall be sufficient evidence of the amount due the state for the support of the student.

(d) The county or district attorney shall institute and conduct the suit or proceedings, for which he is entitled to a commission of 10 percent of the amount collected. The county or district attorney shall pay all money so collected, less the commission, to the board of regents, which shall receive and give receipt for the payment and shall use the money for maintenance and improvement of the school. (V.A.C.S. Art. 3254c, Sec. 11 (part).)

[Sections 74.064-74.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL SCHOOL AT DALLAS

Sec. 74.101. COMPONENT INSTITUTION. The University of Texas Southwestern Medical School at Dallas is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2606b, Sec. 1, 1a, 3 (part).)

Sec. 74.102. COURSES AND DEGREES; RULES AND REGULATIONS. The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class. (V.A.C.S. Art. 2606b, Sec. 2.)

Sec. 74.103. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and leases, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed. (V.A.C.S. Art. 2606b, Sec. 4 (part).)

Sec. 74.104. ENTERING CLASSES. The medical school shall admit at least 100 students in each entering class. (V.A.C.S. Art. 2606b, Sec. 5.)

Sec. 74.105. LEASE OF LAND FOR HOSPITAL, ETC. (a) The board may lease to nonprofit charitable, scientific, or educational corporations organized under the laws of the State of Texas, or to any governmental agency or agencies, a tract or tracts of land situated in Dallas County out of land previously deeded by Southwestern Medical Foundation to the State of Texas.

(b) A lease under this section shall be on the terms, conditions, and provisions and for a period of years determined by the board. No lease shall be for a term of more than 99 years.

(c) A lease under this section shall be made only to a nonprofit corporation or governmental agency for the purpose of constructing, maintaining, and operating a hospital, hospitals, or public health centers and services; or for the purpose of constructing, maintaining, and operating dormitories and housing facilities for students attending the medical school or persons employed by and in institutions located on the property.

(d) In no event shall the State of Texas or The University of Texas System be liable, directly or indirectly, for any expense or cost in connection with the construction, operation, and maintenance of any building or other improvement placed on the leased premises by any lessee. (V.A.C.S. Art. 2603g.)

[Sections 74.106-74.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO

Sec. 74.151. COMPONENT INSTITUTION. The University of Texas Medical School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2585c, Sec. 2(d); Art. 2606c, Sec. 1 (part).)

Sec. 74.152. COURSES AND DEGREES; RULES AND REGULATIONS. The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class. (V.A.C.S. Art. 2606c, Sec. 2.)

Sec. 74.153. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government, any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and money, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed. (V.A.C.S. Art. 2606c, Sec. 3.)

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Sec. 74.154. TEACHING HOSPITAL. A teaching hospital deemed suitable by the board shall be provided by the city or county within one mile of the campus of the medical school. It shall be maintained without cost to the state. (V.A.C.S. Art. 2606c, Sec. 1 (part).)

[Sections 74.155-74.200 reserved for expansion]

SUBCHAPTER E. MEDICAL SCHOOL TO BE ESTABLISHED AND LOCATED BY BOARD OF REGENTS

Sec. 74.201. ESTABLISHMENT AND LOCATION; NAME; SCOPE. (a) The board of regents may establish and maintain an additional medical branch of the university system at any location in the state. However, the location of the medical school must be determined by the board to be in the best interests of the people of the State of Texas and must be approved by the Coordinating Board, Texas College and University System. The school so established shall be known by a name designated by the board. The board is prohibited, however, from establishing this medical school in the same county that maintains or operates the main campus of any public or private medical school on September 1, 1969.

(b) The board may provide for the teaching and training of medical students, medical technicians, and other technicians in the practice of medicine. (V.A.C.S. Art. 2606c-1.1, Sec. 4.)

Sec. 74.202. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-1.1, Sec. 5.)

Sec. 74.203. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-1.1, Sec. 6.)

Sec. 74.204. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings,

libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-1.1, Sec. 7.)

Sec. 74.205. TEACHING HOSPITAL. A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school. (V.A.C.S. Art. 2606c-1.1, Sec. 8.)

[Sections 74.205-74.250 reserved for expansion]

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL SCHOOL AT SAN ANTONIO

Sec. 74.251. COMPONENT INSTITUTION. The University of Texas Dental School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2603f-3, Sec. 1 (part).)

Sec. 74.252. TRAINING AND TEACHING. The board may provide for the training and teaching of dental students, dental technicians, and other technicians related to the practice of dentistry. (V.A.C.S. Art. 2603f-3, Sec. 1 (part).)

Sec. 74.253. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American dental schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2603f-3, Sec. 2.)

Sec. 74.254. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of a person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2603f-3, Sec. 3.)

Sec. 74.255. GIFTS AND GRANTS. The board may accept gifts and grants from any source for the benefit of the dental school. (V.A.C.S. Art. 2603f-3, Sec. 4.)

[Sections 74.256-74.300 reserved for expansion]

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SUBCHAPTER G. THE UNIVERSITY OF TEXAS (CLINICAL) NURSING SCHOOL AT SAN ANTONIO

Sec. 74.301. ESTABLISHMENT; PURPOSE. The board of regents may establish and maintain in Bexar County The University of Texas (Clinical) Nursing School at San Antonio, a clinical nursing school for the education of nursing students. (V.A.C.S. Art. 2606c-2, Sec. 1 (part).)

Sec. 74.302. HOSPITAL FACILITIES AND SERVICES. All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently. (V.A.C.S. Art. 2606c-2, Sec. 1 (part).)

Sec. 74.303. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-2, Sec. 2.)

Sec. 74.304. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class, not in conflict with Section 74.302 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-2, Sec. 4.)

Sec. 74.305. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-2, Sec. 5.)

Sec. 74.306. LIBERAL ARTS COURSES PENDING ESTABLISHMENT. While the nursing school is being established, students may take the prerequisite liberal arts courses prescribed by the nursing school. (V.A.C.S. Art. 2606c-2, Sec. 3.)

[Sections 74.307-74.350 reserved for expansion]

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SUBCHAPTER H. THE UNIVERSITY OF TEXAS (UNDERGRADUATE) NURSING SCHOOL AT EL PASO

Sec. 74.351. ESTABLISHMENT; PURPOSE. The board of regents may establish and maintain in El Paso County The University of Texas (Undergraduate) Nursing School at El Paso, a four-year school for the education of nursing students. (V.A.C.S. Art. 2606c-2.1, Sec. 1 (part).)

Sec. 74.352. HOSPITAL FACILITIES AND SERVICES. All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently. (V.A.C.S. Art. 2606c-2.1, Sec. 1 (part).)

Sec. 74.353. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-2.1, Sec. 2.)

Sec. 74.354. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional
* school of the first class, not in conflict with Section 74.352 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered. (V.A.C.S. Art. 2606c-2.1, Sec. 3.)

Sec. 74.355. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-2.1, Sec. 4.)

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CHAPTER 75. OTHER UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

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CHAPTER 75. OTHER UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE INSTITUTE OF TEXAN CULTURES

Sec. 75.001. INSTITUTE OF TEXAN CULTURES. The Institute of Texan Cultures and the Texas State Exhibits Building at HemisFair 1968, and all land and improvements related to them, are under the management and control of the board of regents. (59th Legis., Ch. 443, Sec. 8(a), as amended.)

Sec. 75.002. PURPOSE OF INSTITUTE. The institute shall continue to be used principally as a center concerned with subjects relating to the history and culture of the people of Texas, with collecting, organizing, and interpreting information on Texas subjects, and with producing films, filmstrips, slides, tapes, publications, and exhibits on these subjects for statewide use on television, in classrooms, in museums, and at public gatherings for the benefit of the people of Texas. (59th Legis., Ch. 443, Sec. 8(c), as amended.)

Sec. 75.003. GIFTS OF LAND. The board may accept gifts of land for the benefit of the institute. (59th Legis., Ch. 443, Sec. 8(b), as amended.)

[Sections 75.004-75.100 reserved for expansion]

SUBCHAPTER B. INSTITUTE FOR URBAN STUDIES

Sec. 75.101. CREATION OF INSTITUTE; LOCATION. The board of regents of The University of Texas System shall establish and maintain an institute for urban studies in the Fort Worth-Dallas metropolitan area. (V.A.C.S. Art. 2606d, Sec. 1.)

Sec. 75.102. ADMINISTRATION. The administration of the institute for urban studies shall be under the direction of the chancellor and board of regents of The University of Texas System. The administrative officer of the institute shall be appointed by the chancellor with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 75.103. ROLE AND SCOPE OF INSTITUTE. The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

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Sec. 75.104. CORRELATION OF PROGRAMS. In order to correlate the programs offered by the institute and the institute established by the University of Houston under Subchapter D, Chapter 111, of this code, there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 75.105. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the chancellor and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

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SUBTITLE D. THE TEXAS A & M UNIVERSITY SYSTEM

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SUBTITLE D. THE TEXAS A & M UNIVERSITY SYSTEM
CHAPTER 85. ADMINISTRATION OF THE TEXAS A & M UNIVERSITY SYSTEM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 85.01. DEFINITIONS. In this chapter:

(1) "System" or "university system" means The Texas A & M University System.

(2) "Board" means the board of directors of The Texas A & M University System. (New.)

[Sections 85.02-85.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 85.11. BOARD OF DIRECTORS. The government of the university system is vested in a board of nine directors appointed by the governor with the advice and consent of the senate. (R.S. Art. 2610 (part); V.A.C.S. Art. 2607a, Sec. 2, 3.)

Sec. 85.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2907 (part).)

Sec. 85.13. CERTIFICATE OF APPOINTMENT. The secretary of state shall forward a certificate to each director within 10 days after his appointment, notifying him of the fact of his appointment. If any person so appointed and notified fails for 10 days to give notice to the governor of his acceptance, his appointment shall be deemed void and his place shall be filled as in the case of a vacancy. (R.S. Art. 2611.)

Sec. 85.14. PRESIDENT OF BOARD. The board shall elect from its members a president of the board, who shall call the board together for the transaction of business whenever he deems it expedient. (R.S. Art. 2610 (part).)

Sec. 85.15. EXPENSES OF DIRECTORS. The directors shall serve without compensation but are entitled to reimbursement for actual expenses incurred in attending board meetings and in transacting the official business of the board. (R.S. Art. 2612.)

Sec. 85.16. SEAL. The board may make and use a common seal. (R.S. Art. 2610 (part).)

[Sections 85.17-85.20 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 85.21. GENERAL POWERS AND DUTIES. The board shall make bylaws, rules, and regulations it deems necessary and proper,

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for the government of the university system and its institutions, agencies, and services. The board shall regulate the course of study and prescribe the course of discipline necessary to enforce the faithful discharge of the duties of the officers, faculty, and students. (R.S. Art. 2613, subd. 6.)

Sec. 85.22. EXPENDITURES. All expenditures may be made by order of the board and shall be paid on warrants from the comptroller based on vouchers approved by the president of the board or by some officer or officers designated by him in writing to the comptroller. (R.S. Art. 2613, subd. 9.)

Sec. 85.23. PERMANENT IMPROVEMENTS; CONTRACTS; LAND TRANSACTIONS. (a) The board may contract with persons, firms, or corporations for the purchase, acquisition, or construction of permanent improvements on or conveniently located with reference to the campus of any institution of the system; and may purchase, sell, or lease lands and other appurtenances for the construction of the permanent improvements. However, no liability shall be incurred by the State of Texas under this subsection.

(b) The board may sell, encumber, or contract with reference to the divesting or encumbering of the title to, any part of the campus or other property of any institution of the system as may be necessary in the construction or acquisition of dormitories. However, no debt shall be incurred against the institution or the State of Texas. (V.A.C.S. Art. 2613a-1, Sec. 1, 4, and 7.)

Sec. 85.24. UTILITIES. (a) The board from time to time may improve and equip existing central power plants and may construct, acquire, improve, and equip steam plants and additions to them, and the board may acquire land for these purposes for the institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board. As used in this subsection, "steam plants" does not include electrical generating facilities, but "central power plants" does include electrical generating facilities.

(b) The board from time to time may construct, extend, and improve the water systems, sewer systems, or both, for any or all institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board.

(c) The board may furnish water, sewer, steam, power, electricity, or any or all of those services from the power and steam plant or plants and other facilities located at each institution, to any or all dormitories, kitchens and dining halls, hospitals, student activity buildings, gymnasiums, athletic buildings and stadiums, the dormitory for help, laundry, and other buildings or facilities that may have been or may be constructed at each institution, and may determine the amount to be charged as a part of the maintenance and operation expense of those buildings or facilities for the service or services. The board may allocate the cost of furnishing the services to revenue-producing buildings and facilities and to other buildings and facilities at the institutions. The board may pledge the net revenues from the amounts

thus received for the services to pay the principal of and interest on, and to create and maintain the reserve for, the negotiable revenue bonds issued for the purpose of constructing, acquiring, improving, extending, or equipping the power and steam plants, or additions thereto, or other facilities, and may secure the bonds additionally by pledging rentals, rates, charges, and fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, which may be fixed and collected from all or any designated part of the students enrolled in the institution or institutions or from others in the amounts and in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds. (V.A.C.S. Art. 2613a-4, Sec. 1a, 1b, 4.)

Sec. 85.25. LANDS AND MINERAL INTERESTS. (a) The board is vested with the sole and exclusive management and control of lands and mineral interests under its jurisdiction and that may be acquired by it. The board may convey lands to other units or agencies of government; and where not otherwise authorized by existing law so to do, the board may sell said lands or lease the surface estate under terms and conditions it deems best in the public interest. The board may not, however, sell or otherwise dispose of any land comprising the original main campus of Texas A & M University, located at College Station, except as specifically authorized by existing law. Proceeds received therefrom may be retained in local funds subject to disposition by the board for any lawful purpose.

(b) This section is cumulative of existing statutes relating to the authority of the board to lease for oil, gas, sulphur, mineral ore, and other mineral developments, and otherwise to buy, sell, and lease certain lands under its jurisdiction and supervision.

(c) This section does not cover any lands or minerals held by the general land office. (V.A.C.S. Art. 2613a-11.)

Sec. 85.26. LEASES AND EASEMENTS; RIGHTS-OF-WAY FOR ELECTRIC LINES, PIPELINES, IRRIGATION CANALS, ETC. (a) The board may execute leases and grant easements for rights-of-way for telephone, telegraph, electric transmission, and power lines, for oil pipelines, gas pipelines, sulphur pipelines, water pipelines and other electric lines and pipelines of any nature whatsoever, and for irrigation canals, and laterals, and may execute easements or leases for the erection and maintenance of electric substations, pumping stations, loading racks, tank farms, and other structures, and may execute easements for rights-of-way to the Texas Highway Department, to any county in the state, or to any corporation, group, organization, firm, or individual for highway or roadway purposes, on or across any lands belonging to the state and under the control of the board, if the board in its discretion deems it apparent that the interest of the state can best be served by the granting of the easements and leases.

(b) Each easement granted under this section shall be on forms approved by the attorney general and shall include a complete description of the land on which the easement is to be

granted, the period of time covered by the easement, the amount of money to be paid by the grantee to the grantor, or other consideration for the granting of such easement. It shall also specify the terms and conditions, penalties for failure to comply with its provisions, and other pertinent information necessary and desirable to effect a complete understanding of the transaction.

(c) The grant of an easement for right-of-way, except an easement for right-of-way for highway or roadway purposes which may be for an indefinite term shall be limited to a term of not longer than 10 years, but any such easement may be renewed by the board.

(d) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the part of the system to which the land from which the easement is granted is assigned.

(e) No person, firm, group, organization, agency, or corporation shall hereafter construct any telephone, telegraph, transmission, or electric line, pipeline, electric substation, tank farm, loading rack, pumping station, irrigation canal or lateral, highway, or roadway of the kind and character enumerated in Subsection (a) of this section, across or on any section or part of a section of land of the character described in Subsection (a) of this section, who has not obtained a proper easement as provided by this section; or continue in possession of any such land without obtaining from the board a grant of a right-of-way easement or other easement across or on such land where the telephone, telegraph, transmission, or electric lines, pipelines, or any other transmission or pipelines, electric substation, tank farm, loading rack, or pumping station, irrigation canal or lateral, highway, or roadway is to constructed. Any person, firm, group, organization, agency, or corporation violating this subsection shall be liable for a penalty of $100 for each day of the violation, to be recovered by the attorney general. (V.A.C.S. Art. 2613a-7.)

Sec. 85.27. FLOOD CONTROL EASEMENTS. The board may convey flood control easements over land under its jurisdiction and control to water control and improvement districts of this state. No flood control easement shall be conveyed unless the board receives from the district reasonable consideration for the conveyance. The conveyance shall be under the terms and conditions that the board deems in the best interest of the university system. (V.A.C.S. Art. 2613a-9.)

Sec. 85.28. AIRPORTS. (a) The board may construct or otherwise acquire an airport for any institution within the system. It may maintain and operate the airports in connection with the teaching of courses in aeronautical engineering and for purposes in cooperation with the national defense program and for other purposes which will not interfere with those uses.

(b) The board may acquire by purchase, lease, gift, condemnation, or otherwise, and may use, operate, and maintain any kind of property or property interest necessary or convenient to the

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exercise of powers under this section. The power of eminent domain shall be exercised in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, as amended, except that the board shall not be required to give bond for appeal or bond for costs. (V.A.C.S. Art. 2615c.)

Sec. 85.29. RESEARCH AND EXPERIMENTATION FOR HIGHWAY DEPARTMENT. The state comptroller of public accounts may draw proper warrants in favor of any part of the university system based on vouchers or claims submitted by the system through the State Highway Department covering reasonable fees and charges for services rendered by members of the staff of the system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the Texas Agricultural and Mechanical College System as passed by the State Highway Department on September 29, 1948, and recorded by the State Highway Department as Minute Order Number 25396; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the system shall be credited and deposited to local institutional funds under its control. (V.A.C.S. Art. 2615e.)

[Sections 85.30-85.50 reserved for expansion]

SUBCHAPTER D. LEASE OF LANDS FOR OIL, GAS, AND OTHER MINERAL DEVELOPMENT

Sec. 85.51. AUTHORITY TO LEASE. The board may lease for oil, gas, sulphur, mineral ore, and other mineral developments to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control, or any part of those lands, owned or in the future acquired by the state for the use of the university system. (V.A.C.S. Art. 2613a-3, Sec. 1(a).)

Sec. 85.52. SALE OF MINERAL ORE IN PLACE. Mineral ore located in and on the land may also be sold in place by the board at not less than the fair market value as determined by the same methods as are provided for leasing of lands under this subchapter for development of the minerals in the lands. (V.A.C.S. Art. 2613a-3, Sec. 4a.)

Sec. 85.53. TRACTS, LOTS, BLOCKS. The board may cause the lands to be surveyed or subdivided into tracts, lots, or blocks that will, in its judgment, be most conducive and convenient to facilitate the advantageous sale of lease for oil, gas, sulphur, mineral ore, and other minerals, and may make maps and plats that-

may be thought necessary to carry out the purposes of this subchapter. The board may obtain authentic abstracts of title to all the lands as it deems necessary from time to time, and may take any steps necessary to perfect a merchantable title to the lands in the State of Texas. (V.A.C.S. Art. 2613a-3, Sec. 2.)

Sec. 85.54. PLACING LEASES ON MARKET; ADVERTISING. (a) Whenever, in the opinion of the board, there is a demand for the purchase of oil, gas, sulphur, mineral ore, or other mineral leases on any tract or part of any tract of land that will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, mineral ore, or other mineral leases on the land on the market in any tract or tracts, or any part thereof, that the board may designate.

(b) The board shall cause to be advertised a brief description of the land from which the oil, gas, sulphur, mineral ore, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state; and in addition the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state, mail copies of the proposals to the county judge of the county where the lands are located, and mail copies of the proposals to other persons the board thinks would be interested. (V.A.C.S. Art. 2613a-3, Sec. 3 (part).)

Sec. 85.55. PUBLIC AUCTION; BIDS; ACCEPTANCE; REJECTION; PAYMENTS. (a) The board may sell the lease or leases to the highest bidder at public auction, at Texas A & M University, in College Station, at any hour between 10 a.m. and 5 p.m.

(b) The board may reject all bids. However, the highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid to the board within 24 hours after notification that the bid has been accepted. Payments shall be in cash, certified check, or cashier's check, as the board may direct. Failure to pay the balance of the amount bid will forfeit to the board the 25 percent paid.

(c) A separate bid shall be made for each tract or subdivision thereof. No bids shall be accepted which offer less than the fair market price per ton for the mineral ore or a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board. Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement and shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is re-leased by the lessee. (V.A.C.S. Art. 2613a-3, Sec. 3 (part), 4.)

Sec. 85.56. SUBSEQUENT PROCEDURE IF NO BIDS ACCEPTED. If no bid is accepted by the board at the public auction, any subsequent procedure for the sale of oil, gas, sulphur, mineral ore,-

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and other mineral leases shall be in the manner prescribed by this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 5 (part).)

Sec. 85.57. WITHDRAWAL OF LAND ADVERTISED. The board may withdraw any lands advertised for lease or for the sale of mineral ore in place. (V.A.C.S. Art. 2613a-3, Sec. 14 (part).)

Sec. 85.58. ACCEPTANCE OF BIDS; AWARD OF LEASE. (a) If in the opinion of the board any one of the bidders has offered a reasonable and proper price for any tract and not less than the price fixed by the board, the lands advertised may be leased for oil, gas, sulphur, mineral ore, and other mineral purposes under the provisions of this subchapter and any regulations the board may prescribe which are not inconsistent with the provisions of this subchapter.

(b) On acceptance of a bid, the board shall prepare a lease contract. The bid and a copy of the lease contract shall be filed in the general land office. (V.A.C.S. Art. 2613a-3, Sec. 5 (part), 6 (part), 7(a).)

Sec. 85.59. EXPLORATORY TERM; EXTENSION; OTHER PROVISIONS OF LEASE. (a) The exploratory term of the lease as determined by the board prior to the promulgation of the advertisement shall in no case exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of members of the board the lease may be extended for a period of three years. The lease may be extended if the board finds that there is likelihood of oil, gas, sulphur, mineral ore, and other minerals being discovered by lessees, and that the lessees have proceeded with diligence to protect the interest of the state. However, if oil, gas, sulphur, mineral ore, and other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, mineral ore, and other minerals are being so produced. No extension under this subsection may be made by the board until the last 30 days of the original term of the lease.

(b) When, in the discretion of the board, it is deemed for the best interest of the state to extend a lease issued by the board, the board by unanimous vote may extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and any additional terms the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement.

(c) The lease shall include any additional provisions and regulations the board may prescribe to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 7(b), (c).)

Sec. 85.60. DISCONTINUANCE OF YEARLY PAYMENTS; TERMINATION FOR NONPRODUCTION. When the royalties amount to as much as the yearly payments as fixed by the board, the yearly payments may be discontinued. If before the expiration of five years oil, gas, sulphur, mineral ore, and other minerals have not been produced

in paying quantities, the lease shall terminate unless extended as provided by this subchapter. (V.A.C.S Art. 2613a-3, Sec. 6 (part).)

Sec. 85.61. OPERATIONS UNDER LEASE: EFFECT ON RENTAL PAYMENTS, TERM OF LEASE. If, during the term of any lease issued under the provisions of this subchapter, the lessee is engaged in actual drilling and mining operations for the discovery of oil, gas, sulphur, mineral ore, and other minerals on land covered by any such lease, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith; and if oil, gas, sulphur, mineral ore, and other minerals are discovered in paying quantities on any tract of land covered by any lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, mineral ore, and other minerals are produced in paying quantities from the tract. (V.A.C.S. Art. 2613a-3, Sec. 8 (part).)

Sec. 85.62. PRORATION OR REDUCTION OF PRODUCTION. When, in the discretion of the board, it is for the best interest of the state to prorate or reduce production of any land, the board may execute the necessary contract to carry out that purpose. (V.A.C.S. Art. 2613a-3, Sec. 7(d).)

Sec. 85.63. INTERFERENCE WITH SURFACE USES. No lease for oil, gas, sulphur, mineral ore, and other minerals shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, mineral ore, and other minerals within 300 feet of any building on the land without the consent of the board. A lease on any experimental station or farm shall provide that the operations for oil, gas, sulphur, mineral ore, and other minerals shall not in any way interfere with use of the land as an experimental station and shall not cause the abandonment of the property or its use for experimental farm purposes; and the lessee shall drill, mine, and carry on his operations in such a way as not to cause the abandonment of the property for experimental farm purposes, and any such leased property shall be subject to the use by the State of Texas for all experimental purposes and the board shall continue to operate the experimental station. (V.A.C.S. Art. 2613a-3, Sec. 5 (part).)

Sec. 85.64. PROTECTION FROM DRAINAGE. In every case where the area in which oil, gas, sulphur, mineral ore, and other minerals sold shall be contiguous or adjacent to lands which are not lands belonging to and held by the university system, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances. In cases where the area in which the oil, gas, sulphur, mineral ore, and other minerals are sold is contiguous to other lands belonging to and held by the university system which have been leased or sold at a lesser royalty, the owner shall likewise protect the land from drainage from the lands so leased or sold

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for a lesser royalty. On failure to protect the land from drainage as herein provided, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures. (V.A.C.S. Art. 2613a-3, Sec. 11.)

Sec. 85.65. RIGHTS OF PURCHASER; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, mineral ore, and other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned; and if not so filed and payment made, the assignment shall not be effective.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed with the chairman of the board, accompanied by $1 for each area assigned; but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon.

(d) The board shall authorize the laying of pipeline, telephone line, and the opening of roads as deemed reasonably necessary for and incident to the purpose of this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 9.)

Sec. 85.66. ROYALTY PAYMENTS; INSPECTION OF RECORDS; REPORT OF LAND COMMISSIONER. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty or money as stipulated in the sale shall be paid to the general land office at Austin on or before the last day of each month for the preceding month during the life of the rights purchased, and shall be set
* aside in the state treasury as specified in Section 85.70 of this code. The royalty or money paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, mineral ore, and other minerals produced and saved since the last report, the amount of oil, gas, sulphur, mineral ore, and other minerals produced and sold off the premises, and the market value of the oil, gas, sulphur, mineral ore, and other minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts and other checks and memoranda of the amounts produced and put into pipelines, tanks, vats, or pool and gas lines, gas storage, other places of storage, and other means of transportation.

(b) The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of oil, gas, sulphur, mineral ore, and other minerals shall at all times be subject to inspection and examination of any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of

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all receipts from the lease or sale of oil, gas, sulphur, mineral ore, and other minerals turned into the special fund in the state treasury of the preceding month. (V.A.C.S. Art. 2613a-3, Sec. 10.)

Sec. 85.67. FORFEITURE; OTHER REMEDIES; LIEN. (a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental, royalty on production, or other payment, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, drilling, or mining, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil, gas, sulphur, mineral ore, and other minerals produced upon the leased area and upon all rigs, tanks, vats, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, mineral ore, and other minerals produced thereon, to secure any amount due from the owner of the lease. (V.A.C.S. Art. 2613a-3, Sec. 12.)

Sec. 85.68. FILING OF RECORDS. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the general land office and constitute archives thereof. (V.A.C.S. Art. 2613a-3, Sec. 13 (part).)

Sec. 85.69. PAYMENTS; DISPOSITION. Payments under this subchapter shall be made to the commissioner of the general land office at Austin, who shall transmit to the state treasurer all royalties, lease fees, rentals for delay in drilling or mining, and all other payments, including all filing assignments and relinquishment fees, to be deposited in the special fund in the
* state treasury as provided by Section 85.70 of this code. (V.A.C.S. Art. 2613a-3, Sec. 13 (part).)

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Sec. 85.70. DISPOSITION OF MONEY; SPECIAL FUNDS; INVESTMENT. (a) All money received under and by virtue of this subchapter shall be deposited in the state treasury to the credit of a special fund to be known as The Texas A & M University System Special Mineral Investment Fund. In the judgment of the board, this special fund may be invested so as to produce an income which may be expended under the direction of the board in erecting permanent improvements for the university system and in payment of expenses incurred in connection with the administration of this subchapter. The unexpended income likewise may be invested as herein provided.

(b) The income from the investment of the special mineral investment fund shall be deposited to the credit of a fund to be known as The Texas A & M University System Special Mineral Income Fund, and shall be appropriated by the legislature exclusively for the university system for the purposes herein provided. (V.A.C.S. Art. 2613a-3, Sec. 1(b), (c).)

Sec. 85.71. FORMS; CONTRACTS; REGULATIONS. The board shall adopt forms and contracts and shall promulgate rules and regulations that in its best judgment will protect the income from lands leased under this subchapter. A majority of the board may act in all cases, except where otherwise provided by this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 14 (part).)

Sec. 85.72. EXPENSES OF EXECUTING THIS SUBCHAPTER. The expenses of executing the provisions of this subchapter shall be paid by warrants drawn by the comptroller on the state treasury against the income from the special fund accumulated from leases, rentals, royalties, and other payments. (V.A.C.S. Art. 2613a-3, Sec. 15.)

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CHAPTER 86. TEXAS A & M UNIVERSITY

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CHAPTER 86. TEXAS A & M UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 86.01. DEFINITIONS. In this chapter:

(1) "University" means Texas A & M University.

(2) "Board" means the board of directors of The Texas A & M University System. (New.)

Sec. 86.02. TEXAS A & M UNIVERSITY. Texas A & M University is an institution of higher education located in the city of College Station. It is under the management and control of the board of directors of The Texas A & M University System. (R.S. Art. 2607; V.A.C.S. Art. 2607a, Sec. 1.)

Sec. 86.03. LEADING OBJECT. The leading object of the university shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts, in such manner as the legislature may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. (R.S. Art. 2608.)

[Sections 86.04-86.10 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 86.11. APPOINTMENT OF PRESIDENT, OFFICERS, PROFESSORS. The board shall appoint the president, the professors, and other officers it deems proper to keep the university in successful operation. It may abolish any office it deems unnecessary. (R.S. Art. 2613, subd. 1.)

Sec. 86.12. ENTOMOLOGIST. The president and board shall employ an expert entomologist, one or more, as may be deemed necessary, whose duty it shall be to devise, if possible, means of destroying the Mexican boll weevil, boll worm, caterpillar, sharpshooter, chinch bug, peach bug, fly and worm and other insect pests and to perform the duties of professor of entomology in the university. (R.S. Art. 2613, subd. 2.)

Sec. 86.13. CIVIL ENGINEER; SOIL CONSERVATION DEMONSTRATIONS. The board shall employ a graduate civil engineer of the university who has a practical and scientific knowledge of the conservation of moisture and soil fertility, who understands the practical art of terracing farmland to preserve the moisture and soil fertility and to prevent the washing away and the destruction of the properties of the soil, and who has had five years' actual experience in terracing farmlands in some southern state. He shall make his headquarters at the university, where he shall instruct the students by lecture and practical demonstration in the best method of such conservation and terracing so as to enable them to do the work successfully. He shall devote one-half of his time to such instruction, and the other half shall be spent in

field work, giving practical demonstrations in terracing to farmers' institutes and other farmers' organizations; and the president of the university shall require him to go over the state on the application of farmers desiring expert instruction in terracing farmlands and in conserving the moisture and soil fertility. He shall be furnished with the necessary instruments and equipment for the demonstration and instruction. (R.S. Art. 2613, subd. 8.)

Sec. 86.14. SPECIAL SUMMER SCHOOL. The board shall provide for a special summer school of at least two months each year for the training of special students who shall be admitted without an entrance examination, and may make provisions for the summer school, purchase the necessary equipment, and generally do and perform all acts necessary to establish and maintain the summer school. (R.S. Art. 2613, subd. 4.)

Sec. 86.15. SUMMER SESSIONS; ELEMENTARY AGRICULTURE FOR TEACHERS. The board shall require the teaching of elementary agriculture for teachers in the summer sessions. (R.S. Art. 2613, subd. 7.)

Sec. 86.16. FIREMEN'S TRAINING SCHOOL. (a) The university shall conduct and maintain a firemen's training school as a unit of the university in the manner deemed expedient and advisable by the board.

(b) The firemen's training school advisory board is composed of:

(1) three members of the teaching staff of the university appointed by the chairman of the board of directors; and

(2) four members or representatives of the State Firemen's Association of Texas or its successor, appointed by the president or other managing officer of that association.

(c) The advisory board shall confer with and advise the board of directors with reference to the organization of the school, the purchasing of equipment, the curriculum and program, and the conduct and management of the school.

(d) Expenditures for the per diem expenses of members of the advisory board and all other necessary expenses of the school shall be made only on the order of the board of directors, and no warrants shall be paid unless also approved in writing by the president of the university, who shall be advised with respect to the conduct of the school. (V.A.C.S. Art. 2615a.)

Sec. 86.17. ADJUNCT IN KIMBLE COUNTY. The board may establish in Kimble County an adjunct of the university to be located on land furnished without cost to the state. The board may provide at the adjunct any services which conform to the leading object of the university as prescribed by Section 86.03 of this code, including research, subject to the exception that not more than $300,000 may be expended from available plant funds for buildings and improvements without the specific authorization of the legislature. (V.A.C.S. Art. 2615d.)

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Sec. 86.18. GRADUATE PROGRAMS; CONTRACTS WITH BAYLOR UNIVERSITY. The university may enter into contracts and agreements with Baylor University for joint participation in graduate programs that may be designed to benefit the state. (V.A.C.S. Art. 2615f-1, Sec. 2, subd. b.)

Sec. 86.19. EMINENT DOMAIN. The board is vested with the power of eminent domain to acquire for the use of the university any land that may be necessary and proper for carrying out its purposes. The power of eminent domain shall be exercised in the
* manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended, except that the board shall not be required to deposit a bond or the amount equal to the award of the commissioners. (V.A.C.S. Art. 2613a-5.)

Sec. 86.20. AIRPORT. The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner. (V.A.C.S. Art. 2919c.)

Sec. 86.21. PERPETUAL FUND. The money arising from the sale of the 180,000 acres of land donated to this state by the United States under the provisions of an Act of Congress passed on the second day of July, 1862, and an amended Act of Congress of July 23, 1866, shall constitute a perpetual fund, under the conditions and restrictions imposed by the above recited Acts, for the benefit of Texas A&M University; and the investment of the money, heretofore made in the bonds of the state, when those bonds are redeemed, may be made by the board in United States government securities in furtherance of the interests of the university and in accordance with the terms on which it was received. (R.S. Art. 2614.)

Sec. 86.22. ACCRUED INTEREST. The interest heretofore collected by the State Board of Education in accordance with the provisions of the act of August 21, 1876, due at the end of the fiscal year of 1876, on the bonds belonging to the Agricultural and Mechanical College and invested in six percent state bonds, shall also constitute a part of the perpetual fund of the university until the legislature shall otherwise provide. The state board shall collect the semiannual interest on the bonds as it becomes due, and place the money in the state treasury to the credit of the fund. The interest on all such bonds is set apart exclusively for the use of the university and shall be drawn from the treasury by the board of directors on vouchers audited by the board, or approved by the governor and attested by the secretary of the board. On the vouchers being filed with the comptroller, he shall draw his warrant on the state treasurer as necessary to pay the directors, professors and officers of the university. (R.S. Art. 2615.)

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CHAPTER 87. OTHER ACADEMIC INSTITUTIONS IN THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. TARLETON STATE COLLEGE

Sec. 87.001. TARLETON STATE COLLEGE. Tarleton State College is a coeducational institution of higher education located in the city of Stephenville. It is under the management and control of the board of directors of The Texas A & M University System. (R.S. Art. 2616; V.A.C.S. Art. 2616a.)

Sec. 87.002. STUDENT LOAN FUND. The sum of $75,000 donated by the citizenship of Stephenville and Erath County shall be used by the board of directors as a student loan fund to be loaned to students who cannot otherwise attend the college, at a rate of interest not to exceed five percent per year, on any terms and conditions the board may deem advisable. (R.S. Art. 2617.)

Sec. 87.003. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the college any land that may be necessary or proper for carrying out its purposes. (R.S. Art. 2619.)

[Sections 87.004-87.100 reserved for expansion]

SUBCHAPTER B. THE PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS

Sec. 87.101. THE PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS. The Prairie View Agricultural and Mechanical College of Texas is a coeducational institution of higher education located at Prairie View, in Waller County. (V.A.C.S. Art. 2643b, Sec. 2, (part).)

Sec. 87.102. GOVERNING BOARD. The college is under the control and supervision of the board of directors of The Texas A & M University System. The board has the same powers and duties with respect to this college as are conferred on it by statute with respect to Texas A & M University. (R.S. Art. 2638; V.A.C.S. Art. 2643b, Sec. 2 (part).)

[Sections 87.103-87.200 reserved for expansion]

SUBCHAPTER C. THE TEXAS MARITIME ACADEMY

Sec. 87.201. TEXAS MARITIME ACADEMY. 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. (V.A.C.S. Art. 2615b, Sec. 1, 2 (part).)

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Sec. 87.202. GENERAL POWERS AND DUTIES. The board shall:

(1) employ a superintendent of the academy, who shall also be commander;

(2) employ instructors and the necessary employees and determine their number, duties, and compensation;

(3) fix the terms and conditions under which pupils shall be received, instructed, and graduated;

(4) arrange cruises to and from the harbors of Houston, Galveston, Beaumont, Port Arthur, and Corpus Christi; and

(5) establish rules and regulations for the proper management of the academy. (V.A.C.S. Art. 2615b, Sec. 3.)

Sec. 87.203. ADMISSION, DISCIPLINE, INSTRUCTION. The board shall prescribe the standards of admission and admit the applicants who meet the requirements. Students shall be subject to the regulations of conduct and discipline prescribed by the board. The board shall make provision for the proper instruction, for courses of study, and for the care, supervision, and management of the school; and the board is vested with all powers necessary for the proper discharge of these duties. (V.A.C.S. Art. 2615b, Sec. 2 (part).)

Sec. 87.204. FUNDS, PROPERTIES, AGREEMENTS. The board may receive any funds or property that may be subscribed, loaned, or bequeathed for the organization or maintenance of the academy and shall execute all necessary agreements for the faithful application of the funds or property. (V.A.C.S. Art. 2615b, Sec. 2 (part).)

Sec. 87.205. FEES AND CHARGES. The fact that provision for the establishment of this academy is for the primary purpose of giving students practical and technical instruction in the arts and sciences relating to the foregoing subjects, and the further fact that training in these fields will lead to immediate and remunerative employment for those who have finished the prescribed courses, make it necessary that larger fees be charged those students who enter the academy than is now paid by students enrolled in state-supported institutions of higher education. Therefore, the provisions of Subchapter E, Chapter 54 of this code, do not apply to the students enrolled in the academy. The board is specifically charged with the duty of assessing such fees and charges against the students who enter the academy as may be necessary to provide for the maintenance and support of the academy. (V.A.C.S. Art. 2615b, Sec. 4.)

CHAPTER 88. AGENCIES AND SERVICES OF THE TEXAS A & M UNIVERSITY SYSTEM

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CHAPTER 88. AGENCIES AND SERVICES OF THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 88.001. AGENCIES AND SERVICES. The agencies and services of the Texas A & M University System are:

(1) the Texas Forest Service (see Subchapter B of this chapter);

(2) the Texas Agricultural Experiment Station (see Subchapter C of this chapter);

(3) the Texas Agricultural Extension Service, established by action of the board of directors;

(4) the Texas Engineering Experiment Station, established by action of the board of directors;

(5) the Texas Engineering Extension Service, established by action of the board of directors; and

(6) other agencies and services that may be established by law or by action of the board of directors. (New.)

[Sections 88.002-88.100 reserved for expansion]

SUBCHAPTER B. THE TEXAS FOREST SERVICE

Sec. 88.101. STATE FORESTER: APPOINTMENT, QUALIFICATIONS. The board of directors shall appoint a state forester, who shall be a technically trained forester with not less than two years of experience in professional forestry work. The state forester is the director of the Texas Forest Service. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.102. GENERAL DUTIES. Under the general supervision of the board, the state forester shall:

(1) assume direction of all forest interests and all matters pertaining to forestry within the jurisdiction of this state;

(2) subject to the approval and confirmation of the board, appoint the assistants and employees necessary in executing the duties of his office and the purposes of the board, their compensation to be fixed by the board;

(3) take any action deemed necessary by the board to prevent and extinguish forest fires;

(4) enforce all laws pertaining to the protection of forests and woodlands and prosecute violations of those laws;

(5) collect data relating to forest conditions; and

(6) prepare for the board an annual report stating the progress and condition of state forestry work and recommending plans for improving the state system of forest protection, management, and replacement. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.103. ENFORCEMENT; APPOINTMENT OF PEACE OFFICERS. When necessary to execute his enforcement duties, the state forester may appoint as peace officers two district foresters, four division patrolmen, and four patrolmen, whose powers shall not exceed the enforcement powers of the state forester. The

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necessity of these appointments shall be certified to and approved by the board. (R.S. Art. 2613, subd. 10a.)

Sec. 88.104. AUTHORITY TO ENTER PRIVATE LAND. Authority is hereby granted to every employee of the Texas Forest Service and any outside labor or assistance the employee deems necessary to enter upon any privately-owned land in the performance of fire suppression duties which are by state law under the direction of the state forester. These entries on privately-owned land may be made whenever it is necessary to investigate forest and grass fires and to ascertain whether they are burning uncontrolled, and whenever it is necessary to suppress forest and grass fires that are known to be burning uncontrolled. (V.A.C.S. Art. 2613b-1.)

Sec. 88.105. COOPERATION WITH PERSONS AND AGENCIES. On request, under the sanction of the board, and whenever he deems it essential to the best interests of the people of the state, the state forester shall cooperate with counties, towns, corporations, or individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, under an agreement that the parties obtaining the assistance pay at least the field expenses of the men employed in preparing the plans. The board may cooperate with the National Forest Service under terms it deems desirable. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.106. COOPERATION WITH FEDERAL AGENCIES. The state forester, under the general supervision of the board, may cooperate on forestry projects with the National Forest Service and other federal agencies; and, subject to the authorization of the board, he may execute agreements relating to forest protection projects in cooperation with federal agencies and timberland owners and also agreements with timberland owners involving supervision of forest protection and forest development projects when the projects are developed with the aid of loans from a federal agency and when the supervision by the state is required by federal statute or is deemed necessary by the federal agency. (V.A.C.S. 2613b.)

Sec. 88.107. FOREST LAND: ACQUISITION BY GIFT OR PURCHASE. (a) On the recommendation of the board, the governor may accept gifts of land to the state to be held, protected, and administered by the board as state forests and to be used to demonstrate the practical utility of timber culture and water conservation and for game preserves. The gifts may be on terms and conditions agreed upon between the grantors of the property and the board.

(b) The board may purchase lands in the name of the state suitable chiefly for the production of timber as state forests, using for that purpose any special appropriation.

(c) All conveyances of property, by gift or otherwise, shall be submitted to the attorney general for approval as to form. (R.S. Art. 2613, subd. 11.)

Sec. 88.108. ACQUISITION OF LAND FOR FORESTRY PURPOSES; DISPOSITION. (a) The board may accept gifts, donations, or

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contributions of land suitable for forestry purposes and may enter into agreements with the federal government or other agencies for acquiring by lease, purchase, or otherwise any land that in the judgment of the board is desirable for state forests.

(b) When land is acquired or leased under this section, the board may make expenditures, from any funds not otherwise obligated, for its management, development, and utilization. The board may sell or otherwise dispose of products from the land and may make rules and regulations that may be necessary to carry out the purposes of this section.

(c) All revenue derived from land now owned or later acquired under the provisions of this section shall be segregated by the board for use in the acquisition, management, development, and use of the land until all obligations incurred have been paid in full. Thereafter, net profits accruing from the administration of the land shall be applicable for the purposes that the legislature may prescribe.

(d) Obligations for the acquisition of land incurred by the board under the authority of this section shall be paid solely and exclusively from revenue derived from the land and shall not impose any liability on the general credit and taxing power of the state.

(e) The board may sell, exchange, or lease state forest land under its jurisdiction when in its judgment it is advantageous to the state to do so in the highest orderly development and management of state forests. However, no sale or exchange of any such land belonging to the state or the university shall be made until the sale or exchange is authorized by the legislature. The sale, lease or exchange shall not be contrary to the terms of any contract into which it has entered. (V.A.C.S. Art. 2613a-2.)

Sec. 88.109. USE OF CERTAIN DEPARTMENT OF CORRECTIONS LAND FOR REFORESTATION. The several tracts of land in Cherokee County near Maydelle, consisting of approximately 2,150 acres, owned by the Texas Department of Corrections, is set aside for reforestation purposes to be used by Texas A & M University to demonstrate reforestation work. (V.A.C.S. Art. 2613a.)

Sec. 88.110. PURCHASE OF LAND FOR SEEDLING NURSERY. The board may acquire by purchase in the name of the State of Texas for the use and benefit of the Texas Forest Service, and may improve, a sufficient quantity of land suitable for the operation of a forest tree seedling nursery in the reforestation program of the Texas Forest Service and for the production of other forest products. However, not more than 400 acres of land may be purchased under this section; and the selling price of seedlings produced on the land, as far as practical, shall represent the cost of production plus at least 10 percent. (V.A.C.S. Art. 2613a-8.)

Sec. 88.111. FOREST LAND ACQUIRED BY STATE UNDER TAX SALE. When pine forest land is sold to the state for the payment of taxes, interest, penalty, and costs adjudged against the land, as provided in Article 7328, Revised Civil Statutes of Texas, 1925,

as amended, and not redeemed or resold as provided in Article 7328, the land shall be withdrawn from the market and shall be held, protected, and administered by the board as state forest; and the board may manage, use, and improve the pine forest land as fully and to the same extent as in the case of other forest land held by it in accordance with the law. Forest land, as used in this section, includes all land on which is growing pine timber of any material value and all cutover pine timberland which may reasonably be expected to produce, by reason of natural or other methods of reforestation, another growth of pine timber of any material value. (R.S. Art. 2613, subd. 12.)

Sec. 88.112. SOUTH CENTRAL INTERSTATE FOREST FIRE PROTECTION COMPACT. The South Central Interstate Forest Fire Protection Compact has been ratified by the states of Texas, Arkansas, Louisiana, Mississippi, and Oklahoma. The text of the compact is set out in Section 88.116 of this code, and an authenticated copy is on file in the office of the secretary of state. (V.A.C.S. Art. 2613c, Sec. 1 (part), Sec. 2. See also Arkansas--Ark. Stats. 1947 (1953 Supp.) Sec. 9-734 to 9-736; Louisiana--LSA-R.S. 56:1496; Mississippi--Code 1942 (1954 Supp.) Sec. 6046-41 to 6046-45; Oklahoma--74 Okl.St.Ann. Sec. 354.1 to 354.5.)

Sec. 88.113. COMPACT ADMINISTRATOR. The director of the Texas Forest Service shall act as compact administrator for the State of Texas and represent Texas in the South Central Interstate Forest Fire Protection Compact. (V.A.C.S. Art. 2613c, Sec. 3.)

Sec. 88.114. ADVISORY COMMITTEE. The advisory committee referred to in Article III of the compact shall be composed of four members selected as follows: One member shall be named from the membership of the Senate of the State of Texas by the Lieutenant Governor; one member shall be named from the membership of the House of Representatives of the State of Texas by the Speaker; and two members shall be appointed by the governor, one of whom shall be selected from among the persons who comprise the board of directors of The Texas A & M University System, and one of whom shall be a person associated with forestry or a forest products industry. (V.A.C.S. Art. 2613c, Sec. 4.)

Sec. 88.115. LEGISLATIVE INTENT. It is the intent of the Legislature of the State of Texas, in ratifying the South Central Interstate Forest Fire Protection Compact, that this compact is and shall be a joint program of the member states and that representatives of the United States government shall participate in compact meetings or in other activities under the compact only in the manner and to the extent authorized by the representatives of the member states, appointed pursuant to the terms of this compact. (V.A.C.S. Art. 2613c, Sec. 4a.)

Sec. 88.116. TEXT OF COMPACT. The South Central Interstate Forest Fire Protection Compact reads as follows:

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SOUTH CENTRAL INTERSTATE FOREST FIRE
PROTECTION COMPACT

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the South Central region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member States, by providing for mutual aid in fighting forest fires among the compacting States of the region and with States which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest development.

Article II.

This compact shall become operative immediately as to those States ratifying it whenever any two or more of the States of Arkansas, Louisiana, Mississippi, Oklahoma, and Texas which are contiguous have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member State may become a party to this compact, subject to approval by the legislature of each of the member States.

Article III.

In each State, the State Forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that State and shall consult with like officials of the other member States and shall implement cooperation between such States in forest fire prevention and control.

The compact administrators of the member States shall organize to coordinate the services of the member States and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, representatives of the Board of Directors of the Texas Agricultural and Mechanical College System, and forestry or forest products industries representatives, which shall meet from time to time with the compact administrators. Each member State shall name one member of the Senate and one member of the House of Representatives, and the Governor of each member State shall appoint one representative who shall be associated with forestry or forest products industries, and a member of the Board of Directors of the Texas Agricultural and Mechanical College System, to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting States, and each State shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member States.

It shall be the duty of each member State to formulate and put in effect a forest fire plan for that State and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

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Article IV.

Whenever the State forest fire control agency of a member State requests aid from the State forest fire control agency of any other member State in combating, controlling or preventing forest fires, it shall be the duty of the State forest fire control agency of that State to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member State are rendering outside aid pursuant to the request of another member State under this compact, the employees of such State shall, under the direction of the officers of the State to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the State to which they are rendering aid.

No member State or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith; provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any State.

All liability, except as otherwise provided herein, that may arise either under the laws of the requesting State or under the laws of the aiding State or under the laws of a third State on account of or in connection with a request for aid, shall be assumed and borne by the requesting State.

Any member State rendering outside aid pursuant to this compact shall be reimbursed by the member State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of employees and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member State from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member State without charge or cost.

Each member State shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

For the purposes of this compact the term "employee" shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding State under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member States.

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Article VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member State.

Nothing in this compact shall be construed to limit or restrict the powers of any State ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of State laws, rules or regulations intended to aid in such prevention, control and extinguishment in such State.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member State or States.

Article VII.

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the South Central Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each State, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

Article VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any State party to this compact and any other State which is party to a regional forest fire protection compact in another region; provided, that the Legislature of such other State shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each State ratifying it until the legislature or the Governor of such State takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the State desiring to withdraw to the chief executives of all States then parties to the compact. (V.A.C.S. Art. 2613c, Sec. 1 (part).)

[Sections 88.117-88.200 reserved for expansion]

SUBCHAPTER C. THE TEXAS AGRICULTURAL EXPERIMENT STATION

Sec. 88.201. PURPOSES. There shall be established, at places in the state the board of directors deems proper, experiment stations for the purpose of making experiments and conducting investigations in the planting and growing of agricultural and horticultural crops and soils, and the breeding, feeding and fattening of livestock for slaughter. (R.S. Art. 136 (part).)

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Sec. 88.202. MAIN STATE EXPERIMENT STATION. The experiment station located at College Station, which is in part supported by the federal government, shall remain there as a permanent institution. It shall be known as the Main State Experiment Station and shall be under the supervision of the board of directors. The board may accept from the federal government any aid in its support that may be provided by Congress. (R.S. Art. 137 (part).)

Sec. 88.203. SUBSTATIONS. (a) The board may:

(1) establish experiment substations at places in this state it deems proper;

(2) abandon or discontinue any substation which may become undesirable for experiment purposes, and if deemed necessary establish others in their stead at places it deems advisable; and

(3) sell any land or other state property used in the operation of an experiment station when abandoned and apply the proceeds of the sale to the purchase of other land and property for the establishment of experiment stations.

(b) The board shall exercise a general supervision and direction over substations established under this subchapter. (R.S. Arts. 137 (part), 138, 139.)

Sec. 88.204. SALE OF STATIONS. If property used in the operation of a station is sold, the title to the property shall not pass from this state until a deed of conveyance is made to the purchaser, duly signed by the governor and attested by the secretary of state under his official seal. All funds received from the sale of station lands or property shall be deposited in the state treasury and shall be paid out in accordance with the provisions of this subchapter. (R.S. Art. 140.)

Sec. 88.205. SALE OF CROPS. Proceeds from the sale, barter, or exchange of crops raised on any experiment station shall be applied to defray the expenses of operating the station. (R.S. Art. 136 (part).)

Sec. 88.206. DONATIONS; LEASES. (a) The board may accept and receive donations of money and property when given to be used in connection with any experiment work authorized by this subchapter.

(b) In the location of any experiment station, the board may take into consideration and receive any donation of money, land, or other property to be used in the operation, equipment, or management of the station; and for experiment work may lease any land that in its judgment may be necessary for any of the purposes named in this subchapter. (R.S. Arts. 142, 143.)

Sec. 88.207. EXPENSES; PER DIEM. The necessary traveling expenses of the members of the board and those of the director and his assistants shall be paid out of the funds appropriated by this state for the maintenance and support of the experiment stations. In addition to actual traveling expenses, each member

of the board, when traveling on the official business of the stations, shall be paid $5 per day while actually engaged in the discharge of his duties. (R.S. Art. 145.)

Sec. 88.208. INSPECTIONS. The board shall visit the stations once a year and shall make criticisms to the director and his assistants that it deems expedient and necessary. (R.S. Art. 144.)

Sec. 88.209. DIRECTOR. (a) The main station and the substations are under the supervision, control, management, and direction of the director of the Texas Agricultural Experiment Station at College Station. The director shall reside at College Station.

(b) The board may pay a part of the director's salary from money appropriated by the Legislature for the maintenance and support of the experiment stations in the proportion that in its judgment is just and proper, taking into consideration the division of his time between the main station and the substations and the sum appropriated for the purpose by the federal government.

(c) The director may employ the assistants and labor and may purchase the livestock, farming implements, tools, seed, and other materials and supplies that he deems necessary for the successful management of any or all of the experiment stations, subject to the approval of the board. (R.S. Art. 146.)

Sec. 88.210. REPORTS. On the first day of each month, the director shall make a complete report to the board showing receipts and disbursments, the source of the receipts, and for what purpose they were disbursed; and on or before January 1, of each year, he shall make a full and detailed report to the board of the operation of the stations, including a statement of receipts and expenditures for the entire year. The annual report shall be transmitted to the governor with any additional report that the board deems proper. (R.S. Art. 147.)

Sec. 88.211. BULLETIN. The director shall periodically issue and circulate among the farmers and livestock raisers of Texas printed bulletins showing the results of the experiments and the results accomplished and the progress made in the improvement of the agricultural and livestock interests of this state. The bulletins shall be mailed to all persons who desire them. The director shall invite the cooperation of persons engaged in those industries and shall give them advice when requested with reference to the management and cultivation of their farms and the care, management, and feeding of their stock. (R.S. Art. 148.)

Sec. 88.212. DISBURSEMENTS. Before warrants are issued by the comptroller in payment of state experiment station accounts, vouchers covering them shall be audited and signed by the director or an assistant designated by him, in writing, for that purpose, and also by a member of the board. (R.S. Art. 149.)

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CHAPTER 95. ADMINISTRATION OF THE STATE SENIOR COLLEGE SYSTEM

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SUBTITLE E. THE STATE SENIOR COLLEGE SYSTEM
CHAPTER 95. ADMINISTRATION OF THE STATE SENIOR COLLEGE SYSTEM
SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

Sec. 95.01. BOARD OF REGENTS. The organization, control, and management of the state senior college system is vested in the Board of Regents, State Senior Colleges. (R.S. Art. 2644; V.A.C.S. Art. 2644a, Sec. 1.)

Sec. 95.02. BOARD MEMBERS: APPOINTMENT, QUALIFICATIONS, TERMS. The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring every two years. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. (R.S. Art. 2647 (part), 2907 (part).)

Sec. 95.03. BOARD MEETINGS. The board shall meet each year at Austin, on the first Monday in May, or as soon thereafter as practicable, for the transaction of business pertaining to the affairs of the state senior colleges. The board shall also meet at other times and places deemed necessary for the welfare of the colleges by a majority of the members. (R.S. Art. 2647 (part).)

Sec. 95.04. PER DIEM; EXPENSES. Each member of the board shall receive $10 per day for the time spent attending the meetings of the board, in addition to reimbursement for traveling expenses. Payment shall be made out of the appropriation for the support and maintenance of the state senior colleges as the board may direct. (R.S. Art. 2647 (part).)

[Sections 95.05-95.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 95.21. GENERAL RESPONSIBILITIES OF BOARD. The board is responsible for the general control and management of the state senior colleges and may erect, equip, and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge presidents or principals, teachers, treasurers, and other employees; and fix the salaries of the persons employed. The president of each state senior college shall nominate annually to the board the professors, teachers, officials, and assistants who, in his opinion, will promote the best interests of the institution. (R.S. Art. 2647 (part).)

Sec. 95.22. INSPECTION OF SENIOR COLLEGES. The board shall visit each college under its control and management at least once during each scholastic year, inspect its work, and gather information which will enable the board to perform its duties intelligently and effectively. (R.S. Art. 2647 (part).)

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Sec. 95.23. LOCAL COMMITTEES OF BOARD. At least once a year each local committee of the board shall meet on the campus of the institution for which the local committee is responsible for reporting to the board. At the meeting, the local committee shall confer with the institution's officials and carefully examine all phases of the operations of the institution. (V.A.C.S. Art. 2644a, Sec. 2.)

Sec. 95.24. ADMISSION; DIPLOMAS AND CERTIFICATES. The board may determine the conditions on which students may be admitted to the colleges, the grades of certificates issued, the conditions for the award of certificates and diplomas, and the authority by which certificates and diplomas are signed. (R.S. Art. 2647 (part).)

Sec. 95.25. TEACHING CERTIFICATES. Diplomas and teachers certificates of each of the state senior colleges authorize the holders to teach in the public schools. (R.S. Art. 2646.)

Sec. 95.26. INCIDENTAL FEES. The board may fix the rate of incidental fees to be paid by students attending the colleges and may make rules for the collection of the fees and for the disbursement of the funds collected. (R.S. Art. 2647 (part).)

Sec. 95.27. ANNUAL REPORT TO GOVERNOR. The board shall make an annual report to the governor showing the general condition of the affairs of each senior college and making recommendations for its future management and welfare. (R.S. Art. 2647 (part).)

Sec. 95.28. DISBURSEMENT OF FUNDS. All appropriations made by the legislature for the support and maintenance of the state senior colleges, for the purchase of land or buildings for the colleges, for the erection or repair of buildings, for the purchase of apparatus, libraries, or equipment of any kind, or for any other improvement of any kind shall be disbursed under the direction and authority of the board. The board may formulate rules for the general control and management of the schools, for the auditing and approving of accounts, and for the issuance of vouchers and warrants which are necessary for the efficient administration of the schools. (R.S. Art. 2647 (part).)

Sec. 95.29. FINANCIAL STATEMENTS AND RECOMMENDATIONS. The board shall file in each house of the legislature at each of its regular biennial sessions a statement of the receipts and expenditures of each of the senior colleges, showing the amount of salaries paid to the various teachers, contingent expenses, expenditures for improvements, and other items of expense. The board shall also file its recommendations for appropriations for the senior colleges. (R.S. Art. 2647 (part).)

Sec. 95.30. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the state senior colleges the lands necessary and proper for carrying out their purposes,

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in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended. The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. (V.A.C.S. Art. 2647b.)

Sec. 95.31. ACQUISITION OF LAND; PROCEDURES. (a) The board may acquire land needed for the proper operation of a senior college in the county in which the senior college is located. The acquisition may be by purchase or by condemnation.

(b) If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. In lieu of a suit, the parties may select by agreement three persons to ascertain the value of the land under their oaths and the direction of the court. The finding and decision of the jury, court, or persons selected is in all cases final, except that the parties may appeal as in other civil cases.

(c) When the value of the land has been ascertained and the court is satisfied with the valuation, the court shall enter a decree vesting the title of the land in the state for the use and benefit of the senior college for whose benefit the land is needed. No decree shall be entered until the value of the land as ascertained, together with all reasonable cost and expense of the owner in attending the proceeding, is paid to him or into court for his benefit and subject to his order. The costs and expenses, including reasonable attorneys' fees, shall be ascertained by the court in which the proceeding is held. (R.S. Art. 2647 (part).)

Sec. 95.32. DORMITORIES. (a) The board may enter into contracts with persons, firms, or corporations for the erection of dormitories at any senior college, and may purchase or lease lands and other appurtenances for the construction of the dormitories, provided that the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems reasonable requiring any class or classes of students to reside in the dormitories or other buildings. Absolute management and control of the dormitories constructed is vested in the board. (V.A.C.S. Art. 2647a.)

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CHAPTER 96. INSTITUTIONS OF THE STATE SENIOR COLLEGE SYSTEM

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[Sections 96.02-96.20 reserved for expansion]

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CHAPTER 96. INSTITUTIONS OF THE STATE SENIOR COLLEGE SYSTEM

SUBCHAPTER A. SUL ROSS STATE UNIVERSITY

Sec. 96.01. SUL ROSS STATE UNIVERSITY. Sul Ross State University is a coeducational institution of higher education located in the city of Alpine. It is under the management and control of the Board of Regents, State Senior Colleges. (New.)

[Sections 96.02-96.20 reserved for expansion]

SUBCHAPTER B. ANGELO STATE UNIVERSITY

Sec. 96.21. ANGELO STATE UNIVERSITY. Angelo State University is a coeducational institution of higher education located in the city of San Angelo. It is under the management and control of the Board of Regents, State Senior Colleges. (V.A.C.S. Art. 2654.2, Sec. 1; Art. 2654.3.)

Sec. 96.22. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university, to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the university. (V.A.C.S. Art. 2654.2, Sec. 5.)

Sec. 96.23. MANAGEMENT AND CONTROL OF LANDS; CONVEYANCES AND LEASES. (a) The board is vested with the sole and exclusive management and control of all the lands, including lands with oil and gas and other minerals, transferred to the university by the Junior College District of Tom Green County.

(b) The board may sell, lease, explore, and develop the lands, may make and enter into unitization agreements, and may execute division orders and other contracts necessary in the management and development of the lands, all on terms and conditions which the board deems to be in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the general land office in the sale of oil, gas, and other mineral leases of the public lands of the state.

(c) All money received shall be deposited in the state treasury to the credit of a special fund which, in the judgment of the board, may be invested and the principal and income of which may be expended on appropriation by the legislature for the administration of the university. (V.A.C.S. Art. 2654.2, Sec. 6.)

Sec. 96.24. MILITARY TRAINING. No student shall ever be required to take any military training as a condition for entrance into or graduation from the university. (V.A.C.S. Art. 2654.2, Sec. 9.)

Sec. 96.25. OBLIGATIONS AND BENEFITS OF GENERAL LAWS. The university is subject to the obligations and entitled to the

benefits of all general laws of Texas applicable to all other state institutions of higher education, except that where the general laws are in conflict with this subchapter, the provisions of this subchapter prevail to the extent of the conflict. (V.A.C.S. Art. 2654.2, Sec. 8.)

[Sections 96.27-96.40 reserved for expansion]

SUBCHAPTER C. SOUTHWEST TEXAS STATE UNIVERSITY

Sec. 96.41. SOUTHWEST TEXAS STATE UNIVERSITY. Southwest Texas State University is a coeducational institution of higher education located in the city of San Marcos. It is under the management and control of the Board of Regents, State Senior Colleges. (R.S. Art. 2654; V.A.C.S. Art. 2654.1.)

[Sections 96.42-96.60 reserved for expansion]

SUBCHAPTER D. SAM HOUSTON STATE UNIVERSITY

Sec. 96.61. SAM HOUSTON STATE UNIVERSITY. Sam Houston State University is a coeducational institution of higher education located in the city of Huntsville. It is under the management and control of the Board of Regents, State Senior Colleges. (New.)

Sec. 96.62. UNIVERSITY AIRPORT. (a) The board may construct or otherwise acquire without cost to the state or the university an airport for purposes of cooperation with the national defense program and for instruction in aeronautics.

(b) The board may acquire by purchase, lease, gift, or by any other means, and may maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest in property, necessary or convenient to the exercise of the powers conferred by this section. The board has the power of eminent domain for the purpose of acquiring by condemnation any real property, or any interest in real property, necessary or convenient to the exercise of the powers conferred by this section. The board shall exercise the power of eminent domain in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, except that it shall not be required to give bond for appeal or bond for costs. (V.A.C.S. Art. 2650a.)

Sec. 96.63. JOSEY SCHOOL OF VOCATIONAL EDUCATION. (a) The Josey School of Vocational Education is a division of Sam Houston State University and is under the direction and control of the Board of Regents, State Senior Colleges.

(b) The administration of the school is under the direction of the president of Sam Houston State University.

(c) The school shall provide vocational training for individuals over the age of 18 who cannot qualify scholastically for college entrance and for other persons who desire to avail themselves of short intensive courses in vocational education in the following fields: agriculture, home management, distributive education, photography, plumbing, sheet metal work, machine shop,

auto mechanics, furniture, electrical appliances, air conditioning and refrigeration, printing, radio, garment making, interior decorating, light construction contracting, photoengraving, watchmaking, and other trades of like nature. The training in these subjects shall be organized so that the courses may be completed in from 9 to 24 months. Courses may also be offered in English and mathematics and other subjects which will contribute to the vocational training of the student. Vocational courses in government, designed to prepare workers in various county, city, and state offices, may also be offered.

(d) The rate of tuition charged students shall be the actual cost of teaching service, not to exceed $500 per scholastic year of nine months. Scholarships may be awarded by the board to worthy indigent students who might greatly benefit from the training offered. The amount of the scholarships may vary according to the needs of the individuals, but in no case may it reduce the tuition payment by the student to a point less than the tuition fee regularly charged students at the state senior colleges. (V.A.C.S. Art. 2650b.)

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SUBTITLE F. OTHER COLLEGES AND UNIVERSITIES
CHAPTER 100. EAST TEXAS STATE UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 100.01. EAST TEXAS STATE UNIVERSITY. East Texas State University is a coeducational institution of higher education located in the city of Commerce. (V.A.C.S. Art. 2647h.)

[Sections 100.02-100.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 100.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. Not more than two members of the board shall be appointed from or be a resident of any one state senatorial district, and no member may be appointed from or be a resident of the county in which the university is located. (V.A.C.S. Art. 2647h-1, Sec. 1, 2 (part).)

Sec. 100.12. TERMS OF OFFICE; VACANCIES. Members of the board hold office for staggered terms of six years, with the terms of three regents expiring on February 15 of each odd-numbered year. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member shall serve until his successor is appointed and has qualified. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.13. REMOVAL. The members of the board are removable by the governor for inefficiency or malfeasance of office. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.14. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.15. OFFICERS. The board shall organize by electing a chairman and any other officers it deems necessary. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.16. MEETINGS. The chairman shall convene the board to consider any business connected with the university whenever he deems it expedient. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

[Sections 100.17-100.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 100.31. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents,

State Senior Colleges, with respect to colleges in that system. (V.A.C.S. Art. 2647h-1, Sec. 3, 6.)

Sec. 100.32. DEGREES. The board may award bachelor's, master's, and doctor's degrees and their equivalents, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2647h-1, Sec. 7.)

Sec. 100.33. DONATIONS, GIFTS, GRANTS, ENDOWMENTS. The board may accept donations, gifts, grants, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the university. (V.A.C.S. Art. 2647h-1, Sec. 4.)

Sec. 100.34. LEASE OF UNIVERSITY PROPERTY. The board may lease any part of the university's property to any person, partnership, special partnership, business association, or institution, including governmental entities, for the purpose of permitting the university to develop its resources to the greatest extent feasible while realizing a maximum economic benefit. (V.A.C.S. Art. 2647h-1, Sec. 5.)

Sec. 100.35. CONTRACTS FOR WATER AND SEWAGE. The board shall contract with the city of Commerce for the furnishing of water and sewage to the university. The rates to be charged the university shall be those regularly established, published, and declared for similar users or customers, or if there are no similar users or customers, the rates to be charged shall be those established by the city for commercial users. The city may make any special adjustments, discounts, and rates that the governing body of the city may see fit to provide for the university. (Acts 52 Legis., Ch. 376, Sec. 1, 2.)

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CHAPTER 101. STEPHEN F. AUSTIN STATE UNIVERSITY

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CHAPTER 101. STEPHEN F. AUSTIN STATE UNIVERSITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 101.01. STEPHEN F. AUSTIN STATE UNIVERSITY. Stephen F. Austin State University is a coeducational institution of higher education located in the city of Nacogdoches. (New.)

[Sections 101.02-101.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 101.11. BOARD OF REGENTS. The control and management of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2647f-1, Sec. 1(a).)

Sec. 101.12. TERM OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. Any vacancy shall be filled by appointment for the unexpired portion of the term. (V.A.C.S. Art. 2647f-1, Sec. 1(b).)

Sec. 101.13. QUALIFICATIONS; OATH. Each member of the board must be a citizen of the State of Texas and shall take the constitutional oath of office. (V.A.C.S. Art. 2647f-1, Sec. 2.)

Sec. 101.14. OFFICERS. The board shall elect a chairman and any other officer deemed necessary. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.15. BYLAWS, RULES, REGULATIONS. The board shall enact bylaws, rules, and regulations necessary for the successful management and operation of the university. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.16. UNIVERSITY PRESIDENT. The board shall select the president of the university. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.17. MINUTES. The board shall cause accurate and complete minutes of its meetings to be maintained. The minutes are open to the public for inspection at the university during regular business hours, and certified copies of the minutes shall be furnished to anyone on payment of a fee set by the board. (V.A.C.S. Art. 2647f-1, Sec. 4.)

Sec. 101.18. SUITS AFFECTING UNIVERSITY. The board may sue and be sued in the name of the university. Venue is in either Nacogdoches County or Travis County. The university may be impleaded by service of citation on its president, and legislative consent to suits against the university is granted. (V.A.C.S. Art. 2647f-1, Sec. 5.)

Sec. 101.19. EXPENSES. Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman of the board. (V.A.C.S. Art. 2647f-1, Sec. 6.)

Sec. 101.20. MEETINGS. The board shall hold an annual meeting on the campus of the university during the month of April, and at other times and places as scheduled by the board or designated by its chairman. (V.A.C.S. Art. 2647f-1, Sec. 7.)

Sec. 101.21. REPORTS. The board shall make reports to the coordinating board as required in Section 61.066 of this code. (V.A.C.S. Art. 2647f-1, Sec. 8.)

[Sections 101.22-101.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 101.41. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2647f-1, Sec. 9.)

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CHAPTER 102. WEST TEXAS STATE UNIVERSITY

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CHAPTER 102. WEST TEXAS STATE UNIVERSITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 102.01. WEST TEXAS STATE UNIVERSITY. West Texas State University is a coeducational institution of higher education located in the city of Canyon. (V.A.C.S. Art. 2647d, Sec. 1.)

[Sections 102.02-102.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 102.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. Not more than two members of the board may be appointed from or be residents of any one state senatorial district, and not more than one member may be a resident of the county in which the university is located. (V.A.C.S. Art. 2647d-3, Sec. 1, 2 (part).)

Sec. 102.12. TERMS; VACANCIES. The members of the board hold office for staggered terms of six years, with the terms of three members expiring each two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.13. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.14. REMOVAL. The members of the board are removable by the governor for inefficiency or malfeasance of office. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.15. OFFICERS. The board shall elect a chairman and any other officers it deems necessary. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.16. MEETINGS. The chairman of the board may convene the board to consider any business connected with the university whenever he deems it expedient. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

[Sections 102.17-102.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 102.31. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2647d-3, Sec. 3, 4.)

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Sec. 102.32. LEASE OF LANDS TO FRATERNITIES AND SORORITIES. (a) The board may lease portions of the state-owned land held for the use and benefit of the university in the city of Canyon to fraternities and sororities for the purpose of constructing chapter houses.

(b) A lease may be for any term of years less than 100, and the consideration and terms may be determined by the board, consistent with the best interests of the university. The chairman of the board, with approval of a majority of the board, may execute all documents necessary to consummate the leasing. (V.A.C.S. Art. 2647d-2.)

Sec. 102.33. AIRPORT. The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner. (V.A.C.S. Art. 2919c.)

[Sections 102.34-102.50 reserved for expansion]

SUBCHAPTER D. KILLGORE RESEARCH CENTER

Sec. 102.51. GIFTS AND DONATIONS; LOCATION OF CENTER. The board may accept gifts and donations of money and other personal property from the Killgore Foundation and from any other private organization or individual to establish, construct, maintain, and operate a regional center to be known as the Killgore Research Center, on any land held by the board for the use of the university. (V.A.C.S. Art. 2647d-1, Sec. 1.)

Sec. 102.52. TRANSFER OF MONEY; DISBURSEMENTS. All money so received shall be transferred as soon as available to the West Texas State University Foundation or to any other fund or foundation chosen by agreement between the donors and the administration of the university. The disbursement of all this money is under the supervision of the business manager of the university, subject to accounting procedures approved by the state auditor. (V.A.C.S. Art. 2647d-1, Sec. 2.)

Sec. 102.53. MAINTENANCE AND ADMINISTRATION. The maintenance and administration of the research center is the responsibility of the State of Texas acting through the administration of the university, with the advice and assistance of an advisory council on research selected by the administration and the donors. (V.A.C.S. Art. 2647d-1, Sec. 3.)

Sec. 102.54. PERMANENT RESEARCH PROGRAM. In order to provide for a permanent research program, the administration of the university may:

(1) establish formalized working relationships with established research programs similar to the relationship already developed between the university and The University of Texas M.D. Anderson Hospital and Tumor Institute at Houston;

(2) integrate the research program being developed in the graduate school of the university with the research program at the research center;

(3) employ project directors who are recognized researchers and who have had experience in applying for and using research grants from governmental agencies and private foundations;

(4) assign a person from the administrative staff of the university as administrator of the research center; and

(5) perform any other acts and make any agreements which will implement and further the research programs of the research center and the university, consistent with the purposes of this subchapter. (V.A.C.S. Art. 2647d-1, Sec. 4.)

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CHAPTER 103. MIDWESTERN UNIVERSITY

Sec. 103.01. MIDWESTERN UNIVERSITY. Midwestern University is a coeducational institution of higher learning located in the city of Wichita Falls. (V.A.C.S. Art. 2623c-1.)

Sec. 103.02. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. Members of the board shall be appointed by the governor and confirmed by the senate. Members hold office for staggered terms of six years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member of the board shall take the constitutional oath of office. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.04. REIMBURSEMENT OF BOARD MEMBERS. The board shall receive reimbursement only for the actual cost of attendance at board meetings. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.05. BOARD OFFICERS. The board shall organize by electing a chairman and other officers they desire. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.06. PRESIDENT OF UNIVERSITY: SELECTION; DUTIES. The board shall select a president for the university and shall fix his term of office, name his salary, and define his duties. The president shall be the executive officer for the board and shall work under its directions. He shall recommend a plan of organization and the appointment of employees of the university. He shall have the cooperation of the board and shall be responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.07. GENERAL RESPONSIBILITIES. The board shall build and operate a state college of the first rank that will compare favorably with the other splendid colleges in Texas in the preparation of youth for the varied interests and industries in the section in which the university is located, and this college shall be equipped adequately to do its work as well as other state colleges. (V.A.C.S. Art. 2623c-4 (part).)

Sec. 103.08. DONATIONS, GIFTS, AND ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, not inconsistent with the objects and proper management of the university. (V.A.C.S. Art. 2623c-6.)

Sec. 103.09. LEASE OF LANDS. The board may lease the surface rights of land under its control and management for any term of years less than 100. (V.A.C.S. Art. 2623c-9.)

CHAPTER 104. TEXAS A & I UNIVERSITY

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CHAPTER 104. TEXAS A & I UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 104.01. TEXAS A & I UNIVERSITY. Texas A & I University is a coeducational institution of higher education located in the city of Kingsville. (V.A.C.S. Art. 2628a-1; Art. 2628a-1a.)

[Sections 104.02-104.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 104.11. BOARD OF DIRECTORS. The university is under the management and control of a board of nine directors appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2628a-2 (part).)

Sec. 104.12. TERM OF OFFICE; VACANCY; OATH; REMOVAL. (a) The members of the board of directors hold office for staggered terms of six years, with the terms of three expiring every two years.

(b) Any vacancy on the board shall be filled for the unexpired portion of the term by appointment of the governor.

(c) Each member of the board shall take the constitutional oath of office.

(d) Each member of the board is removable by the governor for inefficiency or inattention to the duties of his office. (V.A.C.S. Art. 2628a-2 (part).)

Sec. 104.13. BOARD OFFICERS. (a) The board shall elect a president of the board and any other officers it may desire.

(b) The board may select from its members a secretary-treasurer and compensate him in an amount not to exceed $50 a month from the institutional funds normally expended under its authority. (V.A.C.S. Art. 2628a-2 (part); Art. 2628a-2a.)

Sec. 104.14. PRESIDENT OF UNIVERSITY. The board shall appoint a president of the university, fix his term of office, set his salary, and define his duties. The president is the executive officer for the board and shall work under its direction. He shall recommend a plan for the organization of the university and the appointment of employees of the university. He is responsible to the board for the general management and success of the university; and he shall have the cooperation of the board. (V.A.C.S. Art. 2628a-2 (part).)

[Sections 104.15-104.20 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 104.21. GENERAL POWERS AND DUTIES. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents,

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State Senior Colleges, with respect to institutions in that system, except as otherwise provided by this chapter. (V.A.C.S. Art. 2628a-7.)

Sec. 104.22. EMINENT DOMAIN. The board has the power of eminent domain to acquire land needed for the accomplishment of the purposes of the university. In this regard it may operate under condemnation procedures applicable to railroad companies under the laws of this state. (V.A.C.S. Art 2628a-5 (part).)

Sec. 104.23. ACQUISITION OF LAND FOR FIELD CLASSROOMS. (a) The board may acquire land in Hidalgo County, without cost to the State of Texas, to provide field classrooms to further the work of the university in agriculture and animal husbandry.

(b) The board may pledge any future revenue from any land acquired under this section to secure any lien given and retained to secure the purchase price of the land.

(c) The board may pledge collaterally and additionally any unencumbered future net revenue from the bookstore of the university to secure any lien given and retained to secure the purchase price of any land acquired under this section. The board may direct that any revenue from the land acquired under this section remaining after payment of the monthly or yearly installments or after discharge of the lien retained on the land shall be used to reimburse the bookstore to the extent that any of its revenue has been expended in payment of the purchase price of the land. (V.A.C.S. Art. 2628a-10.)

Sec. 104.24. DORMITORIES. (a) The board may enter into contracts with persons, firms, or corporations for the construction of dormitories at the university and may purchase or lease land and appurtenances for the construction. However, the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems desirable requiring any class or classes of students to reside in the dormitories or other buildings. The board has absolute management and control of the dormitories constructed under the provisions of this section. (V.A.C.S. Art. 2628a-8.)

[Sections 104.25-104.40 reserved for expansion]

SUBCHAPTER D. TEXAS A & I UNIVERSITY AT LAREDO

Sec. 104.41. ESTABLISHMENT; SCOPE; DISCONTINUATION. The board may establish an upper-level educational center of Texas A & I University in the city of Laredo, to be known as Texas A & I University at Laredo, to accept junior- and senior-level students only. This upper-level educational center may be discontinued by the Coordinating Board, Texas College and University System, at its discretion. (V.A.C.S. Art. 2628e, Sec. 1.)

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Sec. 104.42. FACILITIES; GIFTS AND GRANTS. The board shall make provision for adequate physical facilities for use by the university at Laredo, and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property which are tendered by any person for the use and benefit of the school. (V.A.C.S. Art. 2628e, Sec. 2.)

Sec. 104.43. COURSES AND DEGREES; RULES AND REGULATIONS. The board, with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control, and management of the university at Laredo as necessary for the school to be a first-class upper division institution of higher learning. In prescribing the courses, the board shall give special emphasis to those courses leading to baccalaureate degrees in teacher education and business administration. (V.A.C.S. Art. 2628e, Sec. 3.)

Sec. 104.44. EFFECT OF SUBCHAPTER. Nothing in this subchapter shall be construed to limit the powers of the board as conferred by law. (V.A.C.S. Art. 2628e, Sec. 4.)

[Sections 104.45-104.50 reserved for expansion]

SUBCHAPTER E. PURCHASE OF FARMLAND, EQUIPMENT, CROPS, ETC.

Sec. 104.51. AUTHORIZATION. The board for the benefit of the university may purchase, use, lease as lessor, and operate farmland, may purchase crops and other horticultural and agricultural products growing on or produced or to be produced and harvested from the land, and may purchase any farming machinery, apparatus, and equipment used or useful in connection with it, from any person, firm, or corporation and for the price or prices the board considers reasonable and proper. (V.A.C.S. Art. 2628a-11, Sec. 1.)

Sec. 104.52. REVENUE BONDS. For the purpose of purchasing
* the items permitted to be purchased under Section 104.51 of this code, the board may issue its negotiable revenue bonds from time to time in the amounts it considers necessary or appropriate for the purpose of paying the purchase price or prices. The bonds may be made redeemable before maturity, at the option of the board, at the price or prices and under the terms and conditions that may be fixed by the board prior to the issuance of the bonds. The bonds shall be sold for not less than par and accrued interest. (V.A.C.S. Art. 2628a-11, Sec. 2.)

Sec. 104.53. PLEDGE OF REVENUE; MORTGAGES. The board may pledge to the payment of the interest on and the principal of the bonds all or any part of the revenue derived or anticipated to be derived in any manner from the land, including any revenue received from rendering scientific or experimental services on

the land purchased and all or any part of the revenue of the university derived or anticipated to be derived from the sale, handling, or disposal of the crops, agricultural and horticultural products acquired or to be grown and harvested from the land; and the board may enter into any agreements regarding the pledging thereof that it may deem appropriate. The board may also mortgage the farming equipment, machinery, apparatus, and land thus purchased and any growing fruits, products, and crops, or those to be grown, on any terms the board may determine to be appropriate. (V.A.C.S. Art. 2628a-11, Sec. 3.)

Sec. 104.54. BONDS AS SPECIAL OBLIGATIONS. The bonds authorized to be issued under this subchapter are special obligations of the board, payable only from the revenue pledged, and none of the bonds shall ever be an indebtedness of the State of Texas. (V.A.C.S. Art. 2628a-11, Sec. 4.)

Sec. 104.55. BONDS AS AUTHORIZED INVESTMENTS, SECURITY FOR DEPOSITS. The bonds are declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. The bonds are eligible to secure the deposit of public funds of the State of Texas and of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas; and the bonds are lawful and sufficient security for those deposits to the extent of the principal amount, or their value on the market, whichever is less, when accompanied by all unmatured coupons appurtenant to them. (V.A.C.S. Art. 2628a-11, Sec. 5.)

Sec. 104.56. PRIOR LIENS, PLEDGES, MORTGAGES. Any pledge of revenue or mortgage of property made under the terms of this subchapter shall be subject to any prior lien, pledge, or mortgage thereof, but the existence of any such prior lien, pledge, or mortgage shall not prevent (a) the making of a subsequent and inferior lien, pledge, or mortgage, unless that action is prohibited under the resolution, order, or indenture authorizing the prior obligations, or (b) the issuing of additional parity lien revenue bonds which are hereby authorized, if and to the extent permitted by the order or indenture authorizing the prior obligations. (V.A.C.S. Art. 2628a-11, Sec. 6.)

Sec. 104.57. FORM, CONDITIONS, DETAILS, REFINANCING. Subject to the restrictions contained in this subchapter, the board is given complete discretion in fixing the form, conditions, and details of the bonds, pledge, and mortgage, and the bonds may be refunded or otherwise refinanced whenever the board deems that action to be appropriate or necessary. (V.A.C.S. Art. 2628a-11, Sec. 7.)

Sec. 104.58. APPROVAL AND REGISTRATION. Prior to delivery, all bonds authorized to be issued under this subchapter and the records relating to their issuance shall be submitted to the attorney general for examination; and if he finds that they have

been issued in accordance with the constitution and this subchapter and that they will be binding special obligations of the board, he shall approve them. They shall then be registered by the comptroller of public accounts. After the approval and registration, the bonds shall be incontestable. (V.A.C.S. Art. 2628a-11, Sec. 8.)

Sec. 104.59. CUMULATIVE EFFECT. This subchapter does not repeal any statute now in effect, but is cumulative of all other statutes pertaining to the university, and does not modify or abridge any powers held by the university to control or pledge its funds. However, to the extent that the provisions of this subchapter may be in conflict with the provisions of any other law, the provisions of this subchapter take precedence and prevail. (V.A.C.S. Art. 2628a-11, Sec. 10.)

[Sections 104.60-104.70 reserved for expansion]

SUBCHAPTER F. MINERAL DEVELOPMENT IN UNIVERSITY LAND

Sec. 104.71. MINERAL LEASES; DISPOSITION OF PROCEEDS. (a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas A & I University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas A & I University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act. (V.A.C.S. Art. 2628a-9, Sec. 1.)

Sec. 104.72. MAJORITY OF BOARD TO ACT. A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 104.73. SUBDIVISION OF LAND; TITLES. (a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands. (V.A.C.S. Art. 2628a-9, Sec. 2.)

Sec. 104.74. SALE OF LEASES; ADVERTISEMENTS; PAYMENTS. (a) Whenever in the opinion of the board there is a demand for

the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Kingsville at any hour between 10 a.m. and 5 p.m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid. (V.A.C.S. Art. 2628a-9, Sec. 3.)

Sec. 104.75. SEPARATE BIDS; MINIMUM ROYALTY; DELAY RENTAL. (a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee. (V.A.C.S. Art. 2628a-9, Sec. 4.)

Sec. 104.76. REJECTION OF BIDS; WITHDRAWAL OF LAND. The board may reject any and all bids and may withdraw any land advertised for lease. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 104.77. ACCEPTANCE; CONDITIONS AND PROVISIONS OF LEASE. (a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public

auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university. (V.A.C.S. Art. 2628a-9, Sec. 5.)

Sec. 104.78. ACCEPTANCE AND FILING OF BIDS; YEARLY PAYMENTS; TERMINATION OF LEASE. (a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided
* in Sections 104.80 and 104.81 of this code. (V.A.C.S. Art. 2628a-9, Sec. 6.)

Sec. 104.79. AWARD AND FILING OF LEASE. If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office. (V.A.C.S. Art. 2628a-9, Sec. 7(a).)

Sec. 104.80. EXPLORATORY TERM OF LEASE; EXTENSION; OTHER PROVISIONS. (a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

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(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 7(b).)

Sec. 104.81. EXTENSION OF LEASES. When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement. (V.A.C.S. Art. 2628a-9, Sec. 7(c).)

Sec. 104.82. CONTROL OF DRILLING AND PRODUCTION. The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state. (V.A.C.S. Art. 2628a-9, Sec. 7(d).)

Sec. 104.83. DRILLING OPERATIONS: SUSPENSION OF RENT; CONTINUANCE OF LEASE; DUTY TO PREVENT DRAINAGE. (a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances. (V.A.C.S. Art. 2628a-9, Sec. 8.)

Sec. 104.84. TITLE TO RIGHTS PURCHASED; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by

having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by $1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 9.)

Sec. 104.85. PAYMENT OF ROYALTIES; RECORDS; REPORT OF RECEIPTS. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be set aside in the state treasury as specified in Section 104.71 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month. (V.A.C.S. Art. 2628a-9, Sec. 10.)

Sec. 104.86. PROTECTION FROM DRAINAGE; FORFEITURE OF RIGHTS. (a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

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(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 104.87 of this code for forfeitures. (V.A.C.S. Art. 2628a-9, Sec. 11.)

Sec. 104.87. FORFEITURE AND OTHER REMEDIES; LIENS. (a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(c) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(d) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(e) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(f) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease. (V.A.C.S. Art. 2628a-9, Sec. 12.)

Sec. 104.88. FILING OF DOCUMENTS AND PAYMENT OF ROYALTIES, FEES, AND RENTALS. (a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

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(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas A & I University special mineral fund. (V.A.C.S. Art. 2628a-9, Sec. 13.)

Sec. 104.89. FORMS, REGULATIONS, RULES, AND CONTRACTS. The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

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CHAPTER 105. NORTH TEXAS STATE UNIVERSITY

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CHAPTER 105. NORTH TEXAS STATE UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 105.01. NORTH TEXAS STATE UNIVERSITY. North Texas State University is a coeducational institution of higher education located in the city of Denton. (R.S. Art. 2651; V.A.C.S. Art. 2651a, Sec. 1.)

[Sections 105.02-105.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 105.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.12. TERM OF OFFICE; REMOVAL; VACANCY. The term of office of each regent is six years, with the term of three regents expiring every two years. Members of the board may be removed from office for inefficiency or malfeasance of office. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.13. RESIDENCE. Not more than one member of the board may be appointed from or be a resident of any one state senatorial district, and no member of the board may be appointed from or be a resident of the county in which the university is located. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.14. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.15. OFFICERS; MEETINGS. The board shall elect a chairman and any other officers it deems necessary. The chairman may convene the board when he deems it expedient to consider any business related to the university. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

[Sections 105.16-105.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 105.41. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2651a, Sec. 3 (part).)

Sec. 105.42. CONTRACTS WITH CITY FOR UTILITY SERVICES. The board may contract with the city of Denton for the furnishing of water and other utility services to the university. The rates

to be charged the university shall not exceed those regularly established, published, and declared rates for similar customers; and if there are no similar customers, the rates to be charged shall be those established by the city of Denton for commercial users. The city may make any adjustments, discounts, and special rates that the governing authorities of the city may see fit to provide for the university. (V.A.C.S. Art. 2647e.)

[Sections 105.43-105.60 reserved for expansion]

SUBCHAPTER D. STATE HISTORICAL COLLECTION

Sec. 105.61. DESIGNATION. The historical collection of the university, consisting of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and other items of historical importance, is designated a State Historical Collection, to be known as "The State Historical Collection of North Texas State University." (V.A.C.S. Art. 2653a, Sec. 1.)

Sec. 105.62. GIFTS AND DONATIONS. The board may accept and receive gifts, donations, and collections of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and collections of all kinds having historical importance and value, to be used in teaching the youth of this state. (V.A.C.S. Art. 2653a, Sec. 2.)

Sec. 105.63. RULES AND REGULATIONS. The board may make any rules and regulations regarding the receiving and holding of these gifts, donations, and collections, that it considers necessary and advisable. (V.A.C.S. Art. 2653a, Sec. 3.)

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CHAPTER 106. TEXAS SOUTHERN UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 106.01. TEXAS SOUTHERN UNIVERSITY. Texas Southern University is a coeducational institution of higher education located in the city of Houston. (V.A.C.S. Art. 2643b, Sec. 2 (part); Art. 2643f, Secs. 1-4.)

[Sections 106.02-106.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 106.11. BOARD OF DIRECTORS. The government of the university is vested in a board of nine directors appointed by the governor with the advice and consent of the Senate. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.12. TERMS OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three directors expiring on February 1 of odd-numbered years. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.13. QUALIFICATIONS; OATH. Each member of the board shall be a qualified voter of the state. The members shall be selected from different portions of the state. Each member shall take the constitutional oath of office. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.14. OFFICERS. The board shall elect a chairman and a vice chairman from its members to serve at the will of the board. The board shall appoint a secretary. The state treasurer shall be the treasurer of the university. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.15. EXPENSES. The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from any available funds of the university. (V.A.C.S. Art. 2643b, Sec. 4 (part).)

Sec. 106.16. SEAL. The board may make, use, and alter a common seal. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

[Sections 106.17-106.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 106.31. ADMINISTRATIVE POWERS. The board shall establish the several departments in the university, determine the offices, professorships, and other positions at the institution, appoint a president, appoint the professors and other officers and employees and prescribe their duties, and fix their respective salaries. The board shall enact bylaws, rules, and regulations deemed necessary for the successful management and government of

the institution. The board may remove any professor, instructor, tutor, or other officer or employee connected with the institution when, in its judgment, the best interests and proper operation of the institution requires it. (V.A.C.S. Art. 2643b, Sec. 7.)

Sec. 106.32. EXPENDITURES. All expenditures shall be made by order of the board and shall be paid on warrants issued by the comptroller based on vouchers approved by the chairman of the board or some other officer of the university designated by him in writing to the comptroller, and countersigned by the secretary of the board or some other officer of the university designated by the secretary in writing to the comptroller. (V.A.C.S. Art. 2643b, Sec. 4 (part).)

Sec. 106.33. CONTRACTS WITH OTHER INSTITUTIONS. The board may make proper arrangements by contract with other educational institutions, hospitals, and clinics in Houston for the use of any facilities and services it considers necessary and expedient for the proper training and education of students in professional courses. (V.A.C.S. Art. 2643b, Sec. 6 (part).)

Sec. 106.34. GIFTS, GRANTS. The board may accept from other than state sources gifts and grants of money and property for the benefit of the university. (V.A.C.S. Art. 2643b, Sec. 8.)

Sec. 106.35. ACQUISITION OF LAND. The board on behalf of the university may acquire by purchase, exchange, or otherwise any tract or parcel of land in Harris County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion. (V.A.C.S. Art. 2643d-1.)

Sec. 106.36. MILITARY TRAINING. No student shall ever be required to take any military training as a condition for entrance into or graduation from the university. (V.A.C.S. Art. 2643f-1.)

[Sections 106.37-106.50 reserved for expansion]

SUBCHAPTER D. CONTROL OF UNIVERSITY FUNDS

Sec. 106.51. CONTROL OF MONEY COLLECTED. The board may retain control of:

(1) money derived from student fees of all kinds;

(2) charges for use of rooms and dormitories;

(3) receipts from meals, cafes, and cafeterias;

(4) fees on deposit refundable to students under certain conditions;

(5) receipts from school athletic activities;

(6) income from student publications and other student activities;

(7) receipts from the sale of publication products and miscellaneous supplies and equipment;

(8) students' voluntary deposits of money for safekeeping;

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(9) funds, revenue, and accounts received from the University of Houston and other institutions;

(10) gifts and grants to the university; and

(11) all other fees and local institutional income of a strictly local nature arising out of, or incident to, the university's educational activities. (V.A.C.S. Art. 2643e, Sec. 1, 5.)

Sec. 106.52. DEPOSITORIES. The board may select depository banks as places of deposit of all funds of the kind and character named in Section 106.51 of this code, which are collected by the university, and the board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time the board deems any deposit inadequately secured. All funds of the character named in Section 106.51 of this code, which are so collected, shall be deposited in the depository bank or banks within five days from the date of collection. Depository banks so selected are authorized to pledge their securities to protect the funds. Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office; and venue of suit to recover any amount claimed by the state to be due on any of these bonds is fixed in Travis County. (V.A.C.S. Art. 2643e, Sec. 2.)

Sec. 106.53. ACCOUNTS; TRUST FUNDS. Separate accounts shall be kept on the books of the university, showing the sources of all sums collected and the purposes for which expended. All trust funds handled by the board shall be deposited in separate accounts and shall not be commingled with the general income from student fees or other local institutional income, and all trust funds shall be secured by separate bonds or securities. (V.A.C.S. Art. 2643e, Sec. 3.)

Sec. 106.54. BIENNIAL REPORT. True and full accounts shall be kept by the board and by the employees of the university of all funds collected from all sources by the university, all the sums paid out by it, and the persons to whom and the purposes for which the sums are paid. The board shall print biennially a complete report of all sums collected, all expenditures, and the sums remaining on hand. The report shall be printed in even-numbered years between September 1 and January 1. It shall show the true condition of all funds as of the preceding August 1, and shall show all collections and expenditures for the preceding two years. The board shall furnish copies of the report to the governor, state treasurer, comptroller, state auditor, and attorney general, and not less than three copies to the State Board of Control. The board shall furnish a copy to each member of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate committees on education of each regular session of the legislature within one week after the committees are appointed. (V.A.C.S. Art. 2643e, Sec. 4.)

Sec. 106.55. LEGISLATIVE INTENT. The authority granted the board under this subchapter is intended to be the same as the

authority granted to the governing boards of The University of Texas System, Texas A&M University System, and similar institutions with regard to the control and use of local funds. (V.A.C.S. Art. 2643e, Sec. 7.)

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CHAPTER 107. TEXAS WOMAN'S UNIVERSITY

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CHAPTER 107. TEXAS WOMAN'S UNIVERSITY
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Sec. 107.01. LOCATION AND PURPOSE OF UNIVERSITY. Texas Woman's University is an institution of higher education for women with its main campus at Denton. (R.S. Art. 2624.)

[Sections 107.02-107.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 107.21. BOARD OF REGENTS. The board of regents of the university is composed of nine persons, four of whom shall be women, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2625 (part); Art. 2907 (part).)

Sec. 107.22. OFFICERS. The board shall biennially elect a chairman, a vice chairman, and other officers it deems necessary from among its members. (R.S. Art. 2625 (part).)

Sec. 107.23. BOARD MEETINGS; MINUTES. The chairman shall convene the board to consider any business connected with the university whenever he deems it expedient. A full record shall be kept of all the board's proceedings. (R.S. Art. 2625 (part).)

Sec. 107.24. COMPENSATION OF BOARD. Members of the board shall receive the same compensation conferred by law on the board of regents of The University of Texas System. (R.S. Art. 2625 (part).)

[Sections 107.25-107.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 107.41. EXTENT OF POWERS. The board has the power incident to its position and to the same extent, as far as applicable, as is conferred on the board of regents of The University of Texas System. (R.S. Art. 2625 (part).)

Sec. 107.42. STAFF. The board shall appoint a president of the university and other officers and employees it deems proper and shall fix their salaries. The board shall make rules and regulations for the government of the university's staff as it deems advisable. (R.S. Art. 2627 (part).)

Sec. 107.43. DEPARTMENTS. The board shall divide the course of instruction into departments and shall select careful and efficient professors in each department, in order to secure the best possible instruction in all areas of study. (R.S. Art. 2627 (part).)

Sec. 107.44. RULES AND REGULATIONS. The board shall adopt rules and regulations it deems necessary to carry out the purposes of the institution and to enforce the faithful discharge of the duties of all officers, professors, and students. (R.S. Art. 2627 (part).)

[Sections 107.45-107.60 reserved for expansion]

SUBCHAPTER D. DORMITORIES AND IMPROVEMENTS

Sec. 107.61. CONSTRUCTION OF DORMITORIES AND IMPROVEMENTS. The board may erect and equip, or may contract with any person, firm, or corporation for the erecting and equipping of dormitories and other improvements, which shall be located either on the campus or on land purchased or leased for the purpose by the board. The board may purchase or lease additional real estate for the purpose, or exchange or sell real estate for the purpose. (V.A.C.S. Art. 2628a, Sec. 2.)

Sec. 107.62. OBLIGATIONS; PLEDGE OF REVENUE. In payment for the erecting and equipping of dormitories and improvements, the board may issue its obligations in the amount and on the terms deemed advisable by the board. As security the board may pledge the income from the dormitories and improvements erected or from other dormitories owned by the university, as well as all other revenue derived by the university from other sources, except revenue derived by means of appropriations made for a specific purpose by the legislature. (V.A.C.S. Art. 2628a, Sec. 3.)

Sec. 107.63. SALE OF REAL ESTATE. The board may sell or encumber any part of the campus or real estate owned by the university for the purpose of obtaining funds with which to erect and equip these improvements or for the purpose of securing the payment of its obligations issued to any person, firm, or corporation for the erecting or equipping of these improvements. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.64. REQUIRED DORMITORY RESIDENCE. The board may adopt regulations it deems reasonable requiring any class or classes of students to reside in university dormitories or other buildings. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.65. MANAGEMENT OF DORMITORIES. The board has absolute and sole management and control of university dormitories and other improvements. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC. The board may make requisition to the State Board of Control for furniture, furnishings, equipment, and appointments required for the proper use and enjoyment of improvements erected by the board, and the State Board of Control may purchase and pay for the furnishings, equipment, and appointments. (V.A.C.S. Art. 2628a, Sec. 5.)

Sec. 107.67. LIMITATION ON OBLIGATIONS. In the erecting, or in contracts for the erecting, of dormitories and improvements, the board may not in any manner incur any indebtedness against the university except as provided in Sections 107.62 and 107.63 of this code. The obligations incurred in the erecting of dormitories and improvements may never be personal obligations of the university but shall be discharged solely from the revenue or property authorized to be pledged for that purpose. (V.A.C.S. Art. 2628a, Sec. 6.)

Sec. 107.68. GENERAL POWERS. The board may do any and all things necessary or convenient to carry out the purpose and intent of this subchapter. (V.A.C.S. Art. 2628a, Sec. 7.)

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CHAPTER 108. LAMAR STATE COLLEGE OF TECHNOLOGY

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CHAPTER 108. LAMAR STATE COLLEGE OF TECHNOLOGY
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Sec. 108.01. LAMAR STATE COLLEGE OF TECHNOLOGY. Lamar State College of Technology is a coeducational institution of higher education located in the city of Beaumont. (V.A.C.S. Art. 2637a.)

[Sections 108.02-108.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 108.11. BOARD OF REGENTS. The organization, control, and management of the college is vested in a board of nine regents, who shall be appointed by the governor and confirmed by the senate. The term of office of each regent shall be six years. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term. The members of the board are removable by the governor for inefficiency or inattention to the duties of the office. Each member of the board shall take the constitutional oath of office. (V.A.C.S. Art. 2637b (part).)

Sec. 108.12. OFFICERS. The board shall elect a chairman and any other officers they consider necessary. (V.A.C.S. Art. 2637b (part).)

Sec. 108.13. COMPENSATION OF BOARD. The members of the board shall serve without compensation, but shall receive actual expenses incurred in attending the meetings of the board, or in the transaction of any business of the college imposed by the board. (V.A.C.S. Art. 2637j, Sec. 4.)

Sec. 108.14. PRESIDENT. The board shall select a president for the college and shall fix his term of office, set his salary, and define his duties. The president shall be the executive officer for the board and shall work under its direction. He shall recommend the plan of organization and the appointment of employees of the college, and shall have the cooperation of the board and shall be responsible to the board for the general management and success of the college. (V.A.C.S. Art. 2637b (part).)

[Sections 108.15-108.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 108.31. GENERAL RESPONSIBILITIES. The board shall build and operate a state college of the first rank that compares favorably with the splendid colleges of Texas in the preparation of its youth for the varied interests and industries possible in the section of the state in which the college is located. The college shall be equipped adequately to do its work as well as other state colleges perform their functions. (V.A.C.S. Art. 2637d (part).)

Sec. 108.32. SCOPE OF POWERS. The college and the board have all the powers and authority conferred by law on state senior colleges in Texas and the Board of Regents, State Senior Colleges, to the extent that that law is applicable. (V.A.C.S. Art. 2637j, Sec. 1.)

Sec. 108.33. EMINENT DOMAIN. The college has the power of eminent domain and shall proceed under condemnation proceedings applicable to railroad companies under the laws of the state. (V.A.C.S. Art. 2637f.)

Sec. 108.34. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the college to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions declared in writing in the donation, gift, or endowment, to the extent that the directions, limitations, and provisions are not inconsistent with the objects and proper management of the college. (V.A.C.S. Art. 2637g.)

Sec. 108.35. SPINDLETOP MEMORIAL MUSEUM. The board may create the Spindletop Memorial Museum and may administer it in accordance with the rules and regulations of the college. (V.A.C.S. Art. 2637j, Sec. 3.)

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CHAPTER 109. TEXAS TECH UNIVERSITY

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CHAPTER 109. TEXAS TECH UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 109.01. TEXAS TECH UNIVERSITY. Texas Tech University is a coeducational institution of higher education located in the city of Lubbock. (R.S. Art. 2629 (part); V.A.C.S. Art. 2629a.)

[Sections 109.02-109.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 109.21. BOARD OF REGENTS. The government, control, and direction of the policies of the university are vested in a board of nine regents, who shall be appointed by the governor with the advice and consent of the senate. (R.S. Art. 2630, Sec. (a).)

Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. Except for the initial appointees, members hold office of terms of six years expiring on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate three for terms expiring in 1971, three for terms expiring in 1973, and three for terms expiring in 1975. Any vacancy shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the senate. (R.S. Art. 2630, Sec. (b).)

Sec. 109.23. CHIEF EXECUTIVE OFFICER: SELECTION, DUTIES. The board shall provide a chief executive officer, who shall devote his attention to the executive management of the university and who shall be directly accountable to the board for the conduct of the university. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that other institution or facility. (R.S. Art. 2630, Sec. (c).)

[Sections 109.24-109.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 109.41. EMINENT DOMAIN. The board of regents has the power of eminent domain to acquire land needed to carry out the purposes of the university. (R.S. Art. 2632.)

Sec. 109.42. RESIDENCE FOR PRESIDENT. The board may purchase a house or may purchase land and construct a house suitable for the residence of the president of the university. (V.A.C.S. Art. 2632g.)

Sec. 109.43. DORMITORIES: RULES AND REGULATIONS. The board may adopt rules and regulations it deems advisable requiring any class or classes of students to reside in university dormitories or other buildings. (V.A.C.S. Art. 2632a, Sec. 4.)

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Sec. 109.44. RESEARCH PARK. (a) The board may plan, develop, and maintain a research park on a portion of the campus of the university. For this purpose, the board may select and set aside on the campus a tract of land of approximately 150 acres.

(b) The board may subdivide the tract into lots and lease the lots to persons, firms, foundations, associations, corporations, and government agencies for the purpose of conducting research. Each lessee may construct buildings and facilities appropriate for research, subject to rules of the board.

(c) The board may execute any lease deemed favorable to the university, and the board shall establish standards of admission for tenant organizations, rental rates, and architectural and landscaping standards.

(d) Money received from the rental of sites in the research park shall be used to offset the expenses involved in developing the sites and providing utilities and services. Any excess of receipts over expenses shall be applied toward research activities undertaken in behalf of the university. The support and maintenance of the park shall never become a charge against or obligation of the State of Texas.

(e) The research park shall be used for research only, and the board shall prohibit manufacturing, social, political, religious, fraternal, and other uses. (V.A.C.S. Art. 2632h.)

Sec. 109.45. CITY MUSEUM. (a) The board may rent, lease, or convey, for a sum of money to be determined by the board, a part of the campus, not to exceed four acres, to the city of Lubbock for the sole purpose of building, with bonds or current city taxes, and maintaining with city tax money, a history, science, and art museum.

(b) The board may rent or lease a building or any part of a building on the parcel of land to the city of Lubbock for the sole purpose of maintaining a history and art museum for a sum of money to be determined by the board.

(c) The board may dedicate for public use a street or streets leading to and connecting the parcel of land and building and to provide ingress and egress to and from a public highway and to and from adjacent parking lots.

(d) The board, at its discretion, may contract with the city of Lubbock for the staffing, operation, and maintenance of a history and art museum with funds provided by the city of Lubbock.

(e) The board may enter into contracts and agreements which are necessary and proper for carrying out the provisions of this section, provided that no expenditure of money by the board shall be made except as may be appropriated by the legislature. (V.A.C.S. Art. 2632e.)

Sec. 109.46. LEASE OF LAND FOR ARMORY. (a) The board may lease to a suitable agency of the United States a portion of the campus, not to exceed five and one-half acres, for a period not to exceed 99 years, to be used as a site for the erection and maintenance of an armory building or other suitable building or buildings for the instruction of students in military and naval sciences and other subjects.

(b) The board may enter into lease contracts and other contracts and agreements which are necessary and proper in carrying out the provisions of this section. (V.A.C.S. Art. 2632c.)

Sec. 109.47. LEASE OF LAND FOR NATIONAL GUARD ARMORY. (a) The board may select and lease a portion of the campus to the Texas National Guard for the purpose of erecting an armory and other buildings suitable for use by the Texas National Guard. The board may enter into a lease contract with the Texas National Guard Armory Board on terms which are suitable and satisfactory to the board for a term of not more than 99 years.

(b) The board may select and set aside a tract of campus land, not in excess of 10 acres, to be used by the Texas National Guard as a drill ground.

(c) The board may permit the Texas National Guard Armory Board and the Texas National Guard and any of its subdivisions ingress upon and egress from the campus for the purpose of going to and from the armory and other buildings and the drill ground. (V.A.C.S. Art. 2632b.)

[Sections 109.48-109.60 reserved for expansion]

SUBCHAPTER D. MINERAL DEVELOPMENT IN UNIVERSITY LAND

Sec. 109.61. MINERAL LEASES; DISPOSITION OF PROCEEDS. (a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas Tech University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas Tech University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act. (V.A.C.S. Art. 2628a-9, Sec. 1.)

Sec. 109.62. MAJORITY OF BOARD TO ACT. A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 109.63. SUBDIVISION OF LAND; TITLES. (a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands. (V.A.C.S. Art. 2628a-9, Sec. 2.)

Sec. 109.64. SALE OF LEASES; ADVERTISEMENTS; PAYMENTS. (a) Whenever in the opinion of the board there is a demand for the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Lubbock at any hour between 10 a.m. and 5 p.m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid. (V.A.C.S. Art. 2628a-9, Sec. 3.)

Sec. 109.65. SEPARATE BIDS; MINIMUM ROYALTY; DELAY RENTAL. (a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee. (V.A.C.S. Art. 2628a-9, Sec. 4.)

Sec. 109.66. REJECTION OF BIDS; WITHDRAWAL OF LAND. The board may reject any and all bids and may withdraw any land advertised for lease. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 109.67. ACCEPTANCE; CONDITIONS AND PROVISIONS OF LEASE. (a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the

board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university. (V.A.C.S. Art. 2628a-9, Sec. 5.)

Sec. 109.68. ACCEPTANCE AND FILING OF BIDS; YEARLY PAYMENTS; TERMINATION OF LEASE. (a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 109.70 and 109.71 of this code. (V.A.C.S. Art. 2628a-9, Sec. 6.)

Sec. 109.69. AWARD AND FILING OF LEASE. If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office. (V.A.C.S. Art. 2628a-9, Sec. 7(a).)

Sec. 109.70. EXPLORATORY TERM OF LEASE; EXTENSION; OTHER PROVISIONS. (a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 7(b).)

Sec. 109.71. EXTENSION OF LEASES. When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement. (V.A.C.S. Art. 2628a-9, Sec. 7(c).)

Sec. 109.72. CONTROL OF DRILLING AND PRODUCTION. The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state. (V.A.C.S. Art. 2628a-9, Sec. 7(d).)

Sec. 109.73. DRILLING OPERATIONS: SUSPENSION OF RENT; CONTINUANCE OF LEASE; DUTY TO PREVENT DRAINAGE. (a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances. (V.A.C.S. Art. 2628a-9, Sec. 8.)

Sec. 109.74. TITLE TO RIGHTS PURCHASED; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by

having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by $1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 9.)

Sec. 109.75. PAYMENT OF ROYALTIES; RECORDS; REPORT OF RECEIPTS. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be
* set aside in the state treasury as specified in Section 109.61 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month. (V.A.C.S. Art. 2628a-9, Sec. 10.)

Sec. 109.76. PROTECTION FROM DRAINAGE; FORFEITURE OF RIGHTS. (a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

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(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 109.77 of this code for forfeitures. (V.A.C.S. Art. 2628a-9, Sec. 11.)

Sec. 109.77. FORFEITURE AND OTHER REMEDIES; LIENS. (a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(b) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(c) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(d) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(e) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease. (V.A.C.S. Art. 2628a-9, Sec. 12.)

Sec. 109.78. FILING OF DOCUMENTS AND PAYMENT OF ROYALTIES, FEES, AND RENTALS. (a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas Tech University special mineral fund. (V.A.C.S. Art. 2628a-9, Sec. 13.)

Sec. 109.79. FORMS, REGULATIONS, RULES, AND CONTRACTS. The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

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CHAPTER 110. TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE AT LUBBOCK

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CHAPTER 110. TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE AT LUBBOCK

Sec. 110.01. SEPARATE INSTITUTION. Texas Tech University School of Medicine at Lubbock is a separate institution and not a department, school, or branch of Texas Tech University but is under the direction, management, and control of the Texas Tech University Board of Regents. (V.A.C.S. Art. 2632i, Sec. 1.)

Sec. 110.02. CONCURRENT AND SEPARATE POWERS. The board of regents has the same powers of direction, management, and control over the medical school as they exercise over Texas Tech University. However, the board shall act separately and independently on all matters affecting the medical school as a separate institution. (V.A.C.S. Art. 2632i, Sec. 2.)

Sec. 110.03. GENERAL POWERS. The board may make rules and regulations for the direction, control, and management of Texas Tech University School of Medicine as necessary for the school to be a medical school of the first class. (V.A.C.S. Art. 2632i, Sec. 3 (part).)

Sec. 110.04. CHIEF EXECUTIVE OFFICER. The chief executive officer of Texas Tech University is also the chief executive officer of the medical school under the authority of Section 109.23 of this code. (New.)

Sec. 110.05. COURSES OFFERED. The board may prescribe courses leading to customary degrees. (V.A.C.S. Art. 2632i, Sec. 3 (part).)

Sec. 110.06. AGREEMENTS WITH OTHER SCHOOLS. The board may, when in the best interests of medical education at the medical school, execute and carry out affiliation or coordinating agreements with any other entity or institution in the Lubbock area, Amarillo area, El Paso area, and the Odessa-Midland area to provide clinical, postgraduate, including internship and residency, or other levels of medical educational work for the medical school. Additionally, the board may execute and carry out affiliation or coordinating agreements with any other entity or institution necessary to conduct and operate the medical school as a first-class medical school. The board may utilize the facilities and staffs of other state biomedical units. (V.A.C.S. Art. 2632i, Sec. 4.)

Sec. 110.07. PHYSICAL FACILITIES. The board shall make provision for adequate physical facilities for the medical school, including library, auditorium, and animal facilities, for use by the medical school in its teaching and research programs. (V.A.C.S. Art. 2632i, Sec. 5.)

Sec. 110.08. GRANTS; GIFTS. The board, in its discretion, may accept and administer grants and gifts from the federal government, any foundation, trust fund, corporation, or individual

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for the use and benefit of the medical school. (V.A.C.S. Art. 2632i, Sec. 6.)

Sec. 110.09. TEACHING HOSPITAL. A complete teaching hospital for the medical school shall be furnished at no cost or expense to the state. The state may never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the medical school. (V.A.C.S. Art. 2632i, Sec. 7.)

Sec. 110.10. SUPERVISION BY COORDINATING BOARD. The medical school is subject to the continuing supervision of and to the rules and regulations of the Coordinating Board, Texas College and University System, as provided by Chapter 61 of this code. (V.A.C.S. Art. 2632i, Sec. 8.)

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CHAPTER 111. THE UNIVERSITY OF HOUSTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 111.01. UNIVERSITY OF HOUSTON. The University of Houston is a coeducational institution of higher education located in the city of Houston. (V.A.C.S. Art. 2615g, Sec. 1.)

Sec. 111.02. APPLICABILITY OF GENERAL LAWS. The University of Houston is subject to the obligations and entitled to the benefits of all general laws of Texas applicable to all other state institutions of higher education, except where the general laws are in conflict with this chapter, and in the event of conflict this chapter prevails to the extent of the conflict. (V.A.C.S. Art. 2615g, Sec. 15.)

[Sections 111.03-111.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 111.11. BOARD OF REGENTS. The organization and control of the university is vested in a board of nine regents. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. Members of the board are appointed by the governor with the advice and consent of the senate. The term of office of each regent shall be six years, except that in making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.13. QUALIFICATIONS OF MEMBERS; OATH. Each member of the board shall be a citizen of the State of Texas, and each member shall take the constitutional oath of office. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.14. OFFICERS. The board shall elect one of the members chairman. They shall elect any other officers they deem necessary. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.15. COMPENSATION. Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2615g, Sec. 4.)

Sec. 111.16. MEETINGS. The board shall hold a regular meeting at the campus of the university during the month of April annually, and at other times and places scheduled by the board or designated by the chairman. (V.A.C.S. Art. 2615g, Sec. 5.)

Sec. 111.17. MINUTES. Full, accurate, and complete minutes of the board shall be kept and shall be open to inspection by the public at the university during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee assessed by the board, which shall not exceed 25 cents per 100 words or fractional part thereof. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.18. PRESIDENT. The board shall select a president for the university, who shall be the executive officer for the board and shall work under its direction. The president shall recommend the plan or organization of the university and shall be responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.19. PERSONNEL: APPOINTMENTS, SALARIES, ETC. The board may appoint and remove the president, any faculty member, or other officer or employee of the university when, in its judgment, the interest of the university requires it. The board shall fix the respective salaries and duties of the officers and employees. (V.A.C.S. Art. 2615g, Sec. 6.)

[Sections 111.20-111.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 111.31. COURSES AND DEGREES. The board shall prescribe courses leading to customary degrees offered in American universities of the first rank. However, the role and scope of the university, including its autnorized departments and offerings of degree and certificate programs, are subject to the determination and approval of the Coordinating Board, Texas College and University System. All work done and all courses, degrees, certificates, and diplomas awarded shall conform to standard college requirements as promulgated by the accrediting associations that supervise matters of accreditation of universities and colleges in the State of Texas. (V.A.C.S. Art. 2615g, Sec. 7.)

Sec. 111.32. REPORTS. The board shall report in detail to the governor and to the Coordinating Board, Texas College and University System, annually, and to the legislature at the beginning of each regular session, on the following matters:

(1) the receipts and disbursements of the university and the expenses incurred;

(2) the number of teachers and the salary of each member of the faculty;

(3) the number of employees and the salary and duties of each person;

(4) the number of students, classified by grades and departments; and

(5) a summary of the proceedings of the board and of the faculty. (V.A.C.S. Art. 2615g, Sec. 5a.)

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Sec. 111.33. SUITS. The board has the power to sue and be sued in the name of the University of Houston. Venue shall be in either Harris County or Travis County. The university shall be impleaded by service of citation on the president or any of its vice presidents. (V.A.C.S. Art. 2615g, Sec. 3 (part).)

Sec. 111.34. CONTRACTS. All contracts of the university shall be approved by a majority of the board. (V.A.C.S. Art. 2615g, Sec. 3 (part).)

Sec. 111.35. BYLAWS; RULES; REGULATIONS. The board shall enact bylaws, rules, and regulations necessary for the successful management and government of the university. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.36. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, provided that the purposes and directions, limitations, and provisions are not inconsistent with the laws of the State of Texas or with the objectives and proper management of the university. (V.A.C.S. Art. 2615g, Sec. 9.)

Sec. 111.37. LEASE AND MANAGEMENT OF LAND. (a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its exclusive control for the use of the university. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas.

(b) All money received under and by virtue of the leases and contracts executed for the management and development of the land, except revenue pledged to the payment of revenue bonds or notes, shall be deposited to the credit of a special fund created by the board. The board shall designate a depository for the special fund and shall accord the money deposited in it the same protection by the pledging of assets of the depository as is required for the protection of public funds. Money deposited in the special fund may be used by the board for the administration of the university, for payment of principal of and interest on any revenue bonds or notes issued by the board, and for any other use or purpose which in the judgment of the board may be for the good of the university. (V.A.C.S. Art. 2615g, Sec. 10.)

Sec. 111.38. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the university any land

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necessary and proper for carrying out its purposes as a state-supported institution of higher education. However, the power of eminent domain is restricted to the area within Harris County and any county whose boundaries are contiguous to Harris County. The board shall not be required to deposit a bond or the amount equal to the award of the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. (V.A.C.S. Art. 2615g, Sec. 10a.)

Sec. 111.39. ACQUISITION AND DISPOSITION OF LAND. The board may acquire by purchase, donation, or otherwise for the use of the university any land and other real property necessary or convenient for carrying out its purposes as a state-supported institution of higher education, and may sell, exchange, lease, or otherwise dispose of any land or other real property owned by or acquired for the university. However, the power of acquisition and disposition is restricted to the area within Harris County and the counties whose boundaries are contiguous to Harris County. The proceeds from any sale of land or other real property shall be added to the capital funds of the university. No new institutions, branches, or other operations of any kind shall be developed without specific authorization by the legislature. (V.A.C.S. Art. 2615g, Sec. 10b.)

Sec. 111.40. CHARGES FOR SERVICES TO THE PUBLIC; REPORTS. (a) A schedule of minimum fees and charges shall be established by the board for services performed by any department of the university for students and the public. The schedule shall conform to the fees and charges customarily made for like services in the community. By way of example, but not as a limitation, are services of the hearing clinic, optometry clinic, reading clinic, and data processing and computing center.

(b) All fees and compensation derived from performing services shall be reported to the governor and to the Coordinating Board, Texas College and University System, annually, to the legislature at the beginning of each regular session, and to the board as required by it. A brief statement of the firm, society, organization, or association using the facilities and the use made shall be included in each report. (V.A.C.S. Art. 2615g, Sec. 13.)

Sec. 111.41. MILITARY TRAINING. (a) Within its authority to contract with the Department of Defense for military training under Section 51.304 of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university. (V.A.C.S. Art. 2615g, Sec. 14.)

[Sections 111.42-111.60 reserved for expansion]

SUBCHAPTER D. INSTITUTE FOR URBAN STUDIES

Sec. 111.61. CREATION OF INSTITUTE; LOCATION. The board of regents of the University of Houston shall establish and maintain an institute for urban studies in the Houston metropolitan area. (V.A.C.S. Art. 2606d, Sec. 1.)

Sec. 111.62. ADMINISTRATION. The administration of the institute for urban studies shall be under the direction of the president and board of regents of the University of Houston. The administrative officer of the institute shall be appointed by the president with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 111.63. ROLE AND SCOPE OF INSTITUTE. The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 111.64. CORRELATION OF PROGRAMS. In order to correlate the programs offered by the institute and the institute established by The University of Texas System under Subchapter B, Chapter 75, of this code, there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 111.65. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the president and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

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CHAPTER 112. PAN AMERICAN COLLEGE

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CHAPTER 112. PAN AMERICAN COLLEGE
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 112.01. PAN AMERICAN COLLEGE. Pan American College is a coeducational institution of higher education located in Hidalgo County. (V.A.C.S. Art. 2619a, Sec. 1.)

[Sections 112.02-112.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 112.11. BOARD OF REGENTS. The organization and control of the college is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.12. TERM OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three members expiring every two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.13. OFFICERS. The board shall elect one member to be chairman and may elect any other officers it deems necessary. Each member shall take the constitutional oath of office. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.14. EXPENSES. Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2619a, Sec. 4.)

Sec. 112.15. MEETINGS. The board shall hold a regular meeting each year during the month of April on the campus of the college, and may meet at other times and places as scheduled by the board or called by the chairman. (V.A.C.S. Art. 2619a, Sec. 5.)

Sec. 112.16. MINUTES. Accurate and complete minutes of the board shall be maintained and shall be open to public inspection at the college during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee to be assessed by the board, not to exceed 25 cents per 100 words or fractional part of 100 words. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.17. PRESIDENT. The board of regents shall select a president, who shall be chief executive officer for the board and shall work under the board's direction. The president shall recommend the plan of organization of the college and is responsible to the board for the general management and success of the college. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.18. PERSONNEL: APPOINTMENTS, SALARIES, ETC. The board may appoint or remove the president, any faculty member, or any other officer or employee of the college when, in the judgment of the board, the best interests of the college require it. The board shall fix the salaries and duties of the officers and employees of the college. (V.A.C.S. Art. 2619a, Sec. 7.)

[Sections 112.19-112.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 112.31. RULES AND REGULATIONS. The board may adopt bylaws, rules and regulations necessary for the successful management and operation of the college. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.32. SUITS. The board may sue or be sued in the name of Pan American College. Venue is in either Hidalgo County or Travis County. The college shall be impleaded by service of citation on the president, and legislative consent to these suits is granted. (V.A.C.S. Art. 2619a, Sec. 3 (part).)

Sec. 112.33. CONTRACTS. All contracts of the college must be approved by a majority of the board of regents. (V.A.C.S. Art. 2619a, Sec. 3 (part).)

Sec. 112.34. GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the college to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions that may be declared in writing in the donation, gift, or endowment, consistent with the laws of the state and the objectives and proper management of the college. (V.A.C.S. Art. 2619a, Sec. 15.)

Sec. 112.35. EMINENT DOMAIN. The board has the power of eminent domain, restricted to the boundaries of Hidalgo County, to acquire land for the use of the college which is necessary and proper for carrying out the purposes of the college. The board may not be required to deposit a bond or the amount equal to the award of the commissioners as required by Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. If the power is exercised, the board shall determine the amount and character of interests in land and easements to be acquired. As against persons, firms, and corporations, or receivers or trustees of them, having the power of eminent domain, the board may condemn only an easement. (V.A.C.S. Art. 2619a, Sec. 3a.)

Sec. 112.36. MILITARY TRAINING. (a) Within its authority to contract with the Department of Defense for military training under Section 51.173 of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

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(b) No student of the university shall ever be required to take a military training course as a condition for entrance into or graduation from the college. (V.A.C.S. Art. 2619a, Sec. 18.)

Sec. 112.37. REPORTS. The board shall report the condition of the college annually to the governor, to the Coordinating Board, Texas College and University System, and to the legislature at the beginning of each regular session. The report shall set forth, in detail, receipts and disbursements; an itemized statement of all expenses for each year; the number of teachers and the salary of each member of the faculty; the number of employees and the general duties and salary received by each; the number of students, classified by grades and departments; and a summary of the proceedings of the board and faculty. (V.A.C.S. Art. 2619a, Sec. 6.)

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SUBTITLE G. NON-BACCALAUREATE SYSTEM
CHAPTER 130. JUNIOR COLLEGE DISTRICTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 130.001. SUPERVISION BY COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM. (a) The Coordinating Board, Texas College and University System, referred to as the coordinating board, shall exercise general control of the public junior colleges of Texas.

(b) The coordinating board shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges as prescribed by the legislature, and with the advice and assistance of the commissioner of higher education, shall have authority to:

(1) authorize the creation of public junior college districts as provided in the statutes, giving particular attention to the need for a public junior college in the proposed district and the ability of the district to provide adequate local financial support;

(2) dissolve any public junior college district which has failed to establish and maintain a junior college within three years from the date of its authorization;

(3) adopt standards for the operation of public junior colleges and prescribe the rules and regulations for such colleges;

(4) require of each public junior college such reports as deemed necessary in accordance with the coordinating board's rules and regulations; and

(5) establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the coordinating board with respect to public junior colleges. (Originally Sec. 51.001.)

Sec. 130.002. EXTENT OF STATE AND LOCAL CONTROL. All authority not vested by this chapter or by other laws of the state in the coordinating board or in the Central Education Agency is reserved and retained locally in each of the respective public junior college districts or in the governing boards of such junior colleges as provided in the laws applicable. (Originally Sec. 51.002.)

Sec. 130.003. STATE APPROPRIATION FOR PUBLIC JUNIOR COLLEGES. (a) There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by this chapter. The sum shall be allocated on a basis and in a manner provided in Subsection (b) of this section.

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 130.002(a)(2) of this code;

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(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education; and

(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code.

(c) All funds allocated under the provisions of this code, with the exception of those necessary for paying the costs of audits as provided, shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several institutions and the purchase of supplies and materials for instructional purposes.

(d) Only those colleges which have been certified as prescribed in Section 130.002(a)(2) of this code shall be eligible for and may receive any appropriation made by the legislature to public junior colleges. (Originally Sec. 51.003.)

Sec. 130.004. AUTHORIZED TYPES OF PUBLIC JUNIOR COLLEGES. (a) By complying with the provisions of the appropriate following sections of this chapter a public junior college and/or district of any one of the following classifications may be established:

(1) an independent school district junior college;

(2) a city junior college;

(3) a union junior college;

(4) a county junior college;

(5) a joint-county junior college; and

(6) a public junior college as a part or division of a regional college district.

(b) As used in this chapter, the two general authorized types of junior colleges are:

(1) public junior colleges, which must consist of freshman and sophomore college work taught separately or in conjunction with the junior and senior years of high school and the course of study of such work must be submitted to and approved before being offered by the Coordinating Board, Texas College and University System; and

(2) a junior college division of a regional college, as that type of institution is defined in Subchapter F of this chapter, which operates under the laws applicable to public junior colleges in Texas.

(c) All junior college districts, whether established, organized, and/or created, or attempted to be established, organized, and/or created, by vote of the people residing in those districts, or by action of the county school boards, or by action of the county judge, or by action of the commissioners courts, or by action of state educational officers or agencies, or by a combination of any two or more of the same, which districts have previously been recognized by either state or county authorities

as junior college districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. Without in any way limiting the generalization of the provisions above,

(1) all additions of territory to or detachments of territory from such junior college districts are hereby in all things validated, whether the same were accomplished or attempted to be accomplished by action of the county school boards, or by action of the county judge, or by action of the commissioners court, or by action of state educational officers or agencies, or by vote of the people residing in such territory, or by a combination of any two or more of the same;

(2) the boundary lines of all such junior college districts are hereby in all things validated; and

(3) all acts of the governing boards of such junior college districts ordering an election or elections, declaring the results of such elections, levying, attempting, or purporting to levy taxes for and on behalf of such districts, and all bonds issued and now outstanding, and all bonds previously voted but not issued, and all tax elections, bond elections, and bond assumption elections are hereby in all things validated; all revenue bonds issued and outstanding and all revenue bonds authorized but not yet issued for and on behalf of such districts are hereby in all things validated.

(d) Subsection (c) of this section shall not apply to any district which has previously been declared invalid by a court of competent jurisdiction of Texas, nor shall it apply to any district which is now involved in litigation in any district court of Texas, the court of civil appeals, or the Supreme Court of Texas, in which litigation the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such districts is attacked, or to any district involved in proceedings now pending before the coordinating board in which proceedings the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such district is attacked. (Originally Sec. 51.004.)

[Sections 130.005-130.010 reserved for expansion]

SUBCHAPTER B. INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE

Sec. 130.011. ESTABLISHMENT OF INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE. (a) An independent school district junior college may be established in either of the following types of units:

(1) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of not less than $12 million or having an income provided by endowment or otherwise that will meet the needs of the proposed junior college district as determined by the Coordinating Board, Texas College and University System; and

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(B) an average daily attendance of the next preceding school year of not fewer than 400 students in the last four grades in the classified high schools within the district or city; or

(2) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of $20 million or more and the coordinating board finds that such district or city is in a growing section and that there is a public convenience and necessity for such junior college; and

(B) an average daily attendance of the next preceding school year of fewer than 400 but not fewer than 300 students in the last four grades of classified high schools.

(b) Any such college district established and maintained as provided in this chapter shall be known as a junior college district. (Originally Sec. 51.011.)

Sec. 130.012. PETITION TO ESTABLISH. Whenever it is proposed to establish a junior college district in any type of unit
* authorized by Section 130.011 of this code, a petition praying for an election, signed by not less than five percent of the qualified taxpaying electors of the proposed district shall be presented to the school board of trustees of the district or city, which shall:

(1) pass upon the legality and genuineness of the petition; and

(2) forward the petition, if approved, to the coordinating board. (Originally Sec. 51.012.)

Sec. 130.013. ORDER TO ESTABLISH. It shall be the duty of the coordinating board with the advice of the commissioner of higher education to determine whether or not the conditions set
* forth in Sections 130.011 and 130.012 of this code have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish the proposed junior college district. It shall be the duty of the coordinating board to consider the needs and the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be final and shall be transmitted through the commissioner of higher education to the local school board, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district, if the coordinating board endorses its establishment. (Originally Sec. 51.013.)

Sec. 130.014. ELECTION. (a) If the coordinating board approves of the establishment of the junior college district, it shall then be the duty of the local school board to enter an order for an election to be held in the proposed territory within a time not less than 20 days and not more than 30 days after such order is issued, to determine whether or not such junior college district shall be created and formed. Such order shall:

(1) contain a description of the metes and bounds of the junior college district to be formed; and

(2) fix the date for the election.

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(b) If a majority of the electors voting at the election shall be in favor of the creation of a junior college district, the district shall be deemed to be formed and created. The local school board shall make a canvass of the returns and declare the result of the election within 10 days after holding the election, and enter an order on the minutes of the board as to the result of the election. (Originally Sec. 51.014.)

Sec. 130.015. CONTROL OF INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE. A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of the board of trustees of that independent or city school district. (Originally Sec. 51.015.)

Sec. 130.016. SEPARATE BOARD OF TRUSTEES IN CERTAIN INSTANCES. A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of a separate board of trustees, which may be placed in authority by either of the following procedures:

(1) the board of trustees of an independent school district or city school district which has the management, control, and operation of a junior college may divest itself of the management, control, and operation of that junior college so maintained and operated by the school board by appointing for the junior college district a separate board of trustees of nine members; or

(2) the board of trustees of any independent school district or city school district which has the control and management of a junior college may be divested of its control and management of that junior college by the procedure prescribed in Section 130.017 of this code. (Originally Sec. 51.016.)

Sec. 130.017. PETITION TO DIVEST SCHOOL BOARD OF AUTHORITY. (a) On a petition signed by 10 percent of the qualified electors of the independent school district or city school district, the board of trustees shall call an election within 30 days after the petition has been duly presented for the purpose of determining whether the school board of trustees shall be divested of its authority as governing board of such junior college district.

(b) If a majority of the votes cast in the election are in favor of divesting the board of trustees of the independent school district or city school district of its authority as the governing board of the junior college district, the board of trustees shall, within 30 days after the official canvass of the election, appoint for the junior college district a separate board of trustees of nine members to serve as the governing board of the junior college district. (Originally Sec. 51.017.)

Sec. 130.018. SEPARATE BOARD OF TRUSTEES--TERMS, ETC. In the event a separate board of trustees for the junior college district is appointed under either procedure set out in Section 130.016 or Section 130.017 of this code, the board of

trustees, consisting of nine members, shall be organized and constituted pursuant to the provisions of Section 130.082 of this code, and be governed by the provisions thereof. (Originally Sec. 51.018.)

[Sections 130.019-130.030 reserved for expansion]

SUBCHAPTER C. UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGES

Sec. 130.031. ESTABLISHMENT OF UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGE. The following types of junior colleges may be established in the following units:

(1) a union junior college district may be established by two or more contiguous independent school districts or two or more contiguous common school districts or a combination composed of one or more independent school districts with one or more common school districts of contiguous territory meeting the requirements set out in Section 130.032 of this code;

(2) a county junior college district may be established by any county meeting the requirements set out in Section 130.032 of this code; and

(3) a joint-county junior college district may be established by any combination of contiguous counties in the state meeting the requirements set out in Section 130.032 of this code. (Originally Sec. 51.031.)

Sec. 130.032. RESTRICTIONS. In order for any territorial unit set out in Section 130.031 of this code to establish the applicable type of junior college, the proposed district must have a taxable property valuation of not less than $30 million in the next preceding year and a total scholastic population of not less than 3,000 in the next preceding school year, provided a proposed district may have less than 3,000 scholastics but not less than 2,000 scholastics in the next preceding school year:

(1) if the proposed district includes a county which

(A) has a population of not less than 8,000 nor more than 8,500 inhabitants according to the last preceding federal census;

(B) has an assessed valuation of at least $60 million; and

(C) does not have within its boundaries any state-supported senior college or university or all or part of a junior college district; and

(2) if the Coordinating Board, Texas College and University System, finds that the proposed junior college district is in a growing section of the state and that there is a public convenience and necessity for the junior college. (Originally Sec. 51.032.)

Sec. 130.033. PETITION TO ESTABLISH. (a) Whenever it is proposed to establish a junior college of any type specified in Section 130.031 of this code a petition praying for an election therefor shall be presented in the applicable manner as prescribed in Subsections (b)-(d) of this section.

(b) In the case of a union junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the school districts within the territory of the proposed junior college district and shall be presented to the county school board or county school boards of the respective counties if the territory encompasses more than one county; but if there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

(c) In the case of a county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of the proposed college district and shall be presented to the county school board of the county; but if there is no county school board, the petition shall be presented to the commissioners court of the county.

(d) In case of a joint-county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the proposed counties and shall be presented to the respective county school boards of the counties to be included in the proposed district; in case there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved. (Originally Sec. 51.033.)

Sec. 130.034. TAX LEVY. Any petition authorized by Section 130.033 of this code may also incorporate therein a request for the proper authorities, in the event an election is ordered for the creation of such district, to submit at the same election the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 130.122 of this code. (Originally Sec. 51.034.)

Sec. 130.035. LEGALITY OF PETITION. It shall be the duty of the county school board or boards or the commissioners court or courts petitioned in compliance with Section 130.033 of this code to:

(1) pass upon the legality of the petition and the genuineness of the same; and

(2) forward the petition, so approved, to the Coordinating Board, Texas College and University System. (Originally Sec. 51.035.)

Sec. 130.036. ORDER TO ESTABLISH. It shall be the duty of the coordinating board, with the advice of the commissioners of higher education to determine whether or not the conditions set forth in the preceding sections of this chapter have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish a junior college district. It shall be the duty of the coordinating board in making its decision to consider the needs approving of the state, the welfare of the state as a whole, as well as the welfare of the community involved. The decision of

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the coordinating board shall be transmitted through the commissioner of higher education to the county school board or boards or the commissioners court or courts, as the case may be, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district. (Originally Sec. 51.036.)

Sec. 130.037. CALLING ELECTION; SUBMISSION OF QUESTIONS. If the coordinating board approves the establishment of the junior college district, it shall then be the duty of the commissioners court or courts to enter an order for an election to be held in the proposed territory within a period of not less than 20 days and not more than 30 days after the order is issued, to determine whether or not such junior college district be created and formed; and in the event the petition for the creation of the junior college is accompanied by a request to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, then the election order shall also submit such questions in accordance with the petition; and except for the body that calls the election, the election as to bonds and taxes shall be held as provided in Section 130.101(b). The order shall contain a description of the metes and bounds of the junior college district to be formed and fix the date of the election. (Originally Sec. 51.037.)

Sec. 130.038. ELECTION. A majority of the electors in the proposed district, voting in the election, shall determine the question of creation of the junior college district submitted in the order and the election of the original trustees. If the order also submits questions of issuing bonds and levying taxes, a majority of the electors voting in such election shall determine such question submitted in the order. In the case of a joint-county junior college district, or a union junior college district, the election shall, by mutual agreement of the court or courts, be held on the same day throughout the proposed district. (Originally Sec. 51.038.)

Sec. 130.039. ELECTION RETURNS, CANVASS, AND RESULT. (a) The commissioners court or courts within 10 days after holding of an election shall make a canvass of the returns and declare the results of the election.

(b) The court or courts shall enter an order on the minutes of the court or courts as to the results. (Originally Sec. 51.039.)

Sec. 130.040. BOARD OF TRUSTEES: UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGE. A union junior college, a county junior college, or a joint-county junior college shall be governed, administered, and controlled by and under the direction of a board of trustees of seven members. (Originally Sec. 51.040.)

Sec. 130.041. ELECTION OF TRUSTEES OF UNION, COUNTY, AND JOINT-COUNTY JUNIOR COLLEGE. The original trustees of a union or a county junior college shall be elected at large from the junior

college district by the qualified voters of the district under the rules and regulations provided for in Section 130.042 of this code. (Originally Sec. 51.041.)

Sec. 130.042. ORIGINAL BOARD. (a) The original trustees shall be elected at the same election at which the creation of the district is determined.

(b) Any candidate desiring to be voted upon as a first trustee shall present a petition to the commissioners court or courts within three days before the order authorizing the election is issued by the commissioners court or courts, and shall accompany his petition with a petition signed by not less than two percent of the qualified voters in the district, requesting that his name be placed on the ticket as a candidate for trustee.

(c) The seven candidates for junior college trustee receiving the highest number of votes at the election shall be declared trustees of the district. (Originally Sec. 51.042.)

Sec. 130.043. ORGANIZATION. After the election of the original trustees, the board of trustees shall be organized and constituted, pursuant to the provisions of Section 130.082 of this code and be governed by the provisions thereof. (Originally Sec. 51.043.)

Sec. 130.044. ELECTION OF TRUSTEES BY THE POSITION METHOD. (a) The board of trustees of a district may, by a majority vote of the trustees, if a quorum is present and voting, adopt a numbered position system of electing members to the board.

(b) If the board adopts a numbered position system, candidates are voted on and elected separately for positions on the board according to the number of the position to which they seek election. The official ballots shall contain:

(1) the phrase "Official Ballot for the Purpose of Electing Trustees";

(2) the name of the junior college district;

(3) the number of each position to be filled; and

(4) the list of candidates under the position to which they seek election.

(c) Within 10 days from the date of adoption of the numbered position system, the trustees shall determine by lot which position each will hold on the board. The members in Class 1 shall draw for positions one and two; the members in Class 2 shall draw for positions three and four; and the members in Class 3 shall draw for positions five, six, and seven.

(d) A person desiring election to a numbered position on the board must, at least 30 days before the election, file with the board of trustees a written notice of his candidacy, designating the number of the position on the board of trustees for which he desires to become a candidate, and requesting that his name be placed on the ballot. Each candidate who files notice is entitled to have his name printed on the official ballot beneath the number of the position designated in his notice. A person who fails to file the notice required by this section may not have his name printed on the official ballot. A candidate is eligible to have

his name printed on the ballot under only one position to be filled at the election.

(e) In the election each voter may vote for only one candidate for each numbered position. The candidate receiving the most votes for each numbered position voted on in the election is entitled to serve as a trustee on the board, in the position to which he is elected.

(f) Notice of an election in a district must be given in the manner and for the time required under the law authorizing the creation of the district, except where there is a conflict with the provisions of this section, then this section is controlling. (V.A.C.S. Art. 2815m, Sec. 1a.)

[Sections 130.045-130.060 reserved for expansion]

SUBCHAPTER D. CHANGES IN DISTRICT BOUNDARIES

Sec. 130.061. EXTENSION OF BOUNDARIES OF A JUNIOR COLLEGE DISTRICT COEXTENSIVE WITH AN INDEPENDENT SCHOOL DISTRICT. The district boundaries of an independent school district junior college shall automatically be extended so that the boundary lines of the two districts, independent school district and junior college district, shall remain identical when:

(1) the junior college district was created with the same boundary lines as an independent school district;

(2) the boundaries of the independent school district are extended by consolidation, attachment of territory, or otherwise; and

(3) the board of trustees of the independent school district is also the governing board of the junior college. (Originally Sec. 51.061.)

Sec. 130.062. ENLARGED DISTRICT: CREATION; RESOLUTION; ORDER. (a) If the creation of the junior college district and the extension of the boundaries of the independent school district both occurred prior to March 17, 1950, the added territory of the independent school district may be brought into the junior college district in the manner prescribed by this section.

(b) A petition requesting that such territory be added to the junior college district signed by a majority of the qualified property taxpaying voters of the territory may be presented to the governing board of the junior college district.

(c) The board shall determine whether the petition is signed by the required majority, based upon the latest approved tax rolls of the independent school district, and if such determination is affirmative and if the board shall also determine that the facilities of the junior college district may be extended to cover adequately the scholastics of the added territory, the board shall pass an order admitting such territory. The order shall describe by metes and bounds the junior college district as extended; and a copy of the order shall be filed with the county superintendent. Thereafter, the territory shall be a part of the junior college district for all intents and purposes. (Originally Sec. 51.062.)

Sec. 130.063. EXTENSION OF JUNIOR COLLEGE DISTRICT BOUNDARIES FOR JUNIOR COLLEGE PURPOSES ONLY. Territory consisting of school districts or parts of school districts adjoining or lying adjacent to any junior college district may be annexed to the junior college district for junior college purposes only, by either contract or election. (Originally Sec. 51.063.)

Sec. 130.064. ANNEXATION BY CONTRACT. If the annexation is by contract, a petition shall be presented to the governing board of any junior college district, executed by all property owners of all property situated in the territory proposed for annexation. The petition shall contain a legally sufficient description of the territory proposed for annexation. The governing board of the junior college district, if it deems the annexation to be in the best interest of the district, may effect the annexation by:

(1) entering its order authorizing the annexation of the territory by contract; and

(2) then entering into a written agreement duly executed and acknowledged by all persons, corporations, and entities owning property within the territory. (Originally Sec. 51.064.)

Sec. 130.065. ANNEXATION BY ELECTION. (a) If the annexation is by election, a petition signed by five percent of the property taxpaying electors in the territory seeking to be annexed shall be presented to the county school board of the county, or to the commissioners court of the county in case there is no county school board.

(b) The petition shall contain a legally sufficient description of the territory proposed for annexation, and shall be accompanied by a certified copy of an order by the governing board of the junior college district affected approving the proposed annexation of the territory to the junior college district for junior college purposes only.

(c) The county school board, or the commissioners court, shall issue an order for an election to be held in the territory proposed for annexation, not less than 20 nor more than 30 days from the date of the order, and shall give notice of the date of the election by posting notices of such election in three public places within the territory proposed for annexation.

(d) Only those legally qualified electors residing in the territory proposed for annexation shall be permitted to vote.

(e) The county school board, or the commissioners court shall canvass the returns at a meeting held not more than five days after the election. If the votes cast in the election show a majority in favor of annexation, the territory shall be declared annexed to the junior college district for junior college purposes only.

(f) The county school board or commissioners court shall cause a certified copy of the order to be transmitted to the governing board of the junior college district.

(g) At the next regular or special meeting of the governing board of the junior college district, the board shall, in the event of annexation by election, enter its order concurring in

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the order of the county school board or the commissioners court and shall enter an order redefining the boundary lines of the junior college district as enlarged and extended, and shall cause the order to be recorded on the minutes of the board of the junior college district. (Originally Sec. 51.065.)

Sec. 130.066. ADDING CONTIGUOUS TERRITORY TO A JUNIOR COLLEGE DISTRICT. (a) Any territory may be included within the boundaries of a junior college district, herein called "district," for junior college purposes, in the manner hereinafter specified; provided, the territory to be included is contiguous to the district in which such territory is to be included and has been laid out by the Coordinating Board, Texas College and University System, as a service area for assisting junior colleges.

(b) Upon presentation of a petition, signed by 50, or a majority, whichever number is smaller, of the qualified electors residing in the territory proposed for inclusion in a district, to the governing body of the district requesting that the boundaries of the district be changed to include the territory described in said petition, such governing body may, in its discretion, order an election to be held within the boundaries of the entire district as proposed to be changed on the question of whether the boundaries of the district shall be changed to include the proposed territory. The ballots for such election shall have printed thereon "For" and "Against" boundary change. All qualified electors residing within the boundaries of the entire district as proposed to be changed shall be qualified to vote at such an election.

(c) The governing body of the district calling an election hereunder shall give notice of any such election by causing a substantial copy of its order calling the election to be posted in at least three public places within the boundaries of the district as proposed to be changed and published at least one time in a newspaper of general circulation within such boundaries. Provided, however, if any railroad right-of-way or other property is located within such territory, additional notice shall be given by certified mail, to the railroad company, at the address shown on the latest county tax roll. Such posting, such publication, and such certified mail notice shall be done at least 30 days prior to the date on which the election is to be held.

(d) Except as otherwise provided herein, all elections held hereunder shall be governed by the provisions relating to bond elections held by independent school districts. The order calling the election may provide that the entire district as proposed to be changed shall constitute one election precinct or such order may provide for more than one election precinct.

(e) The returns of any such election shall be canvassed by the governing body of the district and if a majority of persons residing in the district and voting at the election and a majority of the persons residing in the territory proposed to be annexed and voting at the election vote for the boundary change, the governing body of the district shall, in its order canvassing such returns, declare the boundaries of the district changed to include the territory described in the petition theretofore presented to

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them. Such order may also include the name by which the district as changed shall be known.

(f) At the next regular election held in the junior college district after territory is added to the district under this section, the qualified electors shall elect a new board of trustees. To continue in office, members of the present board of trustees must be reelected at this election.

(g) This section is cumulative of all other laws on the subject, but this section is wholly sufficient authority within itself for the inclusion of territory in the boundaries of a district and the performance of the other acts and procedures authorized hereby, without reference to any other laws or any restrictions or limitations contained therein, except as herein specifically provided in this section. However, the governing body of any district may use the provisions of any other laws, not in conflict with the provisions of this section, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this section. (V.A.C.S., Art. 2815h-1b.)

Sec. 130.067. ANNEXATION OF COUNTY-LINE DISTRICTS FOR JUNIOR COLLEGE PURPOSES. (a) Parts of county-line school districts may be annexed to adjacent county or joint-county junior college districts for junior college purposes only, as provided in this section.

(b) The county or joint-county junior college district as originally created and organized must have included in its boundaries a part of a county-line school district, and the part of the county-line school district to be annexed is not included in any other junior college district.

(c) The county or joint-county junior college districts to which this section is applicable are those where the junior college district as originally created and organized had the same boundaries as a county or as a group of contiguous counties and included all of the territory in a county or group of counties and did not include a part of any county without including the entire territory of such county in such junior college district.

(d) A "county-line school district" as used in this section is any type of public school district created or organized under general or special laws of Texas, which includes within its boundaries territory that extends into or is located in two or more counties of Texas. (Originally Sec. 51.066.)

Sec. 130.068. ANNEXATION OF NON-INCLUDED PARTS OF COUNTIES. (a) The non-included portion or portions of such county-line districts may be annexed to the county or joint-county junior college district by either of two methods as provided by Subsections (b) and (c) of this section.

(b) On the petition of 20 or a majority of the legally qualified voters residing in that part of a county-line district not a part of a junior college district as described in Section 130.067 of this code praying for the annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of

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the county-line district is a part, the county judge of that county which has jurisdiction of the county-line school district shall issue an order for an election to be held in the non-included portion of the county-line school district praying to be annexed to the county or joint-county junior college district. The county judge shall give notice of the date of the election by posting notices at three public places in the part of the county-line school district wherein the election is to be held. Only those legally qualified voters residing in that part of the county-line school district shall be permitted to vote. The commissioners court shall at its next meeting canvass the returns of the election, and if the votes cast in the election show a majority in favor of annexation, then the court shall declare that part of the county-line school district annexed to the junior college district for junior college purposes only. The court shall cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory, and each court shall make orders concurring in the order and shall cause them to be entered on the minutes of each commissioners court.

(c) Where a petition, signed by a majority of the legally qualified voters residing in that part of a county-line school district praying for annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of the county-line district is a part, is presented to the county judge of that county which has jurisdiction of the county-line school district together with a certified copy of an order by the governing board of the junior college district approving the proposed annexation to the junior college district for junior college purposes only; instead of ordering an election to be held as provided in Subsection (b) of this section, the county judge shall certify the filing of the petition and order to the commissioners court. The court at its next meeting shall pass an order declaring such non-included part of the county-line school district annexed to the junior college district for junior college purposes only and cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory. Each such court shall make orders concurring in the order and cause same to be entered on the minutes of each commissioners court. (Originally Sec. 51.067.)

Sec. 130.069. DISANNEXATION OF OVERLAPPED TERRITORY. (a) All junior college districts whose boundaries have or may hereafter become established so that they include territory which prior to such establishment lay, and shall continue to lie, within the boundaries of another junior college district shall have the power to disannex such overlapped territory.

(b) Upon certification by the governing board of such a junior college district to the county board of school trustees of

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the county in which its college is located that such an overlapping condition exists, the county board may by resolution disannex the overlapped territory from the district, describing such territory by metes and bounds. (Originally Sec. 51.068.)

[Sections 130.070-130.080 reserved for expansion]

SUBCHAPTER E. BOARDS OF TRUSTEES OF JUNIOR COLLEGE DISTRICTS

Sec. 130.081. GOVERNING BOARD OF JUNIOR COLLEGE OF INDEPENDENT SCHOOL DISTRICT. In each junior college district which is controlled and managed by, and under the jurisdiction of, the governing board of an independent school district or a city school district, such governing board shall be constituted and chosen in accordance with the laws of this state applicable to the governing board of such independent school district or city school district. (Originally Sec. 51.071.)

Sec. 130.082. GOVERNING BOARD OF JUNIOR COLLEGE OF OTHER THAN INDEPENDENT SCHOOL DISTRICT. (a) Except as provided by Section 130.081 or another section of this subchapter, the governing boards of all junior college districts shall be constituted and chosen as described in the provisions of this section.

(b) The official name of the governing board of the junior college district shall be the board of trustees.

(c) The official name of a junior college district shall be the "_____ Junior College District" and the board shall designate an appropriate and locally pertinent descriptive word or words to be filled in the aforesaid blank (and may change such designation when deemed advisable) by resolution or order; provided that no two districts shall have the same or substantially similar names. All resolutions or orders designating or changing names shall be filed immediately with the Coordinating Board, Texas College and University System, and the first name filed shall have priority, and the district shall be advised of any previous filing of any identical or substantially similar name. The name of any junior college district existing on the effective date of this code shall remain the same until and unless it is changed pursuant hereto, and no other district shall use the name of any such existing district.

(d) The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of this code or on the date of the creation of a new district or a new board. Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Subsection (e) of this section. Any vacancy occurring on the board through death, resignation, or otherwise, shall be filled by appointment by resolution or order of the board, and any person so appointed shall serve until the expiration of the term of office for which the vacating member of the board had been elected.

or appointed. Each member of the board shall be a resident, qualified voter of the district and shall take the proper oath of office before taking up the duties thereof. Members of a board shall not receive any remuneration or emolument of office, but they shall be entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent authorized and permitted by the board. The board shall elect one of its members as president of the board, and the president shall preside at meetings of said board and perform such other duties and functions as are prescribed by the board. The president of the board shall have a vote the same as the other members. The board shall elect a secretary of the board who may or may not be a member of the board, and who shall be the official custodian of the minutes, books, records, and seal of said board, and who shall perform such other duties and functions as are prescribed by the board. The board shall be authorized to elect any other officers as deemed necessary or advisable. Officers of the board shall be elected at the first regular meeting of the board following the regular election of members of the board in even-numbered years, or at any time thereafter in order to fill a vacancy. Said board shall be authorized to appoint or employ such agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of said board; and to employ a president, dean, or other administrative officer, and upon the president's recommendation to employ faculty and other employees of the junior college. Said board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with this section.

(e) The basic term of office of a member of the board shall be six years, and one-third of the members of the board shall be elected at large in the district at regular elections to be held on the first Saturday in April in each even-numbered year; provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. The members of each board in office at the effective date of this act, and all subsequent members of the board, shall remain in office until the expiration of the terms for which they were elected or appointed, and until their successors shall have been elected and qualified; provided that where any existing board has held its regular elections for members of the board in odd-numbered years prior to the effective date of this act, the board shall nevertheless hold its next regular election on the first Saturday in April of the next even-numbered year following the effective date of this act, and the term of office of each incumbent member of the board shall, in effect, be lengthened by one year so as to comply with the foregoing provisions of this act. Upon the creation of a new board, or in any other situation where necessary, the members of the board shall choose by lot the terms for which they shall serve, so as to comply with the foregoing provisions. If a board is increased from seven to nine members, one of the members shall

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be appointed to serve until the first election at which two members otherwise would have been elected, and the other shall be appointed to serve until the second election at which two members otherwise would have been elected, and three members shall be elected for six-year terms at each election.

(f) Members of a board shall be elected at large from each junior college district at regular elections to be called and held by the board for such purpose, at the expense of the district, on the first Saturday in April in each even-numbered year. Said elections shall be held in accordance with the Texas Election Code except as hereinafter provided, and all resident, qualified electors of the district shall be permitted to vote. Each such election shall be called by resolution or order of the board, and notice of each such election shall be given by publishing an appropriate notice, in a newspaper of general circulation in the district, at least 10 days prior to the date of the election, setting forth the date of the election, the polling place or places, the numbers of the positions to be filled, the candidates for each position and any other matters deemed necessary or advisable.

(g) The board shall designate a number for the position held by each member of the board, from one upward in consecutive numerical order in such manner that the lowest numbers shall be assigned to the members whose terms of office expire in the shortest length of time, provided that any such position number designations on existing boards under existing law at the effective date of this act shall remain in effect. At each election candidates shall be voted upon and be elected separately for each position on the board, and the name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. A candidate receiving a majority of the votes cast for all candidates for a position shall be declared elected. If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The run-off election for all positions shall be held on the last Saturday in April and shall be ordered, notice thereof given, and held, as provided herein for regular elections. Any resident, qualified elector of the district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing with the secretary of the board a written application therefor signed by the applicant, not less than 30 nor more than 60 days prior to the date of the election. Such application must state the number of the position for which he or she is a candidate, or the name of the incumbent member of the board holding the position for which he or she desires to run. The location on the ballot of the names of candidates for each position shall be chosen by lot by the board. A candidate shall be eligible to run for only one position at each election.

(h) Notwithstanding anything in this code to the contrary, the provisions of all or any part of the laws of this state in effect immediately prior to the effective date of this act and relating to the name of any junior college district or the name of its governing board, or to the number of members of its governing board, or the procedures and times of electing or choosing

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said members, shall remain in effect under the following conditions. If, at any time before the effective date of this act (but not thereafter), the governing board of any junior college district shall specify by resolution or order the particular provisions of the aforesaid laws applicable to it which it desires to remain in effect, then such particular provisions shall continue to apply to said board and its district; provided that at any time thereafter the governing board may make this section in its entirety applicable to it and its district by appropriate resolution or order, and thereby permanently cancel the effect of the aforesaid particular provisions of other laws. All resolutions and orders permitted by this section shall be filed immediately with the Coordinating Board, Texas College and University System. (Originally Sec. 51.072.)

Sec. 130.083. GOVERNING BOARD IN ENLARGED JUNIOR COLLEGE DISTRICT. (a) From and after May 22, 1969, those junior college districts which were on May 22, 1969, operating under Chapter 15, Acts of the 58th Legislature, 1963 (Article 2815o-1b, Vernon's Texas Civil Statutes), and to which one, or more, school districts has been annexed for junior college purposes only, may, by a majority vote of the board of regents of the junior college district, choose to operate and be governed by a board of regents.

(b) Each school district which has been annexed to the junior college district for junior colleges purposes only shall be represented by at least one member of the board of regents. If the assessed tax rolls exceed $67,500,000, the school district shall be represented by one member of the board of regents for each $67,500,000 of assessed value, or a major fraction thereof, on the junior college tax roll, located within the school district. The original junior college district shall be represented on the board of regents by a number of regents arrived at according to the same formula.

(c) The total number of members of the board of regents of the junior college district shall never exceed 14. When the valuation of the enlarged district increases to the point that the number of regents exceeds 14 under the formula described in Subsection (b) of this section then the board of regents of the junior college district shall set a formula, based on proportional tax values, of representation, which will produce a total of 14 members of the board of regents.

(d) The terms of office of the regents authorized by this act shall be six years. Those regents serving as regents on May 22, 1969, shall continue in office for the remainder of their respective terms and then until such time as their successors shall have been elected and qualified, and thereafter in each even-numbered year three regents shall be elected from the area originally forming the junior college district to succeed those regents whose terms are expiring, but if the number of regents becomes more or less than nine, the formula set out in Subsection (e) of this section shall be followed. All new regents added to the board of regents under the provisions of this section shall be appointed by the board of regents which orders the enlargement of the membership of such board, and shall serve

until election specified in Subsection (e) of this section. All vacancies on the board of regents shall be filled at once for the unexpired term only by appointments made by the remaining members of such board.

(e) Where additional regent positions are provided under the terms of this section, the board of regents at the time of such authorization shall designate by resolution duly recorded in the minutes of such board the term to be served by each such additional regent, provided that the first regent authorized and appointed shall serve only until the next regular regent election, the second such regent shall serve until the regent election two years after the next regular regent election, and the third regent shall serve until the regent election four years after the next regular regent election, with additional regents which may be authorized to follow the same rotation of terms until all terms of additional regents provided under the terms of this section have been fixed to expire at the next regular regent election, or at the regent election two years after the next regular regent election, or at the regent election four years after the next regular election. Additional regents appointed to such terms and until such times as their successors shall have been elected and qualified, and thereafter the terms of such regents shall be for six years.

(f) Regent elections in all parts of the districts affected by the provisions of this section shall be held at the times and in the manner now provided for public junior colleges by general law. The qualified voters residing in the school district represented shall be entitled to vote in such elections. Each regent to be elected shall be a resident of the school district he is to represent and each regent to represent the original college district shall be a resident of the original college district.

(g) The provisions of this section shall be cumulative of existing laws governing elections of regents in public junior college districts. (V.A.C.S., Art. 2815o-1c.)

Sec. 130.084. POWERS AND DUTIES. The board of trustees of junior college districts shall be governed in the establishment, management and control of the junior college by the general law governing the establishment, management and control of independent school districts insofar as the general law is applicable. (Originally Sec. 51.073.)

[Section 130.085-130.090 reserved for expansion]

SUBCHAPTER F. REGIONAL COLLEGE DISTRICTS

Sec. 130.091. CREATION AND REGULATION OF REGIONAL COLLEGE DISTRICTS. (a) A regional college district may be established according to the method outlined herein by a county which contains a public junior college district, or by a combination of counties if one of such counties contains a public junior college district, and if the county seat of said county, or if the proposed regional college district is composed of a combination of counties, the respective county seats of such counties, is located

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at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, provided that the assessed property valuation of the proposed regional college district, for state and county purposes according to the most recent tax rolls is at least $52,000,000 and that the scholastic population of such proposed district is not less than 20,000 scholastics according to the most recent scholastic census thereof, as approved by the appropriate state authority, and provided that the population of such county containing a public junior college district is not less than 80,000 according to the last preceding federal census.

(b) Any college created under the authority of this subchapter shall be subject to all provisions of Chapter 61 of this code, and it is further provided that the Coordinating Board, Texas College and University System, shall determine the date upon which any college of any grade or level created hereunder shall begin courses of instruction, such date to be determined only if a feasibility study by the Coordinating Board, Texas College and University System, shall establish a need for any such college. (Originally Sec. 51.081.)

Sec. 130.092. PETITION FOR ELECTION. Whenever it is proposed to establish a regional college district, a petition signed by not fewer than 100 of the qualified property taxpaying voters of said public junior college district and not fewer than 100 of the qualified property taxpaying voters of each of the counties in the territory of such proposed regional college district shall be addressed and presented to the commissioners court of the county or the commissioners courts of the respective counties of such proposed regional college district, praying that an election shall be held upon a stated date in such county or counties which date shall be not less than 30 nor more than 60 days after the date of such petitions for the purpose of determining whether or not such a regional college district shall be formed and such regional college shall be established and whether or not such junior college district shall be merged into said regional college district and whether or not such regional college district shall assume the bonded indebtedness of such junior college district and whether or not such proposed district shall have the power to levy taxes for the payment of such bonded indebtedness and for the maintenance and operation of said regional college and for providing buildings and facilities therefor, all of which questions shall be submitted as parts of one proposition to be printed on the ballots at such election. The signatures for such petition shall be segregated according to the county in which the signers reside and the signatures of the petitioners residing in such public junior college district shall also be segregated, under appropriate headings indicating the county or district of residence. Such petition may be in two or more counterparts according to the number of counties proposed to be included in such regional college district and respective counterparts of said petition may be filed with and presented to the commissioners courts of said respective counties. The name of such proposed regional college

district shall be set forth in said petition and shall include therein the words "regional college district." (Originally Sec. 51.082.)

Sec. 130.093. ELECTION. It shall be the duty of the said commissioners court or courts of said county or respective counties, promptly after receiving said petition or petitions to order an election to be held throughout their respective county or counties on the date fixed in said petition, and said order shall designate the polling places for said election in said county or counties and appoint officers thereof and provide the supplies therefor and shall set forth the name of such proposed district. The election precincts for said election shall conform as nearly as practicable to the regular election precincts of said county or respective counties, but the election precincts within the boundaries of such public junior college district shall not embrace any territory outside of said public junior college district. Each such commissioners court shall give notice of said election in its county by causing such notice to be published once each week for two alternate weeks before said election in some newspaper having general circulation in said county, the first publication being at least 21 days before said election. If there be no newspaper published having general circulation in such county, the notice of the election to be held in said county shall be published in some newspaper published outside of said county having general circulation in said county and such notice shall also be posted in a public place in each of the commissioner's precincts of said county, one of which shall be at the courthouse door of said county. If a regular session of any such commissioners court is not to be held in time to order such election and give such notice thereof, it shall be the duty of the county judge of such county, upon petition being called to his attention to timely call a special session of such court for this purpose.

The ballot at said election in each county shall provide for voting for or against the proposition: "The college merger, assumption of bonded indebtedness thereof, and the establishment of a regional college and the levying of taxes for the maintenance and operation thereof, and providing buildings and facilities therefor."

Except as otherwise herein provided, such election in each county shall be conducted in accordance with the general election laws of the state. (Originally Sec. 51.083.)

Sec. 130.094. CANVASS OF RETURNS AND DECLARATION OF RESULT; EFFECT OF VOTE. Such commissioners court or courts, as the case may be, shall within 10 days after holding such election, make a canvass of the returns and declare the results of the election. If a majority of those voting at said election within the boundaries of such public junior college district, and a majority of those voting at said election in each of such counties, vote for the proposition submitted, the merger of such public junior college district into and with such regional college district, and the assumption by such regional college district of the bonded indebtedness of such public junior college district shall be

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deemed to have been effected, and a regional college shall be established in such regional college district, conformably to the further provisions hereof, but the failure of the proposition submitted in any county not containing a public junior college district shall in nowise affect the formation of the proposed regional college district in any other county in which such election is held wherein a majority of the voters voting in such election in such county vote for the proposition submitted in the election order; provided, that a majority of the voters voting in such election in the public junior college district and in the county in which such public junior college district is located, vote for the proposition submitted in the election order. If the regional college district is not created by virtue of such election, another election for such purpose may be held in said proposed regional college district, or portion thereof containing a public junior college district, not less than one year from the date of such previous election, provided it be initiated by the same procedure above prescribed for the first election. (Originally Sec. 51.084.)

Sec. 130.095. BOARD OF REGENTS. (a) If the merger herein provided for is effected by said election or any subsequent election held for said purposes, under the further provisions hereof, such regional college district shall thereafter be governed by a board of regents, constituted as herein provided. Said board of regents shall be made up in part of one regent at large, from each of the counties approving participation in the regional college district. In addition, there shall be one regent from each county for each 15,000 scholastics of the respective counties or a major fraction thereof, as determined by the proper state authority and provided further in addition there shall be one regent from each county for each $50 million of assessed property valuation, or major fraction thereof, as determined by the county tax assessor-collector of each approving county of said district. The first regents, constituting said board of regents, from each of such counties, shall be appointed by the commissioners court of said respective counties except as modified herein and shall be made within 30 days after the election at which said merger shall have been effected; however, in the event that only the county containing the junior college votes favorably for the proposed regional senior college district, the board of regents of the junior college district may decide:

(1) whether to activate the regional college district; or

(2) whether to continue the present junior college district and in the event that the decision is to activate the regional college district, the present junior college board will continue as the board of regents for the regional college and shall operate under all present and future junior college statutes as pertaining to junior colleges; that is to say, that in the event that more than one county votes to participate in the regional college, the board of regents shall be constituted as follows:

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(A) one regent at large from each approving county;

(B) one regent from each approving county for each 15,000 scholastics or major fraction thereof; and

(C) one regent from each approving county for each $50 million assessed property evaluation or major fraction thereof; and further, the first regents, constituting said board of regents, shall be appointed as follows:

(i) from the original junior college district, the board of regents of the junior college district shall appoint the members of the board from that county;

(ii) from each of several counties, the commissioners court shall appoint the members of the board of regents from that county. All appointments shall be made within 30 days from the date of the election. Each and every regent shall take the oath of office as prescribed for junior college board members.

(b) The board of regents thus appointed shall first meet within 21 days of the time the members are appointed at a time and place appointed by the then president of the board of regents of the junior college district and shall proceed to organize by electing from its members a president, a vice president, a secretary and an assistant secretary from members of the board. At the first meeting of said board of regents, the regents from each county shall draw lots for terms of office. The appointed regents from each county shall elect one of its members to draw for terms and all regents from the county drawing the lowest number shall serve a term of two years; all regents from the county drawing the second lowest number shall serve four years; all regents from the county drawing the third lowest number shall serve six years. In case there are more than three counties, there shall be two lowest lots; then two next lowest lots, etc.; that is to say that no board member shall serve longer than six years and all regents from any one county shall have the same term. If only the county in which the junior college is located forms the senior college district, the terms of office shall remain the same as under the statute under which the junior college district presently operates. The board of regents shall cause a permanent record to be made and preserved of the term of office of each appointed regent determined by lot as herein provided. At the expiration of the terms of office of each regent, a successor shall be elected at elections held within the respective counties at large, at the same time and in the same manner as is now presently prescribed for the existing junior college district, provided that such elections shall be called and conducted in the manner presently prescribed for junior colleges. Costs of such regent elections shall be paid for from college funds. The returns of such board elections shall be canvassed and certified by the board of regents as is now presently prescribed for junior colleges. All provisions hereof with reference to elections of regents in counties originally constituting said regional college district shall extend and apply to election of regents in entire counties that may hereafter be annexed to said college district under the further provisions hereof. (Originally Sec. 51.085.)

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Sec. 130.096. PROPERTY, FUNDS AND RESOURCES OF JUNIOR COLLEGE DISTRICT; CONTRACTS. Upon the merger of said public junior college district into and with the regional college district, all property, funds, and resources of the public junior college district are authorized and shall pass to and belong to said regional college district, and all contracts of such public junior college district shall extend to and be binding upon such regional college district; provided that the management and control of the property and affairs of the public junior college district shall continue in the board of trustees of such public junior college district until the appointment and organization of the board of regents of the regional college district, at which time the board of trustees of said public junior college district shall turn over all records, property, and affairs of the said public junior college district to the board of regents of said regional college district and shall cease to exist as a junior college board of trustees. (Originally Sec. 51.086.)

Sec. 130.097. ASSESSED TAX VALUES AND SCHOLASTIC CENSUS; NUMBER OF REGENTS; CONDUCT OF ELECTION; VACANCIES; ORGANIZATION OF BOARD; MEETINGS; OFFICE. The amount of assessed tax values of said counties, for the purposes herein provided, shall be determined in the first instance, and from time to time, according to the most recent figures available, by the county tax assessor-collector of each approving county in the district. Such assessed tax values for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the county tax assessor-collector of said county or respective counties. Such determination shall thereafter be made and certified before each biennial election of regents, by the board of regents. The number of scholastics of each of said counties, for the purposes herein provided, shall be determined in the first instance and from time to time, according to the most recent scholastic census of each of said respective counties, as approved by the state agency then authorized to approve such census. Such scholastic census of said respective counties for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the superintendent of schools of the prospective independent school districts located in the respective counties. Such determination shall thereafter be made and certified before each biennial election of regents at large, by the board of regents. All elections herein provided for shall be conducted according to the general election laws of the State of Texas, except as herein otherwise provided. All vacancies occurring in the board of regents shall be filled by appointment by the board of regents. After each election of regents the board of regents shall organize as herein provided. The board of regents shall select and maintain a regular office for their meetings and the transaction of their business, at such place as they determine, and shall hold regular meetings at such times as may be provided in the rules or bylaws of said board of regents, and may hold special meetings at the call of the president of the board. (Originally Sec. 51.087.)

Sec. 130.098. RULES OF PROCEDURE; QUORUM; SEAL; SUITS. (a) The board of regents may adopt its own rules of procedure, but a majority of said regents shall constitute a quorum, and a majority of those in attendance may transact any business.

(b) The board of regents of such regional college district shall adopt an official seal for the district, and said district may sue and be sued in its name. In any suit against said district, process may be served on the president or vice president. (Originally Sec. 51.088.)

Sec. 130.099. COMPENSATION AND EXPENSES OF BOARD. The board of regents of such regional college district may authorize the payment of a per diem of not to exceed $10 to each member of such board of regents in attendance at a regular or special meeting of such board of regents. In addition, members of said board of regents may be allowed such actual expenses as may be incurred by them in performing their duties as may be authorized and allowed by the board of regents, provided, that per diem payments may not be made in addition to payments for actual expenses. (Originally Sec. 51.089.)

Sec. 130.100. POWERS OF BOARD. The said board of regents shall have all the power and duties in respect of the business and affairs of the regional college district as provided by law in respect of the board of trustees of junior college districts, and such other powers as herein provided and as may be hereafter provided by law. (Originally Sec. 51.090.)

Sec. 130.101. ANNEXATION OF CONTIGUOUS COUNTY OR INDEPENDENT DISTRICTS. (a) The entire area of any county located in Texas, the county seat of which is located at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, or the area of any one or more independent school districts of a county in Texas who meets the requirements above, may be annexed to, and assume its pro rata part of the bonded indebtedness of said regional college district, in the manner herein provided. A petition of 100 of the property taxpaying voters of any such county or of any such independent school district, proposing that the entire area of such county, or of such independent school district, as the case may be, be annexed to, and that such countywide area or such district area assume its pro rata part of the bonded indebtedness of said regional college district, may be submitted to the board of regents of such regional college district. If the said board of regents determines that it would be to the interest of said regional college district and of the area proposed to be annexed, that such annexation be accomplished, said board of regents shall adopt a resolution so finding, and said petition and certified copy of said resolution shall be submitted to the commissioners court of said county, and it shall be the duty of said commissioners court, within 15 days after the presentation of such petition any copy of such resolution, to order an election to be held in said county at large, or in such school district, or

districts, as the case may be, for the purpose of determining if the area of said county, or the area of such school district, or districts, shall be annexed to said regional college district, and assume its pro rata part of the bonded indebtedness of said regional college district; said election to be held not earlier than 60 days nor later than 90 days after passage of such order. The ballots at said election shall be printed to provide for voting for or against the proposition: "Annexation to be the regional college district and assumption of pro rata part of its bonded indebtedness." The name of such district shall be inserted in the proposition.

(b) Said commissioners court shall designate the polling place of said election and appoint the officers thereof, and furnish the supplies therefor. Said election shall be conducted in accordance with the general election laws of Texas, insofar as applicable. Returns of said election shall be made to said commissioners court and canvassed by said court.

(c) If the majority of the votes cast at such election are in favor of said proposition, such fact shall be certified by the commissioners court to the board of regents of said regional college district, and the entire area of said county, or of said school district, or districts, as the case may be, shall be deemed to have been annexed to and shall be a part of said regional college district and shall be subject to taxation for the payment of the existing bonded indebtedness and the maintenance of said regional college district the same as other property in the area of said regional college district.

(d) In the event an entire county is so annexed, the commissioners court of such county shall forthwith appoint a regent or regents for said college from the county in accordance with the number of regents allowed as hereinabove provided. All such regents shall, before entering upon the duties of their offices, take the oath as herein prescribed for regents. Such appointment shall be certified by the clerk of the commissioners court to the board of regents of said college district. At the first meeting of the board of regents after the appointment and qualification of regents from such annexed county, the regents shall determine by lot in the manner provided by the board of regents, their term of office. Thereafter, successors to the regents from said annexed county shall be elected in the manner provided for other counties in said district.

(e) In the event the area of one or more independent school districts of a county, instead of the entire county, is annexed to said regional college district, said annexed territory shall be entitled to the number of regents as they may qualify for in terms of scholastics and tax values. Immediately after such annexation the commissioners court of the county in which such area is situated shall appoint from said area, the number of regents to which such area is entitled. This regent or regents as the case may be, so appointed, shall hold office until the expiration of the term of office of the regents of said county of which they are a part. At the expiration of the term of each regent from such annexed territory his successor shall be elected at an election to be held in the annexed area, to be called by

the board of regents, which shall designate the polling place or places, the officers of the election, provide the supplies therefor and pay the expenses thereof. (Originally Sec. 51.091.)

Sec. 130.102. TAXES. The tax assessors and collectors of the county or respective counties containing territory embraced within the boundaries of such regional college district shall assess and collect the taxes of said college district on the taxable property in the territory of said district located in said county or respective counties on levies made and rates fixed by the board of regents of said district. The assessed valuations of said property for state and county taxes shall be used as the valuations for said college district taxes. Such tax collectors shall collect the college district taxes at the same time that he collects the state and county taxes. All taxes collected for such regional college district shall be accounted for to and paid over to the treasurer of said college district by such tax collector, and he shall receive the same compensation for assessing and collecting such taxes as provided by law for like services rendered for junior college districts. (Originally Sec. 51.092.)

Sec. 130.103. PRESIDENT OF COLLEGE. The board of regents shall choose the president of the regional college, fix his term of office, designate his salary, and define his duties. The president shall be the executive officer of the board of regents and shall work under its direction. He shall recommend the plan of organization of the college and shall recommend the appointment of all employees. (Originally Sec. 51.093.)

Sec. 130.104. ESTABLISHMENT OF COLLEGE; DIVISIONS; SUPPORT. (a) The board of regents shall proceed as soon as practicable to establish a regional college in said regional college district, which shall consist of three divisions, as follows:

(1) a junior college division, which shall operate under all laws applicable to public junior colleges in Texas;

(2) an adult education division for adults regardless of age or former education for:

(A) basic education to emphasize citizenship, English, and training in elemental mathematics and science;

(B) terminal, vocational, and technological education and training in their generally accepted sense;

(C) work and study groups based on needs and interests as displayed by the residents of the area served by the regional college. The adult education division shall emphasize continuation of education of adults with emphasis upon democracy and citizenship;

(3) a senior college division which shall be guided by educational practices and principles applicable to upper division work in first-class colleges and universities; provided that any bachelor's degree shall be based on four years of college work and that any higher degree with appropriate courses may be offered when in the judgment of the board of regents, the educational welfare of the people served by the college demands

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and justifies such work and such courses. All of which shall be organized and blended into an educational program by the president of the college and his staff.

(b) It is understood and provided that no funds shall ever be appropriated from the treasury of the State of Texas or public money of this state for the support or partial support by the Legislature of Texas of any adult and senior college divisions of such regional colleges created under the provisions of this act, provided, however, that nothing herein contained shall in any manner prevent or interfere with the provisions of law now or hereafter existing authorizing state aid to the junior college divisions of such regional college districts in the same manner and to the same extent as that granted to junior college districts. (Originally Sec. 51.094.)

Sec. 130.105. BUILDINGS, PROPERTY AND RESOURCES OF JUNIOR COLLEGE DISTRICT; FEES AND TUITION; TAX LEVY; BONDS. (a) All buildings, property, and other educational resources of the public junior college district at the time of said merger shall be available for all divisions of the regional college in accordance with the laws of Texas governing public junior college districts and as determined by the board of regents of the regional college district. The board of regents shall have the power to fix such fees and tuition rates as shall be deemed to be necessary. In addition, the board of regents shall have the power to levy taxes and make such distribution of such taxes as it may deem necessary for the adequate support of said college; provided that the total annual tax levy for all regional college purposes shall not exceed a rate of 50 cents on each $100 of assessed valuation of taxable property located in such regional college district. All powers relating to the issuance of bonds, the construction or acquisition of buildings and facilities, taxation, and otherwise, vested by law in public junior college districts shall be applicable to said regional college district, subject, however, to the limitation of 50 cents on each $100 of valuation above mentioned.

(b) All bonds and notes issued pursuant to the authority herein granted shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. Such bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and such bonds and notes shall be lawful and sufficient security for said deposits to the extent of the principal amount thereof, or their value on the market, whichever is the lesser, when accompanied by all unmatured coupons appurtenant thereto. (Originally Sec. 51.095.)

Sec. 130.106. DONATIONS, GIFTS, AND ENDOWMENTS. Said board of regents is authorized, in behalf of said regional college, to accept donations, gifts, and endowments for the college to be held in trust and administered by the board of regents for such

purpose and under writing by the donor, not inconsistent with the proper management and objects of the college. (Originally Sec. 51.096.)

Sec. 130.107. POWER OF EMINENT DOMAIN. (a) The power of eminent domain is hereby conferred on regional college districts, for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the boards of regents of such districts to be needed to carry out the authorized functions of such districts.

(b) Said power of eminent domain shall be exercised in the manner provided by Title 52 of the Revised Civil Statutes of Texas, 1925. (Originally Sec. 51.097.)

Sec. 130.108. DELINQUENT TAXES AFTER TRANSFER OF ASSETS. Any regional college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such regional college district and which regional college district has no outstanding bonded indebtedness is hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said regional college district shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The tax assessor and collector of the county in which said regional college district is located shall cause all delinquent and uncollected taxes of said regional college district to be collected in accordance with the general laws applicable to regional college districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this act may be used by it for any lawful purpose. (Originally Sec. 51.098.)

Sec. 130.109. TRANSFER OF ASSETS OF CERTAIN REGIONAL COLLEGE DISTRICTS. All regional college districts which have been converted to fully state-supported institutions of higher learning are hereby authorized to transfer all assets of such districts, real, personal, tangible, or intangible to the governing boards of such institutions provided that each such governing board shall continue the payment of all notes and bonds payable from revenues theretofore issued by such districts and each county in which any such regional college district is located continues to levy and collect taxes in support of all tax obligations theretofore authorized and issued by such district. (Originally Sec. 51.099.)

[Sections 130.110-130.120 reserved for expansion]

SUBCHAPTER G. FISCAL PROVISIONS

Sec. 130.121. TAX ASSESSMENT, EQUALIZATION, AND COLLECTION. (a) The governing board of each junior college district, and each regional college district, for and on behalf of its junior

college division, annually shall cause the taxable property in its district to be rendered and assessed for ad valorem taxation, and the value of such taxable property to be equalized, and the ad valorem taxes in the district to be collected, in accordance with any one of the methods set forth in this section, and any method adopted shall remain in effect until changed by the board.

(b) The laws of this state applicable to general law cities and towns may be adopted and shall be used to the extent pertinent and practicable.

(c) The laws of this state applicable to counties may be adopted and shall be used to the extent pertinent and practicable, provided that the board shall have the authority to act as its own board of equalization, or to appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization of the district, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(d) Each governing board shall be authorized to have the taxable property in its district assessed, its values equalized, and/or its taxes collected, in whole or in part, by the tax assessors, board of equalization, and/or tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the junior college district is located; and such property may be assessed and the values thereof equalized on the same basis or a different basis than that used by any such governmental subdivision. Such property shall be assessed, the values thereof equalized, and such taxes collected, in the manner and for such compensation as shall be agreed upon between the appropriate parties, and the functions thus assumed by the officials of any such governmental subdivision shall be additional duties pertaining to their offices, respectively. The ad valorem tax law applicable to each such governmental subdivision shall apply to its officials in carrying out such functions for the junior college district.

(e) It is specifically provided, however, that under any method used all taxable property within a district shall be assessed on the same basis and the values thereof shall be equalized by only one board of equalization, in an equal and uniform manner, as required by the Texas Constitution. If a governing board desires that taxable property shall be assessed and taxes collected by the tax assessors and/or collectors of more than one governmental subdivision, the governing board of the district shall either act as its own board of equalization, or appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(f) Any other method or procedure authorized or permitted by any other statute of the State of Texas may be adopted, in whole or in part, to the extent pertinent and practicable. (Originally Sec. 51.101.)

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Sec. 130.122. TAX BONDS AND MAINTENANCE TAX. (a) The governing board of each junior college district, and each regional college district for and on behalf of its junior college division, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, and to levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed 50 cents on the $100 valuation of taxable property in the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of $1 on the $100 valuation of taxable property in the district. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

(b) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the electors voting at an election held for such purpose in accordance with law, at the expense of the district. Each such election shall be called by resolution or order of the board, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by the board. Notice of said election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. The board shall canvass the returns and declare the results of such election.

(c) The governing board of each junior college district, and each regional college district, shall be authorized to refund or refinance all or any part of any of its outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable coupon refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said refunding bonds may be issued without an election in connection therewith, provided that in no event shall any series or issue of refunding bonds be issued in a principal amount greater than the face or par value of the obligations being refunded thereby, and provided that if a maximum interest rate was voted for the bonds being refunded, the refunding bonds shall not bear interest at a rate higher than such

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voted maximum rate. Said refunding bonds, and the interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said refunding bonds. The refunding bonds shall be issued and delivered in lieu of, and upon surrender to the Comptroller of Public Accounts of the State of Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds. Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.

(d) All bonds issued pursuant to this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(e) All bonds issued pursuant to this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(f) Each junior college district, and each regional college district (with reference to the operation and maintenance of its junior college division) heretofore or hereafter created pursuant to the laws of this state, is hereby declared to be, and constituted as, a school district within the meaning of Article VII, Section 3, of the Texas Constitution.

(g) All tax bonds voted in any district in accordance with law but unissued at the effective date of this code may be issued in the manner provided in this section, without an additional

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election; and all maintenance taxes heretofore voted in any district in accordance with law may be levied and collected in the manner provided in this act, without an additional election. (Originally Sec. 51.102.)

Sec. 130.123. REVENUE BONDS. (a) The governing board (hereinafter called the "board") of each junior college district and each regional college district shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, operations, or facilities, of any nature, for and on behalf of its institution or institutions.

(b) For the purpose of carrying out any one or more of the aforesaid powers each board shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, fees, or other resources of such board, in the manner hereinafter provided. Said bonds may be issued to mature serially or otherwise not more than 50 years from their date. In the authorization of any such bonds, each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board. Said bonds, and any interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rate or rates, as shall be determined and provided by the board in the resolution or order, authorizing the issuance of said bonds. If so permitted in the bond resolution, and required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

(c) Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board.

(d) Each board shall be authorized to pledge all or any part of any of its revenues from any of the aforesaid rentals, rates, charges, and/or fees to the payment of any bonds issued hereunder, including the payment of principal, interest, and any

other amounts required or permitted in connection with said bonds. When any of the revenues from any such rentals, rates, charges, and/or fees are pledged to the payment of bonds, they shall be fixed and collected in such amounts as will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses. Each board shall be authorized to establish and enforce such parietal rules for students and others, and to enter into such agreements regarding occupancy, use, and availability, and the amounts and collection of pledged revenues, fees, or other resources as will assure making all said required payments. Fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, may be pledged to the payment of said bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, in such amounts and in such manner as shall be determined and provided by the board in the resolution or order authorizing the issuance of the bonds, and said fees may be collected in the full amounts required or permitted herein, without regard to actual use or availability, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of any specifically described property, buildings, structures, activities, operations, or facilities, of any nature; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions. Such specific and/or general fees may be fixed and collected and pledged to the payment of any issue or series of bonds issued hereunder, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in the resolution or order authorizing the issuance of any bonds issued hereunder, and provided that no such additional specific fees shall be pledged if prohibited by any resolution or order which authorized the issuance of any then outstanding bonds issued pursuant to any Texas statute.

(e) In addition to the revenues, fees, and other resources authorized to be pledged to the payment of bonds issued hereunder, each board further shall be authorized to pledge irrevocably to such payment, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, an amount not exceeding $15 from each enrolled student for each regular semester and $7.50 from each enrolled student for each summer term, and each board also shall be authorized to pledge to such payment all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

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(f) Any revenue bonds issued by any such board under this act, and any revenue bonds or notes issued by any such board under any other Texas statute and payable from tuition fees and charges and/or any part of the use fees from or revenues of any property, buildings, structures, activities, operations, or facilities at the institution or institutions, may be refunded or otherwise refinanced by such governing board, and in such case all pertinent and appropriate provisions of this section shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds or notes the governing board may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this section and bonds or notes issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant to this section into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other type of bonds. All refunding bonds shall be issued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

(g) All bonds permitted to be issued under this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(h) All bonds issued under this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(i) All revenue bonds heretofore approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, use fees, tuition, or other resources of such board, are hereby validated in all respects, together

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with all proceedings authorizing the issuance thereof, and said bonds and proceedings shall be valid as though they had been duly and legally issued and authorized originally. (Originally Sec. 51.103.)

[Sections 130.124-130.130 reserved for expansion]

SUBCHAPTER H. TRANSFER OF ASSETS ON DISSOLUTION OF DISTRICTS

Sec. 130.131. DISSOLUTION AND TRANSFER OF PROPERTY UPON CREATION OF SENIOR COLLEGE. (a) Whenever the legislature shall create within the boundary of any union junior college district a state-supported senior college of the first rank offering at least four years of college work, and whenever such union junior college district has been dissolved in the manner provided for in
* Sections 19.361-19.364 of this code, which said method of dissolution of such district is hereby authorized, the trustees of such union junior college district shall transfer the corporeal properties and facilities of such union junior college district to such state-supported senior college, and such trustees, after such dissolution and transfer of properties of such district, shall not further maintain a junior college and shall function only for the purpose of carrying out the provisions of this section and shall have no authority to create any additional indebtedness against such district, and when the bonded indebtedness of such district has been fully paid, such union junior college district shall cease to exist; provided that in the order calling such election and in the notice thereof, the authorities calling such election shall designate the date when such district shall be dissolved and such transfer shall be made, which date shall be within two years from the date of the election, and on or prior to said date.

(b) When any union junior college district has been dissolved and its properties transferred as provided in Subsection (a) of this section, or in any other lawful manner, having at the time of such dissolution outstanding bonds or other indebtedness enforceable either at law or in equity, then the county commissioners court, for the purpose of paying such bonds, or other indebtedness, shall have power and be authorized to annually levy and collect ad valorem taxes sufficient only to pay the interest and create a sinking fund to retire the bonded indebtedness of such district, and the expense of collecting such taxes and paying such bonded indebtedness, and for no other purpose; provided such tax shall not exceed the rate voted by such district for junior college purposes; said county commissioners court shall have power to bring and defend litigation in the name of said union junior college district. (Originally Sec. 51.201.)

Sec. 130.132. ABOLITION OF JUNIOR COLLEGE DISTRICTS. (a) The term "applicable district," as used in this section, shall mean any junior college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such junior

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college district, and which junior college district has no outstanding bonded indebtedness.

(b) All applicable districts and their governing boards are hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said applicable districts shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The persons formerly acting as the governing board and officers of each applicable district shall turn over all remaining property and assets of said applicable district, including all tax collections on hand, directly to the state-supported senior college or university located therein. The governing board of the independent school district in which any such state-supported senior college or university is located shall, for and on behalf of any such applicable district, cause, through its tax collector and other officers, all delinquent and uncollected taxes of any such applicable district to be collected in accordance with the general laws applicable to independent school districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this section may be used by it for any lawful purpose. (Originally Sec. 51.202.)

Sec. 130.133. TRANSFER OF PROPERTIES OF COUNTY JUNIOR COLLEGE DISTRICTS AFTER CREATION OF SENIOR COLLEGE. (a) Whenever the legislature has created or shall create within the boundaries of any county junior college district a state-supported senior college offering at least four years college work upon the condition that the board of trustees of said county junior college district shall convey all of the assets, real, personal, tangible, and intangible held in its name as of the date fixed for the establishment of said senior college and containing the other provision that said properties shall be conveyed to the governing body of the senior college free and clear of any indebtedness or indebtednesses, encumbrance or encumbrances of any kind or character and of whatsoever nature, the board of trustees of said county junior college district is hereby fully authorized and empowered to convey to the governing body of the senior college all of such assets, real, personal, tangible, and intangible held by it on the date fixed for such conveyance in the act creating such senior college, except moneys on hand for the payment of outstanding obligations of the district.

(b) From and after the conveyance of the properties of said county junior college district to the governing body of said senior college, the county junior college district shall not futher maintain a junior college and shall function only for the purpose of carrying out the provisions of this section.

(c) Where such county junior college district had or has outstanding tax obligations in the nature of bonds or other indebtedness, the board of trustees of said county junior college district shall continue to make the necessary tax levies annually for the purpose of paying necessary administrative expenses of the board of trustees and paying off and discharging such bonded

or other indebtedness, both principal and interest, until all of the same has been fully paid off and discharged.

(d) Where said county junior college district has outstanding any bonds payable from the revenues from any building or buildings which revenue bonds constitute an encumbrance upon the income of such building or buildings, the board of trustees of the county junior college district is hereby authorized to issue bonds of said county junior college district payable from ad valorem taxes of said district and to sell such tax-supported bonds and pay off such revenue bonds or to exchange such tax-supported bonds for said revenue bonds. No such tax-supported bonds shall be issued, however, until authorized at an election held for that purpose and at which election a majority voting thereon shall have voted in favor of the issuance of said bonds.

(e) The board of trustees of the county junior college district is hereby authorized to perform all acts necessary toward the final discharge of all the indebtedness of said county junior college district and to perform all necessary administrative acts in connection therewith. Said board of trustees is specifically authorized to continue to levy and collect sufficient taxes annually within the limits prescribed by law and authorized by the required election for the purpose of discharging the principal and interest on all outstanding bonded and other indebtedness, including the repayment of any temporary loans which said board may find necessary to obtain in order to pay all current operating expenses of the junior college up to the date of the conveyance of the properties until all such obligations have been fully discharged, and such temporary loans are hereby authorized, and such temporary loans heretofore obtained are hereby ratified and validated. (Originally Sec. 51.203.)

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CHAPTER 135. TEXAS STATE TECHNICAL INSTITUTE
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.01. PURPOSE OF INSTITUTE. Texas State Technical Institute is a coeducational institution offering courses of study in vocational and vocational-technical education for which there is demand within the State of Texas. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

Sec. 135.02. LOCATION. (a) The institute shall be located on only three campuses in McLennan, Cameron, and Potter counties.

(b) The main campus of the institute shall be located at Waco.

(c) The board of regents may accept or acquire by purchase, in the name of the State of Texas, land and facilities in Cameron County and Potter County, subject to the approval of the governor.

(d) Except as otherwise provided by this chapter, all other campus locations to be operated by the institute system require legislative approval. (V.A.C.S. Art. 2615f-1a, Sec. 9.)

Sec. 135.03. ROLE AND SCOPE OF INSTITUTE. (a) The institute shall provide occupationally oriented programs in highly technical and vocational areas, including field or laboratory work and remedial or related academic and technical instruction. Particular emphasis shall be placed on industrial and technological manpower needs of the state. Technical and vocational programs shall be subject to the approval of the State Board of Vocational Education. Related academic instruction is subject to the approval of the Coordinating Board, Texas College and University System.

(b) The institute shall provide training programs for technical teachers, counselors, and supervisors which shall be subject to prior and continuing approval of the State Board of Vocational Education.

(c) The institute shall conduct manpower development and utilization research programs for identification of training and retraining needs and projected needs and for curriculum development, either individually or in cooperation with other public and private institutions. (V.A.C.S. Art. 2615f-1a, Sec. 7 (part).)

Sec. 135.04. APPROVAL OF PROGRAMS. (a) Educational programs wholly or partially financed from state funds are subject to the prior approval of the State Board of Vocational Education and the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

(b) Before any program may be offered by the institute within the district of a public junior college that is operating a vocational and technical program, it must be established that the public junior college is not capable of offering or is unable to offer the program. After it is established that a need for the program exists and that the program is not locally available, the institute may offer the program, provided approval is secured as required by this chapter. Approval set forth in this subsection does not apply to McLennan, Cameron, and Potter counties. (V.A.C.S. Art. 2615f-1a, Sec. 7(a) (part).)

(c) Where a local government located in a county or a portion of a county that is not operating a public junior college district requests that the institute offer a program, the institute may offer the program provided approval is secured from the State Board of Vocational Education. (V.A.C.S. Art. 2615f-1a, Sec. 7 (part).)

[Sections 135.05-135.20 reserved for expansion]

SUBCHAPTER B. BOARD OF REGENTS; ADMINISTRATIVE PROVISIONS

Sec. 135.21. BOARD OF REGENTS. The organization and control of the institute is vested in a board of nine regents. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part).)

Sec. 135.22. APPOINTMENT OF BOARD. The governor shall appoint members of the board with the advice and consent of the senate. In appointing members of the board the governor shall include persons representing agriculture, business, industry, and labor. Each member of the board shall be a citizen of Texas and shall take the constitutional oath of office. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part), (b), and (c).)

Sec. 135.23. TERMS OF OFFICE. The term of office of each regent is six years. In making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board is filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part).)

Sec. 135.24. ORGANIZATION; BYLAWS. The board shall elect one of the members chairman; elect other officers as it deems necessary; and enact bylaws, rules, and regulations as it deems necessary for the successful management and operation of the institute. (V.A.C.S. Art. 2615f-1a, Sec. 2(d).)

Sec. 135.25. MEETINGS. The board shall meet as prescribed by its bylaws, but not less than six times annually. (V.A.C.S. Art. 2615f-1a, Sec. 2(e).)

Sec. 135.26. COMPENSATION. Members of the board may not receive salary or compensation for their services, but they may receive reimbursement for their actual expenses incurred in attending to the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2615f-1a, Sec. 4.)

[Sections 135.27-135.50 reserved for expansion]

SUBCHAPTER C. BOARD OF REGENTS; POWERS AND DUTIES

Sec. 135.51. CERTIFICATES AND DIPLOMAS. The board shall prescribe and award certificates and diplomas limited to those common to technical education. (V.A.C.S. Art. 2615f-1a, Sec. 6.)

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Sec. 135.52. FEES AND TUITION. The board may collect tuition and registration fees authorized by law. (V.A.C.S. Art. 2615f-1, Sec. 4 (part).)

Sec. 135.53. NONRESIDENT FEE EXEMPTIONS. The board may enter into cooperative agreements which exempt technical students from nonresident fees when there are reciprocal privileges granted to Texas residents. (V.A.C.S. Art. 2615f-1a, Sec. 8.)

Sec. 135.54. CONTRACTS. The board may contract with individuals, federal, state, and local agencies and departments, corporations, and associations to provide educational programs designed to meet the need for trained personnel in Texas. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

Sec. 135.55. SUITS; VENUE. The board may sue, and may be sued, in the name of the Texas State Technical Institute, with venue being in either McLennan County or Travis County. (V.A.C.S. Art. 2615f-1a, Sec. 3.)

Sec. 135.56. DISPOSITION OF PROPERTIES; BONDS AND NOTES; PLEDGE OF REVENUE. (a) The board may lease, sell, transfer, or exchange land and permanent improvements of the institute or any other properties it may acquire which the board determines are not necessary for the establishment or operation of the institute.

(b) The board may irrevocably pledge the fees, charges, revenues, and the proceeds of the lease, sale, transfer, or exchange of or from the buildings, land, structures, and the additions to the existing buildings and structures authorized to be constructed, improved, or equipped and to pledge the revenue of the proceeds of the lease, sale, transfer, or exchange of or from any other revenue-producing buildings, structures, facilities, and other property to the payment of the interest on and the principal of bonds authorized to be issued by Chapter 55 of this code, and to enter into agreements regarding the imposition of fees, charges, and other revenue and the collection, pledge, and disposition as the board deems appropriate. However, where land and improvements on the land, the revenue of which has been pledged to pay bonds, are to be sold, the sale is conditioned on the deposit by the board of the proceeds of the sale to the sinking fund created by the bond order of the issuing authority.

(c) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the board for the establishment or operation of the institute.

(d) The bonds authorized to be issued under Chapter 55 of this code are special obligations of the board issuing the bonds and are payable only from a pledge of the fees, charges, and other revenues authorized by this section and from the proceeds of the lease, sale, transfer, or exchange of land and improvements on the land the revenue of which is pledged to secure the payment of interest on and principal of the bonds.

(e) The board, in addition to the authority already provided, may issue revenue bonds for the purposes authorized and in the manner prescribed and under the terms and conditions set forth in Chapter 55 of this code. (V.A.C.S. Art. 2615f-1b, Sec. 1.)

Sec. 135.57. INSURANCE. The board may procure the property and liability insurance coverages required by the United States to protect it and its agencies against the possibility of loss or liability in connection with property owned by the United States and loaned to the institute pursuant to the provisions of the National Industrial Reserve Act of 1948, 50 U.S.C. Secs. 451-462. (V.A.C.S. Art. 2615f-1b, Sec. 2.)

Sec. 135.58. WORKMEN'S COMPENSATION INSURANCE. The board may provide workmen's compensation insurance for its employees according to the provisions of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 2615f-1b, Sec. 3.)

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Sec. 2. LEGISLATIVE INTENT. This is intended as a recodification only and no substantive changes are intended by this legislation.

Sec. 3. REPEALER. The following laws, as amended are repealed:

V.A.C.S. Art.	Session Law Citation Legis.	Sess.	Vol.	Ch.	Sec.
136-149					
149a	41st			27	
149b	41st			244	
149c	41st			264	
149d	41st			284	
149e	44th		G.L.	190	
149f	44th		G.L.	178	
149g	45th			227	
149h					
149i	41st			630	
149j	51st			452	
149k	52nd			453	
1269j-101	61st			571	
2543c	52nd			474	
2584					
2584a	60th			7	1
2585					
2585a	47th			302	
2585b	59th			253	
2585c	60th			7	2
2585d	60th			7	3
2586					
2588-2589					
2589a	41st			113	
2589b	43rd	1 C.S.		70	
2589c	47th			478	
2589d	49th			78	
2589e	53rd			193	3
2589f	56th			58	
2590-2591					
2591a	42nd			55	
2592					
2592a	51st			347	
2593					
2593a	39th		G.L.	175	2
2594					
2594a	60th			23	
2595					
2595a	45th	2 C.S.		4	
2596-2603					
2603a	41st			282	
2603a-1	59th			237	
2603b	42nd			87	
2603b-1	44th		G.L.	366	
2603b-3	57th			35	
2603c	43rd	2 C.S.		5	
2603d	43rd	2 C.S.		40	
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2603f	50th			300	

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2603f-1	56th			122	
2603f-2	58th			475	
2603f-3	61st			441	
2603g	53rd			223	
2603h	55th			257	
2604					
2606					
2606b	51st			479	
2606c	56th			129	
2606c-1	58th			28	
2606c-1.1	61st			757	
2606c-2	61st			370	
2606c-2.1	61st			682	
2606c-3	61st			440	
2606c-3.1	61st			758	
2606c-4	61st			459	
2606d	60th			268	
2607					
2607a	58th			166	
2608-2613					
2613a	39th		G.L.	204	
2613a-1	41st	2 C.S.		82	
2613a-2	44th		G.L.	318	
2613a-3	45th			150	
2613a-4	47th			121	
2613a-5	47th			297	
2613a-6	47th			386	
2613a-7	54th			228	
2613a-8	55th			247	
2613a-9	59th			121	
2613a-11	61st			109	
2613b	43rd		G.L.	81	
2613b-1	47th			531	
2613c	54th			19	
2614-2615					
2615a	42nd			228	
2615b	42nd			255	
2615c	47th			81	
2615d					
2615e	51st			322	
2615f	54th			331	
2615f-1	59th			91	
2615f-1a	61st			179	
2615f-1b	61st			404	
2615g	57th			370	
2616					
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2617-2619					
2619a	58th			146	
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2620a	51st			459	2-3
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2621a	56th			141	
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2623b-1	48th			329	1
2623b-2	48th			329	2
2623b-3	48th			329	3
2623b-4	48th			329	4
2623b-5	48th			329	5
2623b-6	48th			329	6
2623c-1	56th			147	1
2623c-2	56th			147	2
2623c-3	56th			147	3
2623c-4	56th			147	4
2623c-5	56th			147	5
2623c-6	56th			147	6
2623c-7	56th			147	7
2623c-8	58th			228	1
2623c-9	59th			704	1
2624					
2624a	49th			156	2
2624b	55th			270	2
2624c	55th			270	3
2625-2628					
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2628a-1	41st			286	1
2628a-1a	60th			158	
2628a-2	41st			286	2
2628a-2a	41st			286	2a
2628a-3	41st			286	3
2628a-4	41st			286	4
2628a-5	41st			286	5
2628a-6	41st			286	6
2628a-7	41st			286	7
2628a-8	41st	2 C.S.		9	
2628a-9	46th		G.L. 4, p.	265	
2628a-10	58th			59	
2628a-11	59th			718	
2628d	54th			471	
2628e	61st			804	
2629					
2629a	61st			447	
2630-2632					
2632a	41st	2 C.S.		54	
2632b	46th		G.L. 5, p.	272	
2632c	50th			175	
2632d	53rd			176	
2632e	55th			469	
2632g	60th			60	
2632h	60th			496	
2632i	61st			343	
2633					
2633a	51st			224	

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2634-2637					
2637a	51st			403	1
2637b	51st			403	2
2637c	51st			403	3
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2637e	51st			403	5
2637f	51st			403	6
2637g	51st			403	7
2637h	51st			403	8
2637i	51st			403	10
2637j	52nd			41	
2638-2643					
2643b	50th			29	1-8, 12
2643b-1	52nd			409	
2643c	50th			278	
2643d	51st			144	
2643d-1	57th			413	
2643e	51st			145	
2643f	52nd			64	
2643f-1	54th			35	
2643g-1	57th			415	
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2644a	59th			322	
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2647a	41st			206	
2647b	47th			409	
2647c	49th			177	
2647c-1	60th			246	
2647c-2	60th			380	
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2647d-2	59th			282	
2647d-3	61st			39	
2647e	51st			256	
2647f	51st			261	
2647f-1	61st	2 C.S.		40	
2647g	51st			389	
2647h	55th			361	
2647h-1	61st			23	
2647i	57th			91	
2648					
2648a	59th			81	
2649					
2650a	48th			74	
2650b	50th			102	
2651					
2651a	51st			258	
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2653					
2653a	41st	5 C.S.		46	
2654					
2654.1	56th			8	

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2654b-1	43rd	1 C.S.		6	
2654c	43rd			196	
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2654d	43rd			221	1-6, 8, 8a
2654d-1	51st			602	
2654e	47th			25	
2654f	51st			544	
2654f-1	59th			305	
2654f-2	59th			386	
2654f-3	60th			733	
2654g	59th			101	
2663b-1	41st	2 C.S.	G.L.	83	2, 4, 5
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2899b	50th			376	
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2909c	54th			368	
2909c-1	60th			148	
2909c-2	60th			713	
2909c-3	61st			763	
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Sec. 4. EFFECTIVE DATE. This Act takes effect on September 1, 1971.

Sec. 5. EMERGENCY CLAUSE. 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.

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CROSS-REFERENCE TABLE

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Sec. 2	111.39(Note)

Austin, Texas

May 19, 19 71

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on EDUCATION,

to which was referred H. B. No. 1657, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do _____ pass _____ and be _____ printed.

AS AMENDED.

Mauzy
Chairman

Senate Sponsor: MAUZY

Jackson
Hall
Word

RECEIVED
MAY 20 1971
HOUSE OF REPRESENTATIVES

DELIVERED
MAY 20 1971
HOUSE OF REPRESENTATIVES

MAY 22 1971
CAS

RETURNED FROM PRINTER. SENT TO SPEAKER

5 - 11, 1971

To the Chairman of the Committee on Education:

Pursuant to Senate Rule 100, I hereby request 48 hour advance notice in writing of the time and place of the hearing on H B. No. 1657.

Watson

CAS

AMENDMENT NO. ____ BY Mauzy

Amend H.B. No. 1657 as follows:

(1) Amend Section 112.01 to read as follows:

Sec. 112.01. PAN AMERICAN UNIVERSITY. Pan American University is a coeducational institution of higher education located in the city of Edinburg. (V.A.C.S. Art. 2619a, Sec. 1; Art. 2619b, Sec. 1.)

(2) In Subchapters B and C of Chapter 112, substitute "university" for "college" wherever it appears.

(3) Amend Section 108.01 to read as follows:

Sec. 108.01. LAMAR UNIVERSITY. Lamar University is a coeducational institution of higher education located in the city of Beaumont. (V.A.C.S. Art. 2637a, Sec. 1, 1a.)

(4) Add a Section 108.15 to read as follows:

Sec. 108.15. SEAL. The board may adopt an official seal. (V.A.C.S. Art. 2637a, Sec. 1b.)

(5) In Subchapters B and C of Chapter 108, substitute "university" for "college" wherever it appears.

2-4672
REF

MAY 20 1971

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MAY 20 1971

#1

SECRETARY OF SENATE

(6) In Subdivision (3) of Section 61.003, substitute "Lamar University" for "Lamar State College of Technology" and "Pan American University" for "Pan American College".

(7) Change the chapter table of contents, headings, repealer section, and cross-reference table as appropriate to reflect these amendments.

2-4672

Mauzy

AMENDMENT NO._____

Amend H.B. No. 16~~5~~57 as follows:

(1) Add a Section 65.39 to read as follows:

Sec. 65.39. MANAGEMENT OF LANDS OTHER THAN PERMANENT UNIVERSITY FUND LANDS. The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, The University of Texas System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of The University of Texas System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. (R.S. Art. 2596; V.A.C.S. Art. 2592a, Sec. 1; Art. 2603b-1.)

(2) In Section 66.01, insert "10," between "Sections" and "11,".

(3) Amend Section 66.02 to read as follows:

Sec. 66.02. AVAILABLE UNIVERSITY FUND. The dividends, interest, and other income from the permanent university fund shall constitute the available university fund. All income derived from the permanent university fund shall be deposited in the State Treasury to the credit of the available university fund within five days after receipt by any state officer, agent, or employee. (V.A.C.S. Art. 2654d, Sec. 5 (part).)

2-4601
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MAY 20 1971
#2
Charles Schnabel
SECRETARY OF SENATE

(4) Strike Subsection (a) of Section 66.03 and substitute the following:

(a) The reference in Article VII, Section 18, of the Texas Constitution, to "Chapter 42 of the Acts of the Regular Session of the 42nd Legislature of the State of Texas" shall be construed to mean this section.

(5) Strike the parenthetical citation at the end of Section 66.04 and insert the following:

"In the case of any bonds bought under this section, premium or discount shall be distributed over the life of the bonds. (V.A.C.S. Art. 2591a, Sec. 3 (part), 4 (part).)"

(6) In the caption for Section 66.43, strike "GEOLOGIST AND MINERALOGIST; OTHER".

(7) Add a Section 68.03 to read as follows:

Sec. 68.03. BUILDINGS. It is the intent of the legislature that future building needs of The University of Texas at Arlington shall be financed from some source or sources other than The University of Texas' share of the principal and/or interest of and from the Permanent University Fund. (V.A.C.S. Art. 2620a, Sec. 2 (part).)

2-4601

(8) Amend Subsection (b) of Section 73.103 to read as follows:

(b) To be qualified for appointment as president, a person must be a licensed physician possessing an M.D. degree with at least five years of experience practicing medicine.

(9) Amend Sections 74.001 and 74.002 to read as follows:

Sec. 74.001. COMPOSITION. The University of Texas Medical Branch at Galveston is composed of the following component institutions under the control and management of the Board of Regents of The University of Texas System:

(1) The University of Texas Medical School at Galveston, including:

(A) the Graduate School;

(B) the School of Allied Health Sciences; and

(C) the Marine Biomedical Institute;

(2) The University of Texas Hospitals at Galveston, including:

(A) John Sealy Hospital;

(B) Children's Hospital;

(C) Marvin L. Graves Hospital;

(D) Randall Pavilion;

(E) Moody State School for Cerebral Palsied Children;

(F) R. Waverly Smith Pavilion;

(G) Jennie Sealy Hospital;

(H) John W. McCullough Outpatient Clinic;

(I) Rebecca Sealy Outpatient Facility; and

(J) Rosa and Henry Ziegler Hospital; and

(3) other institutions that may be assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(b).)

Sec. 74.002. JENNIE SEALY HOSPITAL; R. WAVERLY SMITH PAVILION. (a) The Jennie Sealy Hospital and the R. Waverly Smith Pavilion shall be operated by the medical branch as integral parts of its hospital operations, but without cost or expense to the medical branch or to the state for maintenance, operations, repairs, or otherwise.

(b) Title to those facilities shall remain in the name of the Sealy-Smith Foundation; and the property shall not be sold, granted, leased, or in any manner conveyed to the medical branch or to the university system.

(c) Except as otherwise provided in this section, the land on which Jennie Sealy Hospital is situated (Lots 11, 12, 13, and 14, Block 667, city of Galveston, Galveston County,

Texas, conveyed to the Sealy-Smith Foundation by the board of regents) shall be used as the site of the Jennie Sealy Hospital, and in the event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents and the trustees of the Sealy-Smith Foundation, the purpose or use of these facilities may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school. However, no agreement shall be made which will impose on the medical branch or the state any obligation for maintenance, operation, repairs, or otherwise. (V.A.C.S. Art. 2603h, Sec. 1-7.)

(10) Amend Sections 75.102 and 75.105 to read as follows:

Sec. 75.102. ADMINISTRATION. The administration of the institute for urban studies shall be under the direction of the chancellor and board of regents of The University of Texas System. The administrative officer of the institute shall be appointed by the chief academic executive of his university with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 75.105. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the chief academic executive of the university and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

(11) Conform all chapter table of contents to these amendments as necessary.

2-4601

Amend caption to conform to body of bill.

ADOPTED

MA[illegible] 1971

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SECRETARY OF SENATE

#3

ENROLLED

H.B. No. 1657

AN ACT

amending and reenacting Title 3, Texas Education Code, a nonsubstantive revision of the higher education laws of this state; amending the code to conform to legislation enacted during the current session; repealing the statutes replaced by the code; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Article 1

Section 1. Title 3, Texas Education Code, is amended and reenacted to read as follows:

TITLE 3. HIGHER EDUCATION

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TITLE 3. HIGHER EDUCATION

SUBTITLE A. HIGHER EDUCATION IN GENERAL

CHAPTER 51. PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION

SUBCHAPTER A. CONTROL OF FUNDS BY CERTAIN INSTITUTIONS

Sec. 51.001. INSTITUTIONS TO WHICH APPLICABLE. Subject to Section 51.008 of this code, the provisions of this subchapter apply to:

(1) each institution and branch of The University of Texas System;

(2) each institution, agency, and service of The Texas A & M University System;

(3) Texas A & I University;

(4) Texas Tech University;

(5) East Texas State University;

(6) North Texas State University;

(7) Sam Houston State University;

(8) Stephen F. Austin State University;

(9) Southwest Texas State University;

(10) Sul Ross State University;

(11) West Texas State University; and

(12) each public junior college to the extent possible.

(V.A.C.S. Art. 2654d, Sec. 1 (part), 1a.)

Sec. 51.002. FUNDS SUBJECT TO CONTROL. (a) The governing board of each institution listed in Section 51.001 of this code may retain control of the following sums of money collected at the institution, subject to Section 51.008 of this code.

(1) student fees of all kinds;

(2) charges for use of rooms and dormitories;

(3) receipts from meals, cafes, and cafeterias;

(4) fees on deposit refundable to students under certain conditions;

(5) receipts from school athletic activities;

(6) income from student publications and other student activities;

(7) receipts from the sale of publication products and miscellaneous supplies and equipment;

(8) students' voluntary deposits of money for safe-keeping;

(9) all other fees and local institutional income of a strictly local nature arising out of and by virtue of the educational activities, research, or demonstrations carried on by the institution; and

(10) donations and gifts to the institution.

(b) The provisions of this subchapter do not apply to any income derived from the permanent university fund. (V.A.C.S. Art. 2654d, Sec. 1 (part), 5 (part), 6.)

Sec. 51.003. DEPOSITORIES. (a) The governing board of each institution may select depository banks as places of deposit for the funds enumerated in Section 51.002 of this code.

(b) The funds shall be deposited in the depository bank or banks within seven days from the date of collection.

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(c) The governing board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time it deems the deposits inadequately secured. The depository banks selected may pledge their securities to protect the funds.

(d) A depository shall pay interest on the deposits at a rate agreed on by the depository and the governing board.

(e) Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office. Venue for a suit to recover an amount claimed by the state to be due on a surety bond is in Travis County. (V.A.C.S. Art. 2654d, Sec. 2.)

Sec. 51.004. SEPARATE ACCOUNTS; TRUST FUNDS; INTEREST. (a) Separate accounts shall be kept on the books of the institution showing the sources of all sums collected and the purposes for which disbursements are made.

(b) All trust funds, including gifts, grants, and bequests received, establishing or adding to endowment funds, loan and scholarship funds, and funds for other current restricted purposes, shall be credited to separate accounts and shall not be commingled with the general income from student fees or other institutional income.

(c) If the governing board so elects, deposits of all funds not specifically required to be deposited to special accounts may be deposited in a single bank account if the records of the institution clearly reflect the balances attributable to general funds and various categories of trust funds.

(d) Interest received from depository banks for funds on deposit may be credited to an appropriate account in either general funds or trust funds in relation to the sources of temporary investments in time deposits, if the disposition of the earnings was not specified by the grantor. Interest received from the trust funds time deposits shall be available for loans, scholarships, fellowships, institutional research, faculty aid, and other lawful purposes. (V.A.C.S. Art. 2654d, Sec. 3.)

Sec. 51.005. REPORTS. (a) True and full accounts shall be kept by the governing board and by the employees of the institution of all funds collected from all sources and of all sums paid out and the persons to whom and the purposes for which the sums are paid; and the governing board shall biennially, or more often if the board so orders, print a complete report of all the sums collected, all expenditures, and all sums remaining on hand.

(b) The report shall be printed in even-numbered years between September 1 and January 1. It shall show the true condition of all funds as of the August 31 preceding as well as the collections and expenditures for the preceding two years.

(c) The governing board shall furnish copies of the report to the governor, state treasurer, comptroller of public accounts, state auditor, and attorney general. At least three copies of the report shall be furnished to the State Board of Control. Each member of the House Appropriations Committee, the Senate Finance Committee, and the house and senate committees on education of

each regular session of the legislature shall be furnished a copy of the report within a week after the selection of each committee. (V.A.C.S. Art. 2654d, Sec. 4.)

Sec. 51.006. FUNDS NOT TO BE USED TO INCREASE SALARIES. No part of any of the funds listed in Section 51.002 of this code shall ever be used to increase any salary beyond the sum fixed by the legislature in the general appropriations act, and the provisions of this subchapter are subordinate to the general appropriations act for the support of each institution. (V.A.C.S. Art. 2654d, Sec. 8a.)

Sec. 51.007. PENALTY. Any state officer, agent, employee, or member of a governing board of any of the above named institutions, or any other person who violates any provision of this subchapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $50 nor more than $500, and in addition may be sentenced to not less than 15 days nor more than three months in the county jail. Failure to print and furnish to the officers above named, the reports above specified, shall subject all of the members of the governing board of the institutions above mentioned to the penalties provided for in this section. Every day in excess of the number of days hereinabove provided for that any sum of money belonging to any of the funds enumerated in this subchapter, whether depositable in special depositories or whether those that should be deposited in the state treasury, shall be withheld from deposit at its proper place of deposit, shall constitute a separate offense and each day of such withholding shall subject the officer, agent, employee, or person so withholding said sum to the penalties herein provided for. (V.A.P.C. Art. 419b.)

Sec. 51.008. CERTAIN RECEIPTS TO BE DEPOSITED IN STATE TREASURY. (a) The governing board of every state institution of higher education is directed to designate special depository banks, subject to the approval of the state treasurer, for the purpose of receiving and keeping certain receipts of the institution separate and apart from funds now deposited in the state treasury. The receipts here referred to are described in Subsection (b) of this section. The state treasurer is directed to deposit the receipts, or funds representing such receipts, enumerated herein, in the special depository bank or banks nearest the institution credited with the receipts, so far as is practicable, and is authorized to withdraw such funds on drafts or checks prescribed by the state treasurer. The state treasurer is authorized to promulgate rules and regulations to require collateral security for the protection of such funds pursuant to the provisions of Articles 2529 and 2530, Revised Civil Statutes of Texas, 1925, as amended. For the purpose of facilitating the clearance and collection of the receipts herein enumerated, the state treasurer is hereby authorized to deposit such receipts in any state depository bank and transfer funds representing such receipts enumerated herein to the respective special depository banks. Banks so designated as special depository banks are hereby authorized to pledge their securities to protect such funds.

(b) The governing board of every state institution of higher education shall deposit in the state treasury all cash receipts accruing to any college or university under its control that may be derived from all sources except auxiliary enterprises, non-instructional services, agency and restricted funds, endowment funds, student loan funds, and Constitutional College Building Amendment funds. The state treasurer is directed to credit such receipts deposited by each such institution to a separate fund account for the institution depositing the receipts, but he shall not be required to keep separate accounts of types of funds deposited by each institution. For the purpose of facilitating the transferring of such institutional receipts to the state treasury, each institution shall open in a local depository bank a clearing account to which it shall deposit daily all such receipts, and shall, not less often than every seven days, make remittances therefrom to the state treasurer of all except $500 of the total balance in said clearing account, such remittances to be in the form of checks drawn on the clearing account, such remittances to be in the form of checks drawn on the clearing account by the duly authorized officers of the institution, and no disbursements other than remittances to the state treasury shall be made from such clearing account. All money so deposited in the state treasury shall be paid out on warrants drawn by the comptroller of public accounts as provided by law.

(c) The legislature is authorized to create revolving funds for the handling of funds of institutions of higher education, as enumerated herein, by making provision in each biennial appropriation bill enacted by the legislature.

(d) Nothing in this section affects the provisions of Title 47, Revised Civil Statutes of Texas, 1925, usually referred to as the State Depository Law. However, the limitation of deposits contained in Article 2532, Revised Civil Statutes of Texas, 1925, as amended, shall not apply insofar as the specific funds enumerated in this section are concerned.

(e) This section prevails over Sections 51.001-51.007 of this code to the extent of any conflict. (V.A.C.S. Art. 2543c.)

[Sections 51.009-51.050 reserved for expansion]

SUBCHAPTER B. GENERAL PROPERTY DEPOSITS: INVESTMENT AND USES

Sec. 51.051. INVESTMENT OF GENERAL PROPERTY DEPOSITS. The governing board of each institution of higher education may invest in United States government securities or may place on time deposit with a bank located in the state not more than 85 percent of the funds received as general property deposits authorized in Section 54.502 of this code. If the funds are placed on time deposit, they shall be secured by United States government securities. (V.A.C.S. Art. 2654d-1, Sec. 1.)

Sec. 51.052. STUDENT DEPOSIT FUND; COMPOSITION AND USES. (a) The student deposit fund consists of the income from the investment or time deposits of general property deposits and of

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forfeited general property deposits. Any general property deposit which remains without call for refund for a period of four years from the date of last attendance of the student making the deposit shall be forfeited and become a part of the student deposit fund. Nothing in this section shall be construed to prohibit refund of any balance remaining in a general property deposit when made on proper demand and within the four-year limitation period. The board may require that no student withdraw his deposit until he has been graduated or has apparently withdrawn from school.

(b) The student deposit fund shall be used, at the discretion of the board, either for the purpose of making scholarship awards to needy and deserving students or for the support of a general student union program, or for both purposes. The board shall administer the scholarship awards for the institution, including the selection of recipients and the amounts and conditions of the awards. The recipients of the scholarships must be residents of the state as defined for tuition purposes. Any use of the funds for the support of student union programs shall be approved as to amount and purpose by the board. The student deposit funds for The University of Texas at Austin, Texas A & M University, and Texas Tech University shall be available for scholarship purposes only. Direct expenses for the administration of the funds shall be paid from the funds. (V.A.C.S. Art. 2654d-1, Sec. 2, 3.)

[Sections 51.053-51.100 reserved for expansion]

SUBCHAPTER C. FACULTY DEVELOPMENT LEAVES OF ABSENCE

Sec. 51.101. DEFINITIONS. In this subchapter:

(1) "Institution of higher education" has the meaning
* assigned to it in Section 61.003 of this code, except that Texas State Technical Institute is included and the Rodent and Predatory Animal Control Service is excluded for the purposes of this subchapter.

(2) "Governing board" means the body charged with policy direction of an institution of higher education.

(3) "Faculty member" means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services. However, the term does not include a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system. (V.A.C.S. Art. 2647c-2, Sec. 2.)

Sec. 51.102. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that higher education is vitally important to the welfare, if not the survival, of Texas and the United States at this stage in history and that the quality of higher education is dependent upon the quality of college and university faculties. The legislature finds, therefore, that money spent on recognized means for producing an excellent system of public higher education

is money spent to serve a public purpose of great importance. The legislature finds further that a sound program of faculty development leaves of absence designed to enable the faculty member to engage in study, research, writing, and similar projects for the purpose of adding to the knowledge available to himself, his students, his institution, and society generally is a well-recognized means for improving a state's program of public higher education. The legislature's purpose in establishing the faculty development leave program provided for by this subchapter is to improve further the higher education available to the youth at the state-supported colleges and universities and to establish this program of faculty development leaves as part of the plan of compensation for the faculty of these colleges and universities. (V.A.C.S. Art. 2647c-2, Sec. 1.)

Sec. 51.103. GRANTING LEAVES OF ABSENCE; PROCEDURES. (a) On the application of a faculty member, the governing board of an institution of higher education may grant a faculty development leave of absence for study, research, writing, field observations, or other suitable purpose, to a faculty member if it finds that he is eligible by reason of service, that the purpose for which he seeks a faculty development leave is one for which a faculty development leave may be granted, and that granting leave to him will not place on faculty development leave a greater number of faculty members than that authorized.

(b) The governing board by regulation shall establish a procedure whereby the applications for faculty development leaves of absence are received by a committee elected by the general faculty for evaluation and whereby this faculty committee then makes recommendations to the chief administrative officer of the institution of higher education, who shall then make recommendations to the governing board as to which applications should be granted. (V.A.C.S. Art. 2647c-2, Sec. 3.)

Sec. 51.104. SERVICE REQUIRED. A faculty member is eligible by reason of service to be considered for a faculty development leave when he has served as a member of the faculty of the same institution of higher education for at least two consecutive academic years. This service may be as an instructor or as an assistant, associate, or full professor, or an equivalent rank, and must be full-time academic duty but need not include teaching. (V.A.C.S. Art. 2647c-2, Sec. 4.)

Sec. 51.105. DURATION AND COMPENSATION. (a) The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made from the funds appropriated for teaching or instructional salaries, or from other funds available to the institutions for this purpose.

(b) A faculty member on faculty development leave may accept a grant for study, research, or travel from any institution of higher education or from a charitable, religious, or educational

corporation or foundation, or from any federal, state, or local governmental agency. A faculty member on faculty development leave may not accept employment from any other person, corporation, or government, unless the governing board determines that it would be in the public interest to do so and expressly approves the employment. (V.A.C.S. Art. 2647c-2, Sec. 5.)

Sec. 51.106. NUMBER ON LEAVE AT ONE TIME. Not more than six percent of the faculty members of any institution of higher education may be on faculty development leave at any one time. (V.A.C.S. Art. 2647c-2, Sec. 6.)

Sec. 51.107. RIGHTS RETAINED. (a) A faculty member on faculty development leave shall continue to be a member of the Teacher Retirement System of Texas or of the Optional Retirement Program of the institution of higher education, or of both, just as any other member of the faculty on full-time duty.

(b) The institution of higher education shall cause to be deducted from the compensation paid to a member of the faculty on faculty development leave the deposit and membership dues required to be paid by him to the Teacher Retirement System of Texas or to the Optional Retirement Program, or both, the contribution for Old Age and Survivors Insurance, and any other amounts required or authorized to be deducted from the compensation paid any faculty member.

(c) A member of the faculty on faculty development leave is a faculty member for purposes of participating in the programs and of receiving the benefits made available by or through the institution of higher education or the state to faculty members. (V.A.C.S. Art. 2647c-2, Sec. 7.)

[Sections 51.108-51.150 reserved for expansion]

SUBCHAPTER D. INFORMATION NETWORK ASSOCIATIONS

Sec. 51.151. DEFINITIONS. In this subchapter:

(1) "Association" means the Western Information Network Association or any other regional network association created and named by the Coordinating Board, Texas College and University System.

(2) "Member" means one of the institutions of higher education which compose an association.

(3) "Associate member" means an organization other than an institution of higher education admitted to associate membership in an association.

(4) "Board" means the board of directors of an association.

(5) "Director" means a member of a board. (V.A.C.S. Art. 2919e-3, Sec. 2.)

Sec. 51.152. PURPOSE. The purpose of this subchapter is to promote the educational programs of state-supported institutions of higher education in Texas by authorizing the establishment and operation of a cooperative system for communication and information retrieval and transfer between the institutions and between

the institutions and private educational institutions, industry, and the public. The system, employing two-way, closed-circuit television and other electronic communication facilities, is to provide a means of effecting the interchange of ideas, talents, faculties, libraries, and data processing equipment and a means of carrying out an approved program of instructional television. (V.A.C.S. Art. 2919e-3, Sec. 1.)

Sec. 51.153. WESTERN INFORMATION NETWORK ASSOCIATION. (a) The Western Information Network Association is an agency of the state composed of the following state-supported member institutions of higher education: Amarillo College, Angelo State University, Clarendon Junior College, Frank Phillips College, Howard County Junior College, Midwestern University, Odessa College, South Plains College, Sul Ross State University, Texas Tech University, The University of Texas at El Paso, and West Texas State University.

(b) The board by a majority vote may admit other state-supported institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(c) The board by unanimous vote may admit private institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(d) The board by unanimous vote may admit other organizations to associate membership in the association. (V.A.C.S. Art. 2919e-3, Sec. 3.)

Sec. 51.154. BOARD OF DIRECTORS. The association is governed by a board of directors. The chief administrative officer, or a person designated by the chief administrative officer, of each institution of higher education holding membership in the association shall serve as a director of the board. Service on the board is an additional duty of employment of the chief administrative officers or the persons designated by the chief administrative officers of state-supported institutions and is not an additional position of honor, trust, or profit. The legislature finds that this service is necessary in accomplishing the purpose of this subchapter; is compatible with their employment; and will benefit the educational program of the institution and of the state. (V.A.C.S. Art. 2919e-3, Sec. 4.)

Sec. 51.155. DIRECTOR'S EXPENSES. A director is entitled to receive reimbursement for actual expenses incurred in attending meetings of the board and in attending to the business of the association which is authorized by a resolution of the board. (V.A.C.S. Art. 2919e-3, Sec. 5.)

Sec. 51.156. MEETINGS OF THE BOARD; QUORUM; ACTION BY BOARD. (a) The board shall hold a meeting at least once each quarter and may hold meetings at other times at the call of the chairman of the board or at the request of a majority of the other directors.

(b) A majority of the membership of the board constitutes a quorum at a meeting of the board.

(c) Action may be taken by the board by the affirmative vote of the majority of the directors present at a meeting at which a quorum is present. (V.A.C.S. Art. 2919e-3, Sec. 6.)

Sec. 51.157. CHAIRMAN, VICE CHAIRMAN. The board shall select a director to serve as chairman and a director to serve as vice chairman of the board. The chairman shall preside at meetings of the board. If the chairman is not present, or is unable to act, the vice chairman shall preside at the meeting. (V.A.C.S. Art. 2919e-3, Sec. 7.)

Sec. 51.158. GENERAL MANAGER, EMPLOYEES. The board may employ a general manager who shall serve as the chief executive officer of the association. The board may employ other employees it considers necessary in carrying on the association's duties and functions. (V.A.C.S. Art. 2919e-3, Sec. 8.)

Sec. 51.159. DELEGATION OF AUTHORITY. The board may delegate any of the powers, duties, or functions of the association to the general manager or to any other employee. (V.A.C.S. Art. 2919e-3, Sec. 9.)

Sec. 51.160. BOND OF OFFICER, AGENT, OR EMPLOYEE. (a) The general manager and every agent or employee of the association charged with the collection, custody, or payment of any money of the association shall execute a bond conditioned on the faithful performance of his duties.

(b) The board shall approve the form, amount, and surety of the bond.

(c) The surety may be a surety company authorized to do business in this state.

(d) The association shall pay the premium on the bond. (V.A.C.S. Art. 2919e-3, Sec. 10.)

Sec. 51.161. POWERS AND DUTIES OF ASSOCIATION. (a) The association may acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, a multichannel, two-way communications system, including closed-circuit television, linking classrooms, libraries, computer facilities, information retrieval systems, and communications facilities located at the member institutions.

(b) The association may lease, acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, any facilities in addition to those described in Subsection (a) of this section, which the board considers necessary or desirable in carrying out the purposes of this subchapter.

(c) The association is authorized to lease, as lessor or lessee, acquire, operate, maintain, and equip a dormitory or dormitories located on or near the campus of any member institution of the association that is a state-supported institution of higher education, and to issue its revenue bonds therefor as provided in this subchapter.

(d) The association may interchange educational information with private educational institutions, school districts, the United States government, and other parties engaged in education or participating in educational projects, and use the facilities of the association only in the exchange, retrieval, and transfer of information and the interchange of approval course offering and instruction between member-institutions and other parties engaged in education or participating in educational projects. Any dormitories leased, acquired, operated, and maintained by the association shall not be subject to the use limitation of this subsection that applies to all other facilities of the association. (V.A.C.S. Art. 2919e-3, Sec. 11.)

Sec. 51.162. GIFTS AND GRANTS. The association may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation. It may accept grants from the United States government subject to the limitations or conditions provided by law. (V.A.C.S. Art. 2919e-3, Sec. 12.)

Sec. 51.163. INFORMATION NETWORK ASSOCIATION FUND. The Information Network Association Fund is a special fund in the state treasury. All money deposited in the treasury by the Western Information Network Association or any other regional network association created by the Coordinating Board, Texas College and University System, shall be credited to the special fund and disbursed as provided by legislative appropriation. (V.A.C.S. Art. 2919e-3, Sec. 13.)

Sec. 51.164. RULES AND REGULATIONS. The association shall adopt and publish rules to govern the conduct of its business. (V.A.C.S. Art. 2919e-3, Sec. 14.)

Sec. 51.165. PRINCIPAL OFFICE. The board for Western Information Network Association shall maintain its principal office in Lubbock, at or near Texas Tech University. The boards for other regional information network associations created by the Coordinating Board, Texas College and University System, shall maintain their principal offices at locations designated by the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2919e-3, Sec. 15.)

Sec. 51.166. FACILITIES. Each member institution shall furnish suitable space to the association for a classroom-studio, a lecture studio, and a control room. It may also furnish any additional physical plant facility needed by the association in carrying on its functions at the institution. The facilities may with the approval of the association board and the governing body of the state-supported member institutions be located in a dormitory owned and operated by the association. (V.A.C.S. Art. 2919e-3, Sec. 16.)

Sec. 51.167. DESIGNATION OF REGIONS FOR ADDITIONAL ASSOCIATIONS. (a) In addition to the Western Information Network

Association, the Coordinating Board, Texas College and University System, shall at such times as the board shall determine, divide the state into information network association regions consisting of state-supported institutions of higher education located within geographical boundaries prescribed by the coordinating board.

(b) The coordinating board shall give due consideration to the geographical proximity and number of institutions of higher education to be included within a proposed region. (V.A.C.S. Art. 2919e-3, Sec. 17.)

Sec. 51.168. CREATION OF ADDITIONAL ASSOCIATIONS. (a) The coordinating board shall create and name an information network association within an information network region if:

(1) a majority of the institutions of higher education within a region apply to create an association; and

(2) the institutions applying show good cause for creating an association.

(b) The coordinating board may not create more than one information network association in an information network region.

(c) Each information network association created is an agency of the state. (V.A.C.S. Art. 2919e-3, Sec. 18.)

Sec. 51.169. PROVISIONS APPLICABLE TO ADDITIONAL ASSOCIATIONS. Except for Subsection (a), Section 51.153 of this code, the provisions of this subchapter apply to any additional information network association created by the coordinating board. (V.A.C.S. Art. 2919e-3, Sec. 19.)

Sec. 51.170. REVENUE BONDS. (a) The board may issue its revenue bonds for the purpose of providing funds to lease, as lessor or lessee, acquire, purchase, construct, improve, enlarge, or equip any property, buildings, structures, or other facilities, including but not limited to dormitories, for and on behalf of the association.

(b) The bonds shall be payable from and secured by liens on and pledges of all or any part of the revenues from any lease rentals, rentals, charges, fees, or other resources of the board or association.

(c) The bonds may be issued to mature serially or otherwise within not more than 40 years from their date. The board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under the terms and conditions set forth in the resolution authorizing the issuance of the bonds.

(d) The bonds, and any interest coupons appertaining to them, are negotiable instruments. The bonds may be issued registrable as to principal alone or as to both principal and interest. They shall be executed, and may be made redeemable prior to maturity, may be issued in the form, denominations, and manner, and under the terms, conditions, and details, may be sold in the manner, at the price, and under the terms, and shall bear interest at the rate or rates, as is determined and provided by the board in the resolution authorizing the issuance of the bonds.

(e) Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition

or construction of any facilities to be provided through the issuance of the bonds and for providing a reserve for the payment of the principal of and interest on the bonds. The proceeds may be placed on time deposit or invested until needed to the extent and in the manner provided in the bond resolution.

(f) The board shall fix and collect lease rentals, rentals, rates, charges, and fees, or any combination of them, from students or others for the occupancy, use, or availability of all or any of its property, buildings, structures, or other facilities in amounts which will be sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with any bonds issued under this section, and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the issuance of the bonds and for the payment of operation, maintenance, and other expenses in connection with the property, buildings, structures, or facilities.

(g) Fees for the use or availability of all or any property, buildings, structures, or facilities may be pledged to the payment of the bonds, and shall be fixed and collected in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds. The board may pledge to the payment of the bonds all or any part of any resources of the board or association to the extent that the resources are permitted to be pledged to the payment of the revenue bonds. Each board may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. (V.A.C.S. Art. 2919e-3, Sec. 20.)

Sec. 51.171. REVENUE REFUNDING BONDS. Any revenue bonds issued by the board under this subchapter may be refunded, and in that case all pertinent and appropriate provisions of this subchapter are applicable to the refunding bonds. In refunding any of the bonds the board may, in the same authorizing proceedings, refund bonds issued under this subchapter and may combine all the refunding bonds with any other additional new bonds to be issued under this subchapter into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under terms and conditions set forth in the authorizing proceedings. (V.A.C.S. Art. 2919e-3, Sec. 21.)

Sec. 51.172. APPROVAL OF BONDS; REGISTRATION. All bonds issued under this subchapter shall be submitted to the attorney general for examination. If he finds that the bonds have been authorized in accordance with law, he shall approve them, and thereupon they shall be registered by the comptroller of public accounts. After the approval and registration the bonds are incontestable for any reason and are valid and binding obligations in accordance with their terms for all purposes. If the bonds recite that they are secured partially or otherwise by a

pledge of the proceeds of a contract or lease made between the board and another party or parties, public agencies, or otherwise, a copy of the contract or lease and of the proceedings authorizing it may or may not be submitted to the attorney general along with the bond records. If submitted, then the approval by the attorney general of the bonds shall constitute an approval of the contract or lease, and thereafter the contract or lease shall be incontestable. (V.A.C.S. Art. 2919e-3, Sec. 22.)

Sec. 51.173. BONDS AS LEGAL INVESTMENTS. All bonds issued under this subchapter are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. The bonds are eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of the bonds, when accompanied by any unmatured interest coupons appurtenant to them. (V.A.C.S. Art. 2919e-3, Sec. 23.)

[Sections 51.174-51.200 reserved for expansion]

SUBCHAPTER E. PROTECTION OF BUILDINGS AND GROUNDS

Sec. 51.201. APPLICABILITY OF CRIMINAL LAWS. All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state. (V.A.C.S. Art. 2919j, Sec. 1.)

Sec. 51.202. RULES AND REGULATIONS; PENALTY. (a) The governing board of each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

(1) limiting the rate of speed;

(2) assigning parking spaces and designating parking areas and their use and assessing a charge for parking;

(3) prohibiting parking as it deems necessary;

(4) removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and

(5) instituting a system of registration for vehicle identification, including a reasonable charge.

(b) A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than $200. (V.A.C.S. Art. 2919j, Sec. 2.)

Sec. 51.203. CAMPUS SECURITY PERSONNEL. The governing boards of each state institution of higher education may employ campus security personnel for the purpose of carrying out the provisions of this subchapter and may commission them as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the institution of higher education or otherwise in the performance of his duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of $1,000, payable to the governor and his successors in office, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be required of him by law. The bond may be sued on from time to time in the name of any person injured until the whole amount of the bond is recovered. (V.A.C.S. Art. 2919j, Sec. 3.)

Sec. 51.204. TRESPASS, DAMAGE, ETC. It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (V.A.C.S. Art. 2919j, Sec. 4.)

Sec. 51.205. PARKING; BLOCKING OR IMPEDING TRAFFIC. It is unlawful for any person to park a vehicle on any property under the control and jurisdiction of a state institution of higher education of this state except in the manner designated by the institution and in the spaces marked and designated by the governing board, or to block or impede traffic through any driveway of that property. All laws regulating traffic on highways and streets apply to the operation of vehicles within the property of the institution, except as may be modified in this subchapter. (V.A.C.S. Art. 2919j, Sec. 5.)

Sec. 51.206. PARKING AND TRAFFIC TICKETS; SUMMONS; ARREST WARRANTS. In connection with traffic and parking violations, only the officers authorized to enforce the provisions of this subchapter have the authority to issue and use traffic tickets and summons of the type used by the Texas Highway Patrol, with any changes that are necessitated by reason of this subchapter. On the issuance of any parking or traffic ticket or summons, the same procedures shall be followed as prevail in connection with the use of parking and traffic violation tickets by the cities of this state and the Texas Highway Patrol. Nothing in this subchapter restricts the application and use of regular arrest warrants. (V.A.C.S. Art. 2919j, Sec. 6.)

Sec. 51.207. VEHICLE IDENTIFICATION INSIGNIA. Each institution may provide for the issuance and use of suitable vehicle identification insignia. The institution may bar or suspend the permit of any vehicle from driving or parking on any institutional property for the violation of any rule or regulation promulgated by the board as well as for any violation of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed. (V.A.C.S. Art. 2919j, Sec. 7.)

Sec. 51.208. COURTS HAVING JURISDICTION. The judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of a state institution of higher education is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of $200. (V.A.C.S. Art. 2919j, Sec. 8.)

Sec. 51.209. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION. The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property. (V.A.C.S. Art. 2919j, Sec. 9.)

Sec. 51.210. ENFORCEMENT OF RULES AND REGULATIONS. Notwithstanding any of the provisions of this subchapter, all officers commissioned by the governing board of a state institution of higher education may be empowered by the board to enforce rules and regulations promulgated by the board. Nothing in this subchapter is intended to limit or restrict the authority of each institution to promulgate and enforce appropriate rules and regulations for the orderly conduct of the institution in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. (V.A.C.S. Art. 2919j, Sec. 10.)

Sec. 51.211. CUMULATIVE EFFECT. The provisions of this subchapter are cumulative of all other laws. (V.A.C.S. Art. 2919j, Sec. 12.)

Sec. 51.212. SECURITY OFFICERS AT PRIVATE INSTITUTIONS. (a) The governing boards of private institutions of higher education, including private junior colleges, are authorized to employ and commission campus security personnel for the purpose of enforcing the law of this state on the campuses of private institutions of higher education. Any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the respective private institution of higher education or otherwise in the performance

of his assigned duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of $1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform the duties as may be required of him by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

(b) The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis law-enforcement officers commissioned by an incorporated city. The officers shall be under the supervision of the hiring institution, but shall be subject to dismissal and disciplinary action by the city. An incorporated city is authorized to contract with a private institution of higher education for the use and employment of its commissioned officers in any manner agreed to, provided that there is no expense incurred by the city. (V.A.C.S. Art. 5891A-1.)

[Sections 51.213-51.300 reserved for expansion]

SUBCHAPTER F. REQUIRED AND ELECTIVE COURSES

Sec. 51.301. GOVERNMENT OR POLITICAL SCIENCE. Every college and university receiving state support or state aid from public funds shall give a course of instruction in government or political science which includes consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas. This course shall have a credit value of not less than six semester hours or its equivalent. No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person unless he has credit for such a course. The college or university may determine that a student has satisfied this requirement in whole or in part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by the student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours. (V.A.C.S. Art. 2663b-1, Sec. 2.)

Sec. 51.302. AMERICAN OR TEXAS HISTORY. No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person unless he has credit for six semester hours or its equivalent in American History. A student is entitled to submit as much as three semester hours of credit or

its equivalent in Texas History in partial satisfaction of this requirement. The college or university may determine that a student has satisfied this requirement in whole or part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university, or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by a student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours. (V.A.C.S. Art. 2663b-2, Sec. 1.)

Sec. 51.303. ELECTIVE COURSES IN DACTYLOLOGY. (a) In this section, "dactylology" means the art of communicating ideas by signs made with the fingers, as in the manual alphabets of deaf-mutes.

(b) Any state college or university offering a fully accredited program for teachers of the deaf may offer a three-hour elective course in dactylology. (V.A.C.S. Art. 2647c-1.)

Sec. 51.304. COURSES IN MILITARY AND NAVAL TRAINING. (a) The governing board of any state-supported institution of higher education may request the United States Department of Defense to establish and maintain courses in military and naval training qualifying men student graduates of the courses for reserve commission awards as a part of its curriculum. The board may enter into mutually agreeable contracts for that purpose. The work of the students enrolling in the courses may be credited toward degree requirements under regulations prescribed by the board. (V.A.C.S. Art. 2919e-1.)

[Sections 51.305-51.350 reserved for expansion]

SUBCHAPTER G. OPTIONAL RETIREMENT SYSTEM

Sec. 51.351. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that higher education is vitally important to the welfare, if not the survival, of Texas and the United States at this stage in history and that the quality of higher education is dependent upon the quality of college and university faculties. The legislature finds, therefore, that money spent on recognized means for producing an excellent system of public higher education is money spent to serve a public purpose of great importance. The legislature finds further that a sound faculty retirement program that provides full and complete retirement benefits to teachers and administrators who have given faithful service to state-supported institutions of higher education is a well-recognized means for improving a state's program of public higher education. The legislature's purpose in establishing the retirement program provided for by this subchapter is to improve further

the higher education available to the youth at the state-supported colleges and universities and to establish this retirement program as part of the plan of compensation for the faculty of these colleges and universities. (V.A.C.S. Art. 2922-li, Sec. 1.)

Sec. 51.352. DEFINITIONS. In this subchapter:

(1) "State Board of Trustees" means the State Board of Trustees of the Teachers Retirement System of Texas.

(2) "Retirement system" means the Teachers Retirement System of Texas.

(3) "Institution of higher education" has the same meaning as is assigned to it in Section 61.003 of this code, except that for the purposes of this subchapter, the Coordinating Board, Texas College and University System, and Texas State Technical Institute are included within, and the Rodent and Predatory Animal Control Service is excluded from, the meaning of the term.

(4) "Faculty member" means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services, but does not mean a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system.

(5) "Governing board" means the body charged with policy direction of an institution of higher education.

(6) "Optional retirement program" means the program under this subchapter to provide fixed or variable retirement annuities, including retirement unit annuity certificates of participation for faculty members. (V.A.C.S. Art. 2922-li, Sec. 2.)

Sec. 51.353. ESTABLISHMENT; PARTICIPATION. (a) There is hereby established an optional retirement program. Participation in the optional retirement program is in lieu of active membership in the retirement system. The governing boards of all institutions of higher education shall make available to all faculty members in their component institutions, agencies, and units the optional retirement program, which shall provide for the vesting of benefits after one year of participation.

(b) All faculty members are eligible to participate in the optional retirement program, subject to such rules as may be prescribed by the governing board of the institution of higher education at which they are employed. (V.A.C.S. Art. 2922-li, Sec. 3.)

Sec. 51.354. ADMINISTRATION. In administering the optional retirement program a governing board may provide for the purchase of annuity contracts from any insurance or annuity company qualified and admitted to do business in this state. Any life insurance or annuity company qualified and admitted to do business in this state shall be exempt from the payment of all franchise or premium taxes as to all annuity or group insurance

contracts made pursuant to a benefit program authorized by the governing board of an institution of higher education, or by any private nonprofit educational institution of higher learning, which benefit program is paid for in whole or in part from the funds of such institution. Where a governing board has more than one component institution, agency, or unit under its jurisdiction, it may provide a separate optional retirement program for each component institution, agency, or unit, or place two or more component institutions, agencies, or units under a single program. (V.A.C.S. Art. 2922-1i, Sec. 4.)

Sec. 51.355. OPTIONS. A faculty member who becomes eligible to participate in the optional retirement program and who is a member of the retirement system is hereby extended the option of continuing his membership in the retirement system or participating in the optional retirement program as hereinafter set forth. A faculty member who is eligible to participate in the optional retirement program on the date the optional retirement program becomes available at the institution of higher education at which he is employed, no later than the 1st day of August of the calendar year following the date on which the optional retirement program becomes available at the institution of higher education at which he is employed, shall elect to participate or not to participate in the optional retirement program. A faculty member who becomes eligible to participate in the optional retirement program subsequent to the date on which the optional retirement program becomes available at the institution of higher education at which he is employed shall make such election within 90 days following the date on which he becomes eligible to participate in the optional retirement program. A faculty member exercising the option to participate in the optional retirement program shall not thereafter be eligible for membership in the retirement system unless he ceases to be employed by an institution of higher education and becomes employed by the Texas Public School System other than in an institution of higher education. A faculty member not exercising the option to participate in the optional retirement program shall be deemed to have chosen to continue membership in the retirement system in lieu of exercising the option to participate in the optional retirement program. (V.A.C.S. Art. 2922-1i, Sec. 5.)

Sec. 51.356. WITHDRAWAL OF CONTRIBUTIONS TO RETIREMENT SYSTEM. A faculty member who elects or who has elected to participate in the optional retirement program as provided under Section 51.355 of this code may further elect to withdraw from the retirement system his accumulated contributions as defined in Chapter 3 of this code, upon application in writing as prescribed by the State Board of Trustees, and the applicable amounts shall be paid within 12 months from the date the application is received. Upon such withdrawal of funds, the faculty member shall thereby forfeit and relinquish all accrued rights as a member of the retirement system. (V.A.C.S. Art. 2922-1i, Sec. 6.)

Sec. 51.357. CONTRIBUTIONS. (a) With respect to a faculty member who has elected in accordance with Section 51.355 of this code to participate in the optional retirement program, the following amounts shall be disbursed and credited each fiscal year to the benefit of the faculty member in the optional retirement program:

(1) by the faculty member the amount that he would have been required to deposit during that year as a member of the retirement system; and

(2) by the state the amount that it would have been required to allocate and contribute during that year to the retirement system to the credit of the faculty member as a member of the retirement system.

(b) A faculty member participating in the optional retirement program and the institution of higher education with which he is employed, acting through its governing board, may enter into an agreement under which the salary paid to the faculty member is reduced by the amount of the faculty member's contribution required to be disbursed and credited under Subdivision (1) of Subsection (a), and under which the institution contributes an equal amount to the purchase of an annuity contract under the optional retirement program established by the respective governing board. Not more than one salary reduction agreement shall be entered into in any calendar year. Each salary reduction agreement shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect, if the agreement so provides by its terms. A salary reduction agreement may be terminable with respect to amounts not yet earned. To the extent that a salary reduction agreement is in force with a faculty member, there shall be no deduction from the salary of the faculty member, and the amounts provided in this section shall be disbursed and credited to the benefit of the faculty member as provided in Subdivision (1) of Subsection (a).

(c) The contributions of faculty members participating in the optional retirement program in each institution of higher education shall be deducted as provided by law applicable to the system or reduced under an agreement described in Subsection (b) of this section. The contribution of the state for faculty members participating in the optional retirement program in each institution of higher education shall be paid by the Comptroller of Public Accounts of the State of Texas to the applicable institution of higher education. The disbursing officer of such institution of higher education shall pay the total of such contributions from both the faculty member and the state to the company providing the optional retirement program for that institution. Each institution of higher education shall certify estimates to the comptroller of funds required for payments under its optional retirement program as required by law for the system. (V.A.C.S. Art. 2922-11, Sec. 8.)

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[Sections 51.358-51.900 reserved for expansion]

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 51.901. LIABILITY INSURANCE FOR OPERATORS OF ATOMIC ENERGY REACTORS. (a) The governing boards of the state institutions of higher education, as state agencies, which are or will be constructing and operating atomic energy reactors, or otherwise performing experiments in the field of nuclear science, in cooperation with and licensed by the Atomic Energy Commission, or its successor in function, or any other governmental agency, may purchase liability insurance in any amount not to exceed $250,000, and may pay the premium from funds appropriated for that purpose.

(b) The defense of sovereign immunity shall not be available to or asserted by the insurer in any claim against it or in any cause of action arising or growing out of a nuclear incident. (V.A.C.S. Art. 4590g.)

Sec. 51.902. CONTRACTS FOR TEACHER TRAINING. The governing board of any state-supported institution of higher education which trains teachers may contract with the trustees of any independent school district for the use of the public schools of the school district as laboratory schools for the training of teachers. The available local funds of the institution or the local funds of the school district may be used in the performance of the contracts. (V.A.C.S. Art. 2647c.)

Sec. 51.903. ARCHIVES; CERTIFIED COPIES. (a) The commissioners court of any county or any other custodian of public records may lend to the library of any state-supported institution of higher education, for any period and on any conditions it may determine, any parts of its archives or records that have become mainly of historical value. The librarian shall give a receipt for any archives or records received. The librarian may make copies for historical study.

(b) The librarian and the archivist of any state-supported institution of higher education are authorized to make certified copies of public records in the custody of the institution. These certified copies are valid in law and have the same force and effect for all purposes as if certified by the county clerk or other custodian as otherwise provided by law. In making a certified copy, the librarian or archivist shall certify that the foregoing is a true and correct copy of the document, and after signing the certificate shall swear to it before any officer authorized to take oaths under the laws of this state.

(c) Nothing in this section affects the authority of the Texas State Librarian concerning public records as currently or later granted by law. (V.A.C.S. Art. 2899b.)

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CHAPTER 52. STUDENT LOAN PROGRAM

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CHAPTER 52. STUDENT LOAN PROGRAM
SUBCHAPTER A. ADMINISTRATION

Sec. 52.01. ADMINISTRATION. The Coordinating Board, Texas College and University System, or its successors, shall administer the student loan program authorized by this chapter pursuant to Article III, Section 50b, of the Texas Constitution. Personnel and other expenses required to properly administer this chapter shall be provided in the general appropriations acts. (V.A.C.S. Art. 2654g, Art. I, Sec. 1.)

Sec. 52.02. DELEGATION OF POWERS AND DUTIES. The board may delegate to the commissioner of higher education the powers, duties, and functions authorized by this chapter, except those relating to the sale of bonds and the letting of contracts for insurance. (V.A.C.S. Art. 2654g, Art. I, Sec. 2.)

[Sections 52.03-52.10 reserved for expansion]

SUBCHAPTER B. BONDS

Sec. 52.11. ISSUANCE OF BONDS. (a) The board may from time to time provide by resolution for the issuance of negotiable bonds in a total aggregate amount not exceeding $285 million.

(b) All bonds shall be on a parity and shall be called the Texas College Student Loan Bonds.

(c) The proceeds from the sale of bonds shall be placed in the Texas Opportunity Plan Fund.

(d) To assure the orderly and economical marketing of the bonds and the reasonable availability of money in the Texas Opportunity Plan Fund, the bonds may be issued in installments.

(e) The bonds of each issue shall be dated and shall bear interest at rates prescribed by the board, subject to the limitations imposed by law. At the option of the board, the interest may be payable annually or semiannually.

(f) The bonds shall mature serially or otherwise not later than 40 years from their date and may be redeemable before maturity, at the option of the board, at a price or prices and under terms and conditions fixed by the board in the resolution providing for the issuance of the bonds.

(g) The board shall determine the form of the bonds, including the form of any interest coupon to be attached to the bonds, and shall fix the denomination or denominations of the bonds and the place or places for the payment of the principal and interest.

(h) The bonds shall be executed on behalf of the coordinating board, or its successor, as general obligations of the State of Texas in the following manner: They shall be signed by the chairman or vice chairman and the secretary of the board, and the seal of the board shall be impressed on them. They shall be signed by the governor and attested by the secretary of state and the seal of the state impressed on them. The resolution authorizing the issuance of any installment or series of bonds may prescribe the extent to which facsimile signatures and facsimile

seals may be used in executing the bonds and appurtenant coupons. Interest coupons may be signed with the facsimile signatures of the chairman or vice chairman and the secretary of the board. In the event any officer whose manual or facsimile signature appears on any bond or coupon ceases to hold that office before the delivery of the bond or coupon, the signature will nevertheless be valid and sufficient for all purposes as if he had remained in office until the delivery had been made.

(i) The resolution may provide for registration of the bonds as to ownership and for successive conversion and reconversion from registered to bearer bonds and vice versa.

(j) Before any of the bonds issued are delivered to the purchasers, the record pertaining to the bonds shall be examined by the attorney general and the records and the bonds shall be approved by him. After approval by the attorney general, the bonds shall be registered in the office of the comptroller of public accounts. When approved, registered, and delivered to the purchasers, the bonds are incontestable and constitute general obligations of the State of Texas.

(k) The performance of official duties prescribed by Article III, Section 50b, of the Texas Constitution, in reference to the provision for the payment and the payment of the bonds may be enforced in any court of competent jurisdiction through mandamus or other appropriate proceedings.

(l) All bonds issued in accordance with the provisions of this chapter are negotiable instruments under the laws of this state.

(m) The board may provide for the replacement of any bond which is mutilated, lost, or destroyed. (V.A.C.S. Art. 2654g, Art. II, Sec. 1.)

Sec. 52.12. REFUNDING BONDS. (a) The board may provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds issued under the provisions of this chapter and then outstanding, together with accrued interest on them.

(b) The issuance of the refunding bonds, the maturities, and all other details of the bonds, the rights of the holders, and the duties of the board with respect to the bonds, shall be governed by the applicable provisions of Section 52.11 of this code.

(c) The refunding bonds may be exchanged for the outstanding bonds or may be sold and the proceeds used to retire the outstanding bonds. (V.A.C.S. Art. 2654g, Art. II, Sec. 2.)

Sec. 52.13. BONDS AS INVESTMENTS. All bonds issued pursuant to the provisions of this chapter are legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political subdivisions and public agencies of the State of Texas. The bonds, when accompanied by all unmatured coupons appurtenant to them, are lawful and sufficient security for all deposits of state funds and of all funds of any agency or political subdivision of the state, and of counties, school districts, cities, and

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all other municipal corporations or subdivisions at the par value of the bonds. The bonds and the income from them, including the profits made on their sale, shall at all times be free from taxation in this state. (V.A.C.S. Art. 2654g, Art. II, Sec. 3.)

Sec. 52.14. SALE OF BONDS. When the board has authorized the issuance of a series of bonds and has determined to call for bids on the bonds, it shall publish an appropriate notice of the sale at least one time not less than 20 days before the date of the sale. The publication shall be made in a daily newspaper of general statewide circulation which is published not less than seven times weekly. The notice shall also be published for a number of times determined by the board in one or more recognized financial publications of general circulation published in the state and one or more of these publications published outside the state. The board shall demand of bidders, other than the administrators of the state funds, that each bid be accompanied by an exchange or bank cashier's check for a sum considered adequate by the board to be a forfeit guaranteeing the acceptance of and payment for all bonds covered by each bid accepted by the board. (V.A.C.S. Art. 2654g, Art. II, Sec. 4.)

Sec. 52.15. COMPETITIVE BIDS. No installment or series of bonds may be sold for an amount less than the face value of all the bonds comprising the installment or series with accrued interest from their date, and all bonds shall be sold after competitive bidding to the highest and best bidder. The board may reject any and all bids. (V.A.C.S. Art. 2654g, Art. II, Sec. 5.)

Sec. 52.16. PROCEEDS FROM BOND SALE. All proceeds from the sale of bonds shall be deposited in the state treasury in the Texas Opportunity Plan Fund. (V.A.C.S. Art. 2654g, Art. II, Sec. 6.)

Sec. 52.17. INTEREST AND SINKING FUND. (a) Each fiscal year a sufficient portion of the funds received by the board as repayment of student loans granted under this chapter and as interest on the loans shall be deposited in the state treasury in the Texas College Student Loan Bonds Interest and Sinking Fund, referred to in this chapter as the interest and sinking fund, to pay the interest and principal coming due during the ensuing fiscal year and to establish and maintain a reserve in the interest and sinking fund equal to the average annual principal and interest requirements of all outstanding bonds issued under this chapter.

(b) If in any year funds are received in excess of the foregoing requirements, then the excess shall be deposited in the Texas Opportunity Plan Fund and may be used for the same purposes and upon the same terms and conditions prescribed for the proceeds derived from the sale of the Texas College Student Loan Bonds.

(c) In the event that funds received by the board in any fiscal year as repayment of student loans and as interest on the loans are insufficient to pay the interest coming due and the

principal maturing on the bonds during the ensuing fiscal year, the state treasurer shall transfer into the interest and sinking fund out of the first money coming into the treasury, which is not otherwise appropriated by the constitution, an additional amount sufficient to pay the interest coming due and the principal maturing on the bonds during the ensuing fiscal year.

(d) The resolution authorizing the issuance of the bonds may provide for the deposit, from bond proceeds, of not more than 24 months' interest, and may provide for the use of bond proceeds as a reserve for the payment of principal of and interest on the bonds. (V.A.C.S. Art. 2654g, Art. II, Sec. 7.)

Sec. 52.18. DUTIES OF COMPTROLLER AND TREASURER. The comptroller of public accounts shall make the transfers required under the provisions of this chapter, and the state treasurer shall pay or cause to be paid the principal of and interest on the bonds as they mature and come due. (V.A.C.S. Art. 2654g, Art. II, Sec. 8.)

Sec. 52.19. INVESTMENT OF FUNDS. All money standing to the credit of the reserve portion of the interest and sinking fund and any money in the Texas Opportunity Plan Fund in excess of the amount necessary for student loans may be invested by the board in direct obligations of or obligations the principal and interest of which are guaranteed by the United States of America or invested in direct obligations of or participation certificates guaranteed by the Federal Intermediate Credit Bank, federal land banks, Federal National Mortgage Association, federal home loan banks, banks for cooperatives, and in certificates of deposit of any bank or trust company the deposits of which are fully secured by a pledge of securities of any of the kind previously specified in this section, or in bonds of the State of Texas, or of the several counties or municipalities or other political subdivisions of the State of Texas. However, money in the interest and sinking fund, except for that which is in the reserve portion of the fund, may be invested only in obligations which are scheduled to mature prior to the date money must be available for use for its intended purpose. All the bonds and obligations owned in the interest and sinking fund or in the Texas Opportunity Plan Fund are defined as "securities." The board may sell any securities owned in the interest and sinking fund or in the Texas Opportunity Plan Fund at the prevailing market price. Income from these investments shall be deposited in the interest and sinking fund. (V.A.C.S. Art. 2654g, Art. II, Sec. 9.)

[Sections 52.20-52.30 reserved for expansion]

SUBCHAPTER C. STUDENT LOANS

Sec. 52.31. PARTICIPATING INSTITUTIONS. A participating higher educational institution is any institution of higher education, public or private nonprofit, including a junior college, which is recognized or accredited by the Texas Education Agency

or the Coordinating Board, Texas College and University System, or its successors, and which complies with the provisions of this chapter and the rules and regulations of the board promulgated in accordance with this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 1.)

Sec. 52.32. QUALIFICATIONS FOR LOANS. (a) The board may authorize loans from the Texas Opportunity Plan Fund to qualified students at any participating institution of higher education in Texas if the applicant:

(1) is a resident of Texas as defined by the board in accordance with Subchapter B, Chapter 54 of this code;

(2) has been accepted for enrollment;

(3) has established that he has insufficient resources to finance his college education;

(4) has been recommended by reputable persons in his home community; and

(5) has complied with other requirements established by rules and regulations adopted by the board in conformity with this chapter.

(b) In no event may a higher standard of academic performance be required of an applicant than the minimum standard required for enrollment in the participating institution. The student must be meeting the minimum academic requirements of the institution in the semester any loan is made. (V.A.C.S. Art. 2654g, Art. III, Sec. 2.)

Sec. 52.33. AMOUNT OF LOAN. The amount of the loan to any qualified applicant shall be limited to the difference between the financial resources available to him, including but not limited to his income from parents and other sources, scholarships, gifts, grants, other financial aid, and the amount he can reasonably be expected to earn, and the amount necessary to pay his reasonable expenses as a student at the participating institution of higher education where he has been accepted for enrollment, under the rules and regulations adopted by the board. The total loan to any individual student may never be more than the amount he can reasonably be expected to repay in a maximum period of five years after he is last enrolled in a participating institution, except as otherwise provided for in this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 3.)

Sec. 52.34. PAYMENTS TO STUDENT. No payment may be made to any student until he has executed a note payable to the Texas Opportunity Plan Fund for the full amount of the authorized loan plus interest. For the purposes of this chapter, a student has the capacity to contract and is bound by any contract executed by him, and the defense that he was a minor at the time he executed the note is not available to him in any action arising on the note. Payments to students executing notes may be made annually, semiannually, quarterly, monthly, or for each semester as the board may determine, depending on the demonstrated capacity of the student to manage his financial affairs. Disbursements may be made by the board or by the participating institution pursuant

to a contract between the board and the institution executed in conformity with this chapter. No funds may be distributed to a participating institution except to make payments to a student under a loan authorized by this chapter. (V.A.C.S. Art. 2654g, Art. III, Sec. 4.)

Sec. 52.35. TERM OF LOANS. The term of all authorized loans must be for the shortest possible period, as determined by the board. However, no loan may be made to any student for a period longer than five years from the date he is last enrolled in a participating institution, except as a longer period is authorized for medical students, dental students, and students seeking professional or graduate degrees as authorized under the * provisions of Section 53.38 of this code. (V.A.C.S. Art. 2654g, Art. III, Sec. 5.)

Sec. 52.36. LOAN INTEREST. The board shall annually, not later than September 1, fix the interest to be charged for any student loan at a rate sufficient to pay the interest on outstanding bonds plus any expenses incident to their issuance, sale, and retirement. Interest shall be postponed by the board as long as a student is enrolled at a participating institution and may be postponed at the board's discretion as long as a student is enrolled at any other higher educational institution, provided that the total interest paid is to be equal to that fixed at the time the note evidencing the loan is executed. (V.A.C.S. Art. 2654g, Art. III, Sec. 6.)

Sec. 52.37. INSURANCE. The board may contract with any insurance company or companies licensed to do business in Texas for insurance on the life of any student borrower in an amount sufficient to retire the principal and interest owed under a loan made under the provisions of this chapter. The cost of the insurance shall be paid by the student borrower. No contract for insurance as provided for in this section may be approved except by the board during a regular meeting attended by a quorum of the total board membership. (V.A.C.S. Art. 2654g, Art. III, Sec. 7.)

Sec. 52.38. REPAYMENT OF LOANS. Repayment of any loan and interest authorized under this chapter shall be made monthly and shall begin not later than four months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education and in no event later than five years from the date the first note evidencing a loan under this chapter is executed. The board may, however, authorize a longer period before beginning repayment of loans to medical students, dental students, and other students seeking professional or graduate degrees. The board may extend the time for beginning repayment for unusual financial hardships, with the approval of the attorney general. Repayment shall be made directly to the board or to a participating institution pursuant to a contract executed by the board in accordance with its rules and regulations. (V.A.C.S. Art. 2654g, Art. III, Sec. 8.)

Sec. 52.39. DEFAULT; SUIT. When any person who has received a loan authorized by this chapter has failed or refused to make as many as six monthly payments due in accordance with an executed note, then the full amount of the remaining principal and interest becomes due and payable immediately, and the amount due, the person's name and his last known address, and other necessary information shall be reported by the board to the attorney general. Suit for the remaining sum shall be instituted by the attorney general, or any county or district attorney acting for him, in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County, unless the attorney general finds reasonable justification for delaying suit and so advises the board in writing. (V.A.C.S. Art. 2654g, Art. III, Sec. 9.)

[Sections 52.40-52.50 reserved for expansion]

SUBCHAPTER D. GENERAL PROVISIONS

Sec. 52.51. ADVISORY COMMITTEES. The board may appoint advisory committees from outside its membership as it deems necessary to assist it in achieving the purposes of this chapter. (V.A.C.S. Art. 2654g, Art. IV, Sec. 1.)

Sec. 52.52. CONTRACTS. In achieving the goals outlined in this chapter and the performance of functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations, associations, partnerships, and individuals. (V.A.C.S. Art. 2654g, Art. IV, Sec. 2.)

Sec. 52.53. GIFTS AND GRANTS. The board may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation or the United States, subject to limitations or conditions set by law. The gifts, grants, or donations of money shall be deposited in the Texas Opportunity Plan Fund, separately accounted for, and expended in accordance with the specific purpose for which given and under such conditions as are imposed by the donor and as provided by law. (V.A.C.S. Art. 2654g, Art. IV, Sec. 3.)

Sec. 52.54. RULES AND REGULATIONS. The board shall adopt and publish rules and regulations to effectuate the purposes of this chapter in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 2654g, Art. IV, Sec. 4.)

Sec. 52.55. AUDIT. All transactions under the provisions of this chapter are subject to audit by the state auditor. (V.A.C.S. Art. 2654g, Art. IV, Sec. 5.)

Sec. 52.56. ANNUAL REPORT. (a) The board shall make a report of the operations of the Texas Opportunity Plan to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature.

(b) The report shall include, for the state as a whole and for each participating institution, the following information:

(1) the number of loans;

(2) the maximum loan;

(3) the minimum loan;

(4) the total amount of loans made;

(5) a list of persons who have failed or refused to make as many as six monthly payments on any note, showing the amount due and the person's last known address; and

(6) any other information that will describe the effectiveness of the loan program. (V.A.C.S. Art. 2654g, Art. IV, Sec. 6.)

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CHAPTER 53. HIGHER EDUCATION AUTHORITIES

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CHAPTER 53. HIGHER EDUCATION AUTHORITIES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 53.01. SHORT TITLE. This chapter may be cited as the Higher Education Authority Act. (V.A.C.S. Art. 1269j-101, Sec. 1 (part).)

Sec. 53.02. DEFINITIONS. In this chapter:

(1) "City" means an incorporated city or town in this state.

(2) "Governing body" means the council, commission, or other governing body of a city.

(3) "Authority" means a higher education authority created under this chapter.

(4) "Board" means the board of directors of an authority.

(5) "Institution of higher education" means a degree-granting college or university nonprofit corporation accredited by the Texas Education Agency.

(6) "Educational facility" means a classroom building, laboratory, science building, faculty or administrative office building, or other facility used exclusively for the conduct of the educational and administrative functions of an institution of higher education.

(7) "Housing facility" means a single- or multi-family residence used exclusively for housing or boarding, or housing and boarding students, faculty, or staff members of an institution of higher learning. The term includes infirmary and student union building, but does not include a housing or boarding facility for the use of a fraternity, sorority, or private club.

(8) "Bond resolution" means the resolution authorizing the issuance of revenue bonds.

(9) "Trust indenture" means the mortgage, deed of trust, or other instrument pledging revenue of property, or creating a mortgage lien on property, or both, to secure the revenue bonds issued by the authority.

(10) "Trustee" means the trustee under the trust indenture. (V.A.C.S. Art. 1269j-101, Sec. 2.)

[Sections 53.03-53.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 53.11. CREATION OF AUTHORITY. When the governing body of a city finds that it is to the best interest of the city and its inhabitants to create a higher education authority, it shall pass an ordinance creating the authority and designating the name by which it shall be known. If the governing bodies of two or more cities find that it is to the best interest of the cities to create an authority to include those cities, each governing body shall pass an ordinance creating the authority and designating the name by which it shall be known. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.12. TERRITORY. The authority comprises only the territory included within the boundaries of the city or cities creating it. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.13. CORPORATE POWERS. An authority is a body politic and corporate having the power of perpetual succession. It shall have a seal; it may sue and be sued; and it may make, amend, and repeal its bylaws. (V.A.C.S. Art. 1269j-101, Sec. 3 (part).)

Sec. 53.14. BOARD OF DIRECTORS. (a) The authority shall be governed by a board of directors consisting of not less than 7 nor more than 11 members to be determined at the time of creating the authority. Except as otherwise provided by this section, the first directors shall be appointed by the governing body of the city or by the governing bodies of the cities, and they shall serve until their successors are appointed as provided by this section. If the authority includes more than one city, each governing body shall appoint an equal number of directors unless otherwise agreed by the cities.

(b) When the authority issues its revenue bonds, the resolution authorizing the issuance of the bonds or the trust indenture securing them may prescribe the method of selecting and the term of office of a majority of the members of the board. The remaining members of the board shall be appointed by the governing body of the city or the governing bodies of the cities for two-year terms. The trust indenture may also provide that, in event of default as defined in the trust indenture, the trustee may appoint all of the directors, in which event the terms of the directors then in office shall automatically terminate.

(c) Unless and until provision is made in the bond resolution or indenture in connection with the issuance of bonds for the appointment by other means of part of the directors, all the directors shall be appointed by the governing body of the city or each of the cities, as the case may be, for terms not to exceed two years, but the terms of directors appointed prior to the issuance of the first issue of revenue bonds shall be subject to the exercise of the provision made by this section for appointment of a majority of the members of the board in connection with the issuance of the bonds.

(d) No officer or employee of any such city is eligible for appointment as a director. Directors are not entitled to compensation for services but are entitled to reimbursement for expenses incurred in performing such service.

(e) In the event the authority purchases from a nonprofit corporation an educational facility or a housing facility for students, faculty, or staff members, which facility or facilities are then in existence or in process of construction, the first members of the board of directors and their successors shall be determined as provided in the contract of purchase. (V.A.C.S. Art. 1269j-101, Sec. 4.)

Sec. 53.15. ORGANIZATION OF BOARD; QUORUM; EMPLOYEES; COUNSEL. (a) The board shall elect from among its members a president and vice president, and shall elect a secretary and a

treasurer who may or may not be directors, and may elect other officers as authorized by the authority's bylaws. The offices of secretary and treasurer may be combined.

(b) The president has the same right to vote on all matters as other members of the board.

(c) A majority constitutes a quorum, and when a quorum is present action may be taken by a majority vote of directors present.

(d) The board may employ a manager or executive director of the facilities and other employees, experts, and agents as it sees fit. It may delegate to the manager the power to employ and discharge employees.

(e) The board may employ legal counsel. (V.A.C.S. Art. 1269j-101, Sec. 5.)

[Sections 53.16-53.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 53.31. NO TAXING POWER. An authority has no power to tax. (V.A.C.S. Art. 1269j-101, Sec. 1 (part).)

Sec. 53.32. NO POWER OF EMINENT DOMAIN. The authority does not have the power of eminent domain. (V.A.C.S. Art. 1269j-101, Sec. 17 (part).)

Sec. 53.33. FACILITIES: CONSTRUCTION, ACQUISITION, ETC. The authority may acquire by purchase, purchase contract, or lease, or may construct, enlarge, extend, or improve educational facilities or housing facilities. It may acquire land for those purposes, furnish and equip the facilities, and provide by contract, lease, or otherwise for the operation and maintenance of the facilities. The facilities need not be located within the city limits of the city or cities. (V.A.C.S. Art. 1269j-101, Sec. 6.)

Sec. 53.34. REVENUE BONDS. The authority may issue revenue bonds to provide funds for any of its purposes. The bonds shall be payable from and secured by a pledge of the net revenue to be derived from the operation of the facility or facilities and any other revenue resulting from the ownership of the educational facilities properties. The bonds may be additionally secured by a mortgage or deed of trust on real property of the authority or by a chattel mortgage on its personal property, or by both. (V.A.C.S. Art. 1269j-101, Sec. 7.)

Sec. 53.35. ISSUANCE OF BONDS; PROCEDURES; ETC. The bonds shall be authorized by resolution adopted by a majority vote of a quorum of the board, and shall be signed by the president or vice president and countersigned by the secretary, or either or both of their facsimile signatures may be printed on them. The seal of the authority shall be impressed or printed on the bonds. The bonds shall mature serially or otherwise in not to exceed 50 years and may be sold at a price and under terms determined by the board to be the most advantageous reasonably obtainable, provided that the rate of interest to be borne by the bonds shall not exceed six

and one-half percent per annum and that the bonds shall not be sold at less than 90 percent of their par or face value, plus accrued interest. Within the discretion of the board, the bonds may be made callable prior to maturity at any times and prices prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest. (V.A.C.S. Art. 1269j-101, Sec. 8.)

Sec. 53.36. BOND RESOLUTION; NOTICE; ELECTION. (a) Before authorizing the issuance of bonds, other than refunding bonds, the board shall cause a notice to be issued stating that it intends to adopt a resolution authorizing the issuance of the bonds, the maximum amount thereof, and the maximum maturity thereof. The notice shall be published once each week for two consecutive weeks in a newspaper or newspapers having general circulation in the authority. The first publication shall be at least 14 days prior to the day set for adopting the bond resolution.

(b) If, prior to the day set for the adoption of the bond resolution, there is presented to the secretary or president of the board a petition signed by not less than 10 percent of the qualified voters residing in the city or cities comprising the authority, who own taxable property in the authority and who have duly rendered it for taxation to the city in which such property is located or situated, requesting an election on the proposition for the issuance of the bonds, the bonds shall not be issued unless an election is held and a majority vote is in favor of the bonds. The election shall be called and held in accordance with the procedure prescribed in Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, with the board and the president and secretary performing the functions there assigned to the governing body of the city, the mayor and city secretary, respectively. If no such petition is filed, the bonds may be issued without an election. However, the board may call an election on its own motion without the filing of the petition. (V.A.C.S. Art. 1269j-101, Sec. 9.)

Sec. 53.37. JUNIOR LIEN BONDS; PARITY BONDS. Bonds constituting a junior lien on the net revenue or properties may be issued unless prohibited by the bond resolution or trust indenture. Parity bonds may be issued under conditions specified in the bond resolution or trust indenture. (V.A.C.S. Art. 1269j-101, Sec. 10.)

Sec. 53.38. RESERVES FOR OPERATING AND OTHER EXPENSES. Money for the payment of not more than two years' interest on the bonds and an amount estimated by the board to be required for operating expenses during the first year of operation may be set aside for those purposes out of the proceeds from the sale of the bonds. (V.A.C.S. Art. 1269j-101, Sec. 11.)

Sec. 53.39. REFUNDING BONDS. Bonds may be issued for the purpose of refunding outstanding bonds in the manner provided in this chapter for other bonds, and may be exchanged by the comptroller of public accounts or sold and the proceeds applied in accordance with the procedure prescribed by Chapter 503, Acts of

the 54th Legislature, 1955 (Article 717k, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 1269j-101, Sec. 12.)

Sec. 53.40. APPROVAL OF BONDS; REGISTRATION; NEGOTIABILITY. Bonds issued under this chapter and the record relating to their issuance shall be submitted to the attorney general, and if he finds that they have been issued in accordance with this chapter and constitute valid and binding obligations of the authority and are secured as recited therein he shall approve them, and they shall be registered by comptroller of public accounts who shall certify the registration thereon. Thereafter they are incontestable. The bonds shall be negotiable and shall contain the following provision: "The holder hereof shall never have the right to demand payment thereof out of money raised or to be raised by taxation." (V.A.C.S. Art. 1269j-101, Sec. 13.)

Sec. 53.41. AUTHORIZED INVESTMENTS. All bonds issued under this chapter are legal and authorized investments for all banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies of all kinds and types, and for the interest and sinking funds and other public funds of any issuer. The bonds are also eligible and lawful security for all deposits of public funds of the State of Texas and of any issuer, to the extent of the value of the bonds, when accompanied by any unmatured interest coupons appurtenant to them. (V.A.C.S. Art. 1269j-101, Sec. 18.)

Sec. 53.42. INVESTMENT OF FUNDS; SECURITY. To the extent it is applicable, the law as to the security for and the investment of funds, applicable to cities, controls the investment of funds belonging to authority. The bond resolution or the indenture or both may further restrict the making of investments. The authority may invest the proceeds of its bonds, until the money is needed, in the direct obligations of or obligations unconditionally guaranteed by the United States, to the extent authorized in the bond resolution or indenture or in both. (V.A.C.S. Art. 1269j-101, Sec. 19.)

Sec. 53.43. DEPOSITORIES. The authority may select a depository or depositories according to the procedures provided by law for the selection of city depositories, or it may award its depository contract to the same depository or depositories selected by the city or cities and on the same terms. (V.A.C.S. Art. 1269j-101, Sec. 15.)

Sec. 53.44. OPERATION OF FACILITIES; RATES CHARGED; RESERVE FUNDS. (a) The facilities may be operated by the authority without the intervention of private profit for the use and benefit of the public, or may be leased to an institution of higher education, or may be operated by the institution under a contract with the authority, the lease or contract to be in effect until any revenue bonds issued in connection with it have been finally retired.

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(b) The board shall charge rates for the use of the facilities, or for their lease or operation, that are fully sufficient to pay all expenses in connection with the ownership, operation, and upkeep of the facilities, to pay the interest on the bonds as it becomes due, to create a sinking fund to pay the bonds as they become due, and to create and maintain a bond reserve fund and other funds and reserves that may be provided in the bond resolution or trust indenture. The bond resolution or trust indenture may prescribe systems, methods, routines, and procedures under which the facilities shall be operated. (V.A.C.S. Art. 1269j-101, Sec. 14.)

Sec. 53.45. TRANSACTIONS WITH OTHER AGENCIES AND PERSONS. The authority may borrow money and accept grants from, and enter into contracts, leases, or other transactions with the United States, the State of Texas, any municipal corporation in the state, and any public or private person or corporation resident or authorized to do business in the state. (V.A.C.S. Art. 1269j-101, Sec. 17 (part).)

Sec. 53.46. AUTHORITY EXEMPT FROM TAXATION. Because the property owned by authority will be held for educational purposes only and will be devoted exclusively to the use and benefit of the students, faculty, and staff members of an accredited institution of higher education, it is exempt from taxation of every character. (V.A.C.S. Art. 1269j-101, Sec. 16.)

CHAPTER 54. TUITION AND FEES

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CHAPTER 54. TUITION AND FEES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "Institution of higher education" has the same meaning as is assigned to it by Section 61.003 of this code.

(2) "Governing board" has the same meaning as is assigned to it by Section 61.003 of this code. (New.)

Sec. 54.002. APPLICABILITY OF CHAPTER. The provisions of this chapter apply to all institutions of higher education, except that as to junior colleges this chapter applies only to the extent provided by Section 130.003(b) of this code. (New.)

Sec. 54.003. TUITION AND CHARGES TO BE AUTHORIZED BY LAW. No institution of higher education may collect from students attending the institution any tuition, fee, or charge of any kind except as permitted by law, and no student may be refused admission to or discharged from any institution for the nonpayment of any tuition, fee, or charge except as permitted by law. (V.A.C.S. Art. 2654a, Sec. 1.)

Sec. 54.004. RETENTION AND USE OF FUNDS. All tuition, local funds, and fees collected by an institution of higher education shall be retained and expended by the institution and accounted for annually as provided in the general appropriations act. (V.A.C.S. Art. 2654c, Sec. 1(n), 2 (part).)

Sec. 54.005. RIGHT TO COLLECT SPECIAL FEES. The provisions of this subchapter requiring the governing board of each institution of higher education to collect tuition fees do not deprive the board of the right to collect special fees authorized by law. (V.A.C.S. Art. 2654c, Sec. 1(m) (part).)

[Sections 54.006-54.050 reserved for expansion]

SUBCHAPTER B. TUITION RATES

Sec. 54.051. TUITION RATES. The governing board of each institution of higher education shall cause to be collected from students registering at the institution tuition or registration fees at the following rates:

Item No. Type of Student	Rate
1. Resident student registered for 12 or more semester credit hours of work per semester of four and one-half months	$ 50
2. Resident student registered for 12 or more term hours of work per term of three months	30
3. Nonresident student registered for 12 or more semester credit hours of work per semester of four and one-half months, not less than	200
4. Nonresident student registered for 12 or more term hours of work per term of three months . . .	150

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5. Resident or nonresident student registered for fewer than 12 semester credit hours of work--a sum proportionately less than prescribed for 12 semester hours, but not less than 15

6. Resident or nonresident student registered for fewer than 12 term hours of work--a sum proportionately less than prescribed for 12 term hours, but not less than 10

7. Resident student registered for a summer session of 12 weeks 50

8. Nonresident student registered for a summer session of 12 weeks, not less than 200

9. Resident or nonresident student registered for fewer than a full semester credit hour or term hour load in a summer session--a sum proportionately less than prescribed for the full load, but not less than 10

10. Resident student registered in medical or dental branch, school, or college, per semester or its equivalent 150-200

11. Nonresident student registered in a medical or dental branch, school or college, per semester or its equivalent 300-400

12. Resident or nonresident student registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction--a fee in addition to the regular tuition, to be designated by the governing board of the institution; but in no event shall the fees be more per course per semester of four and one-half months, or per summer session, than 75

(V.A.C.S. Art. 2654c, Sec. 1(a), (c).)

Sec. 54.052. RESIDENTS; NONRESIDENTS; GENERAL RULES. (a) The term "residence," as used in this subchapter, means "domicile." The term "resided in" means "domiciled in." For the purposes of this subchapter, the status of a student as a resident or nonresident student is determined as prescribed by this section, subject to the other applicable provisions of this subchapter.

(b) An individual under 21 years of age who is living away from his family and whose family resides in another state or has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student.

(c) An individual 21 years of age or under whose family has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student, regardless of whether he has become the legal ward of residents of Texas or has been adopted by residents of Texas while he is attending an educational institution in Texas,

or within a 12-month period before his attendance, or under circumstances indicating that the guardianship or adoption was for the purpose of obtaining status as a resident student.

(d) An individual 21 years of age or over who has come from outside Texas and who is gainfully employed in Texas for a 12-month period immediately preceding registration in an educational institution shall be classified as a resident student as long as he continues to maintain a legal residence in Texas.

(e) An individual 21 years of age or over who resides out of the state or who has come from outside Texas and who registers in an educational institution before having resided in Texas for a 12-month period shall be classified as a nonresident student. (V.A.C.S. Art. 2654c, Sec. 1(e).)

Sec. 54.053. REGULATIONS OF COORDINATING BOARD. The governing board of each institution required by this chapter to charge a nonresident tuition or registration fee is subject to the rules, regulations, and interpretations issued by the Coordinating Board, Texas College and University System, for the administration of the nonresident tuition provisions of this subchapter. The rules, regulations, an interpretations promulgated by the coordinating board shall be furnished to the presidents or administrative heads of all Texas public senior and junior colleges and universities. (V.A.C.S. Art. 2654c, Sec. 1(g).)

Sec. 54.054. NONRESIDENT STATUS: PRESUMPTION; RECLASSIFICATION. A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. (V.A.C.S. Art. 2654c, Sec. 1(h).)

Sec. 54.055. PARENTS, CHANGE OF RESIDENCE TO ANOTHER STATE. An individual 21 years of age or under whose parents were formerly residents of Texas is entitled to pay the resident tuition fee for the 12-month period immediately following the parents' change of legal residence to another state. (V.A.C.S. Art. 2654c, Sec. 1(f).)

Sec. 54.056. EFFECT OF MARRIAGE. A nonresident who marries and remains married to a resident of Texas, classified as such under this chapter at the time of the marriage and at the time the nonresident registers, is entitled to pay the resident tuition fee regardless of the length of time he has lived in Texas; and any student who is a resident of Texas and who marries a nonresident is entitled to pay the resident tuition fee as long as he does not adopt the legal residence of the spouse in another state. (V.A.C.S. Art. 2654c, Sec. 1(i).)

Sec. 54.057. ALIENS. An alien student is classified as a nonresident student. However, an alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for resident status for fee purposes under this subchapter as has a citizen of the United States. A resident alien residing in a junior college district located immediately adjacent to Texas boundary lines shall be charged the resident tuition by that junior college. (V.A.C.S. Art. 2654c, Sec. 1(j).)

Sec. 54.058. MILITARY PERSONNEL AND DEPENDENTS. (a) Military personnel are classified as provided by this section.

(b) An officer, enlisted man or woman, selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, Texas State Guard, Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fee and other fees or charges required of Texas residents, without regard to the length of time he has been assigned to duty or resided in the state. However, out-of-state Army National Guard or Air National Guard members attending training with Texas Army or Air National Guard units under National Guard Bureau regulations may not be exempted from nonresident tuition by virtue of that training status nor may out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves training with units in Texas under similar regulations be exempted from non resident tuition by virtue of that training status. It is the intent of the legislature that only those members of the Army or Air National Guard, Texas State Guard, or other reserve forces mentioned above be exempted from the nonresident tuition fee and other fees and charges only when they become members of Texas units of the military organizations mentioned above.

(c) As long as they reside continuously in Texas, the spouse and children of a member of the Armed Forces of the United States who has been assigned to duty elsewhere immediately following assignment to duty in Texas are entitled to pay the tuition fees and other fees or charges provided for Texas residents.

(d) If nonresident military personnel are attending an institution of higher education under a contract between the institution and any branch of the Armed Forces of the United States, in which the tuition of the member of the military is paid in full by the United States government, the student shall pay the nonresident tuition fee.

(e) A Texas institution of higher education may charge to the United States government the nonresident tuition fee for a veteran enrolled under the provisions of a federal law or regulation authorizing educational or training benefits for veterans.

(f) The spouse and children of a member of the Armed Forces of the United States who dies or is killed are entitled to pay the

resident tuition fee if the wife and children become residents of Texas within 60 days of the date of death.

(g) If a member of the Armed Forces of the United States is stationed outside Texas and his spouse and children establish residence in Texas by residing in Texas and by filing with the Texas institution of higher education at which they plan to register a letter of intent to establish residence in Texas, the institution of higher education shall permit the spouse and children to pay the tuition, fees, and other charges provided for Texas residents without regard to length of time that they have resided in the state. (V.A.C.S. Art. 2654c, Sec. 1(k).)

Sec. 54.059. FACULTY, STAFF, DEPENDENTS. A teacher, professor, or other employee of an institution of higher education is entitled to register himself, his spouse, and their children in an institution of higher education by paying the tuition fee and other fees or charges required for Texas residents without regard to the length of time he has resided in Texas. A teacher, professor, or other employee of an institution of higher education is any person employed at least one-half time on a regular monthly salary basis by an institution of higher education. (V.A.C.S. Art. 2654c, Sec. 1 (L).)

Sec. 54.060. RESIDENT OF BORDERING STATE: TUITION AT JUNIOR COLLEGE. The nonresident tuition fee prescribed in this chapter does not apply to a nonresident student who is a resident of a state situated adjacent to Texas and who registers in any Texas public junior college situated immediately adjacent to the state in which the nonresident student resides. The nonresident student described in this section shall pay an amount equivalent to the amount charged a Texas student registered at a similar school in the state in which the nonresident student resides. (V.A.C.S. Art. 2654c, Sec. 1 (d).)

Sec. 54.061. PENALTY FOR NONCOMPLIANCE WITH RULES. The governing board of an institution of higher education may assess and collect from each nonresident student who fails to comply with the rules and regulations of the board concerning nonresident fees a penalty not to exceed $10 a semester. (V.A.C.S. Art. 2654c, Sec. 1(o).)

[Sections 54.062-54.100 reserved for expansion]

SUBCHAPTER C. TUITION SCHOLARSHIPS

Sec. 54.101. TUITION SCHOLARSHIPS. (a) The governing board of each institution of higher education shall reserve and set apart in a separate account on the books of the institution a portion of the tuition fees levied and collected from students, and shall use the funds set aside to award tuition scholarships to needy resident students enrolled in the institution. The portion of the fees to be set aside for each institution shall be determined by the legislature in the general appropriations act.

(b) Tuition scholarships shall be awarded to students with the approval of the president or other administrative head of the institution in accordance with rules and regulations promulgated by the governing board of the institution. Rules and regulations shall be subject to the provisions of this section.

(c) Eligibility shall be based primarily on financial need. In determining need, consideration should be given to the student's own efforts to finance his education as evidenced by part-time jobs, loans from private sources, or financial capacity of the parents.

(d) Awards shall be based on character and satisfactory scholastic record.

(e) Each recipient of a tuition scholarship must be classified as a "resident student" under the provisions of Subchapter B of this chapter.

(f) Tuition scholarships shall be awarded in the amount of $25 per semester or $50 per long session for each student, except that in the case of medical and dental students, the tuition scholarships shall be awarded in the amount of $125 per semester or $250 per long session for each student. The amount of an award shall be credited to the student as a partial payment of his tuition fee. Students otherwise entitled to a refund shall receive the refund based only on that portion of the tuition actually paid by the student.

(g) Not later than 30 days after the close of the fiscal year each institution shall transfer any unused balance in the fund set up for scholarship awards to the tuition income account from which the scholarship fund was established. (V.A.C.S. Art. 2654c, Sec. 1(b).)

[Sections 54.102-54.200 reserved for expansion]

SUBCHAPTER D. EXEMPTIONS FROM TUITION

Sec. 54.201. HIGHEST RANKING HIGH SCHOOL GRADUATES. The governing board of each institution of higher education may issue scholarships each year to the highest ranking graduate of each accredited high school of this state, exempting the graduates from the payment of tuition during both semesters of the first regular session immediately following their graduation. This exemption may be granted for any one of the first four regular sessions following the individual's graduation from high school when in the opinion of the institution's president the circumstances of an individual case, including military service, merit the action. (V.A.C.S. Art. 2654b-1, Sec. 2.)

Sec. 54.202. HIGH SCHOOL GRADUATES OF STATE HOMES. The governing board of each institution of higher education shall exempt each citizen of Texas who at the time of his admission is a high school graduate of a state home from the payment of all dues, fees, and charges, including fees for correspondence courses. The exemption does not apply either to general property deposits, which may be required as security for the return of or

proper care of property loaned for the use of a student, or to charges for lodging, board, or clothing. The governing board shall require every applicant who claims this exemption to submit satisfactory evidence that he is a citizen of Texas and is otherwise entitled to the exemption. (V.A.C.S. Art. 2654f.)

Sec. 54.203. VETERANS, DEPENDENTS, ETC. (a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the persons seeking the exemptions were citizens of Texas at the time they entered the services indicated and have resided in Texas for at least the period of 12 months before the date of registration:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the Spanish-American War or during World War I;

(2) all nurses, members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members of the armed forces of the United States who served during World War II except those who were discharged from service because they were over the age of 38 or because of a personal request on the part of the person that he be discharged from service;

(3) all honorably discharged men and women of the armed forces of the United States who served during the national emergency which began on June 27, 1950, and which is referred to as the Korean War; and

(4) all persons who were honorably discharged from the armed forces of the United States after serving on active military duty, excluding training, for more than 180 days during the Cold War which began on the date of the termination of the national emergency cited in Subdivision (3) of this subsection. (V.A.C.S. Art. 2654b; Art. 2654b-1, Sec. 1 (part), 3 (part), 5 (part), 6(a) (part).)

(b) The exemptions provided for in Subsection (a) of this section also apply and inure to the benefit of the children of members of the armed forces of the United States who were killed in action or died while in service during World War II, the national emergency which began on June 27, 1950, or the Cold War, and to the benefit of orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty either in the service of their state or the United States. However, to qualify for this exemption a person must be a citizen of Texas and must have resided in the state for at least 12 months immediately preceding the date of his registration. (V.A.C.S. Art. 2654b-1, Sec. 3 (part), 5 (part), and 6(a) (part).)

(c) The governing board of each institution of higher education granting exemptions shall require every applicant claiming the benefit of an exemption to submit satisfactory evidence that he fulfills the necessary citizenship and residency requirements. (V.A.C.S. Art. 2654b-1, Sec. 1 (part).)

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(d) The exemption from fees provided for in Subsection (a) of this section does not apply to a person if at the time of his registration he is eligible for educational benefits under federal legislation in effect at the time of his registration. A person is covered by the exemptions if his right to benefits under federal legislation is extinguished at the time of his registration. (V.A.C.S. Art. 2654b-1, Sec. 4 (part), 5 (part), and 6(b).)

(e) The governing board of each institution of higher education may enter into contracts with the United States government, or any of its agencies, to furnish instruction to ex-servicemen and ex-service women at a tuition rate which covers the estimated cost of the instruction or, in the alternative, at a tuition rate of $100 a semester, as may be determined by the governing board. If the rates specified are prohibited by federal law for any particular class of ex-servicemen or ex-service women, the tuition rate shall be set by the governing board, but shall not be less than the established rate for civilian students. If federal law provides as to any class of veterans that the tuition payments are to be deducted from subsequent benefits to which the veteran may be entitled, the institution shall refund to any veteran who is a resident of Texas within the meaning of this section the amount by which any adjusted compensation payment is actually reduced because of tuition payments made to the institution by the federal government for the veteran. (V.A.C.S. Art. 2654b-1, Sec. 4 (part).)

Sec. 54.204. CHILDREN OF DISABLED FIREMEN AND PEACE OFFICERS. (a) In this section:

(1) "Eligible employee" means a full-paid or volunteer fireman, or a full-paid municipal, county, or state peace officer, or a custodial employee of the Texas Department of Corrections, or a game warden, who has a child under 21 years of age.

(2) "Disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be under a disability unless he furnishes such proof of its existence as may be required.

(b) The governing board of each institution of higher education shall exempt from the payment of all tuition and laboratory fees any person whose parent is an eligible employee who has suffered an injury, resulting in death or disability, sustained in the line of duty according to the regulations and criteria then in effect governing the department or agency in which he was employed. The exemption does not apply to general property deposits or to fees or charges for lodging, board, or clothing.

(c) A person is not entitled to the exemption if he:

(1) does not apply initially for the exemption before he becomes 21 years of age;

(2) does not meet all entrance requirements of the institution; or

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(3) does not maintain a scholastic average sufficient to remain in good standing.

(d) A person loses his right to an exemption after eight consecutive semesters, not including summer semesters, beginning with the first semester for which he registers.

(e) A person entitled to an exemption under the provisions of this section may use the exemption:

(1) only at the public senior college or university which he first attends under the provisions of this section; or

(2) only at the public junior college which he first attends, and upon successful completion of four consecutive semesters at the public junior college he may continue to use the exemption for four consecutive semesters only at the public senior college or university which he subsequently first attends.

(f) A person entitled to an exemption under the provisions of this section shall, when transferring from a public junior college to a public senior college or university, meet the standard entrance requirements required by the senior college or university of an applicant for admission not covered by the provisions of this section.

(g) An eligible employee whose injury results in a disability shall submit to a physical examination by a physician designated by the United States Social Security Administration to conduct physical examinations and to make disability reports to the Social Security Administration. If the physician decides the injury received has resulted in a disability, he shall certify this fact to the head of the department which employs the employee.

(h) The head of the department which employed the eligible employee at the time he sustained the injury shall file a certificate with the Coordinating Board, Texas College and University System, on a form prepared by the board for the purpose. The head of the department shall attach the certificate of the examining physician if an examination is required by Subsection (g) of this section. A copy of the certificate on file with the coordinating board is sufficient evidence for the institution to grant the exemption. (V.A.C.S. Art. 2654f-1.)

Sec. 54.205. BLIND, DEAF STUDENTS. (a) In this section:

(1) "Resident" has the same meaning as is assigned it in Subchapter B of this chapter.

(2) "Blind person" means a person who is a "blind disabled individual" as defined in Section 5, Chapter 291, Acts of the 59th Texas Legislature, Regular Session, 1965 (Article 3207c, Vernon's Texas Civil Statutes), and who is eligible for the rehabilitation services of the State Commission for the Blind.

(3) "Deaf person" means a person whose sense of hearing is nonfunctional, after all necessary medical treatment, surgery, and use of hearing aids, for understanding normal conversation and who is eligible for the services of the Division of Vocational Rehabilitation of the Texas Education Agency.

(4) "Tuition fees" includes all dues, fees, and charges, including fees for correspondence courses, except general property deposit fees, student services fees, and fees or charges for lodging, board, or clothing.

(b) A deaf or blind person who is a resident is entitled to exemption from the payment of tuition fees at any institution of higher education utilizing public funds if he presents:

(1) certification by the appropriate state vocational rehabilitation agency that he is deaf or blind and is a client of the agency;

(2) a high school diploma or its equivalent;

(3) proof of good moral character, which may be evidenced by a letter of recommendation from the principal of the high school attended by the deaf or blind individual or, if the high school no longer exists or if the principal cannot be located, a letter of recommendation from the individual's clergyman, a public official, or some other responsible person who knows the deaf or blind individual and is willing to attest to his good moral character; and

(4) proof that he meets all other entrance requirements of the institution.

(c) The governing board of an institution may establish special entrance requirements to fit the circumstances of deaf and blind persons. In order to obtain the maximum vocational benefits of their college training, all deaf students applying for a tuition exemption under this legislation shall cooperate with the Commission for Rehabilitation, and all blind students applying for a tuition exemption under this section shall cooperate with the State Commission for the Blind. The Commission for Rehabilitation and the State Commission for the Blind shall utilize all available and appropriate resources at the institutions of higher education to insure that deaf or blind students receive the maximum benefits from college training for which tuition fee exemptions are claimed under this Act. The Commission for Rehabilitation, the State Commission for the Blind, and the Coordinating Board, Texas College and University System, may develop any rules and procedures that these agencies determine necessary for the efficient implementation of this section. (V.A.C.S. Art. 2654f-2.)

Sec. 54.206. LOW-INCOME FAMILIES. (a) This section may be cited as the Connally-Carillo Act.

(b) In this section, "family income" means the combined gross income of the applicant and his parents, if he is single, or the combined gross income of the applicant, his parents, and his spouse, if he is married.

(c) The governing board of each institution of higher education shall exempt from the payment of tuition fees and charges each person:

(1) who is a citizen of Texas under 25 years of age on the date of registration and who has resided in the state for a period of not less than 12 months before the date of registration;

(2) who was graduated in the top 25 percent of his graduating class of an accredited high school in 1967 or later or was graduated from an accredited high school in 1967 or later and scored in the top 20 percent on a nationally standardized college admission examination; and

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(3) whose family income was not more than $4,800, as determined by the gross income on the last applicable federal income tax return (or returns) or financial statement which shall be sworn to by the applicant's parents or guardian at the time of registration.

(d) The exemption is limited to the payment of tuition, fees, and charges, including fees for correspondence courses, and does not apply to property deposits or fees or charges for lodging, board, or clothing. The exemption is limited to a maximum of six years for each qualified citizen.

(e) The exemption is not applicable in the case of any person whose tuition, fees, and charges are being or will be paid to the educational institution by the United States government, or one of its agencies, or in the case of any person whose tuition, fees, and charges are paid from funds, either public or private, other than his own or those of his family or his guardian.

(f) The governing board of the institution shall require every applicant claiming an exemption to submit satisfactory evidence that he is entitled to the exemption. (V.A.C.S. Art. 2654f-3.)

Sec. 54.207. STUDENTS FROM OTHER NATIONS OF THE AMERICAN HEMISPHERE. (a) The governing boards of the institutions of higher education may annually exempt from the payment of tuition fees the following students:

(1) 200 native-born students from the other nations of the American hemisphere; and

(2) 35 native-born students from a Latin American country designated by the United States Department of State.

(b) Ten students from each nation, as authorized in Subsection (a)(1) of this section, shall be exempt as provided in this subsection. In the event any nation fails to have 10 students available and qualified for exemption, additional students from the other nations may be exempted, subject to the approval of the State Board of Education and allocation by it. However, not more than 235 students from all the nations shall be exempt each year. In the event the nation designated in Subsection (a)(2) of this section fails to have 35 students available and qualified for exemption within a reasonable time, additional students from other nations may be exempt, subject to the approval of the State Board of Education.

(c) Every applicant desiring the exemption shall furnish satisfactory evidence, certified by the proper authority of his native country, that he is a bona fide native-born citizen and resident of the country which certifies his application and that he is scholastically qualified for admission.

(d) The State Board of Education, after consultation with representatives of the governing boards of the institutions of higher education, shall formulate and prescribe a plan governing the admission and distribution of all applicants desiring to qualify under the provisions of this section.

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(e) No student shall be exempted under this section who is not a native-born citizen of the country certifying his qualifications and who has not lived in one of the nations of this hemisphere for a period of at least five years. No member of the Communist Party and no student from Cuba shall be eligible for benefits under this section. (V.A.C.S. Art. 2654e.)

[Sections 54.208-54.500 reserved for expansion]

SUBCHAPTER E. OTHER FEES AND DEPOSITS

Sec. 54.501. LABORATORY FEES. An institution of higher education may make and collect a laboratory charge in an amount sufficient to cover in general the cost of laboratory materials and supplies used by a student. The laboratory charge shall be not less than $2 nor more than $8 for any one semester or summer term for any student in any one laboratory course, but shall not exceed the cost of actual materials and supplies used by the student. (V.A.C.S. Art. 2654a, Sec. 2 (part); Art. 2654c, Sec. 1(m) (part), 2 (part).)

Sec. 54.502. GENERAL PROPERTY DEPOSITS. An institution of higher education may collect a reasonable deposit not to exceed $10 from each student to insure the institution against losses, damages, and breakage in libraries and laboratories. The deposit shall be returned on the withdrawal or graduation of a student, less any loss, damage, or breakage caused by the student. The medical and dental units of The University of Texas System shall collect a breakage or loss deposit no greater than $30. (V.A.C.S. Art. 2654a, Sec. 2 (part).)

Sec. 54.503. STUDENT SERVICES FEES. (a) For the purposes of this section, "student services" means textbook rentals, recreational activities, health and hospital services, automobile parking privileges, intramural and intercollegiate athletics, artists and lecture series, cultural entertainment series, debating and oratorical activities, student publications, student government, and any other student activities and services specifically authorized and approved by the appropriate governing board.

(b) The governing board of an institution of higher education may charge and collect from students registered at the institution fees to cover the cost of student services which the board deems necessary or desirable in carrying out the educational functions of the institution. The fee or fees may be either voluntary or compulsory as determined by the governing board. The total of all compulsory student service fees collected from a student for any one semester or summer session shall not exceed $30. No fee for parking services or facilities may be levied on a student unless the student desires to use the parking facilities provided.

(c) The governing board may fix and collect a reasonable fee or fees for the enforcement and administration of parking or traffic regulations approved by the board for the institution.

(d) The provisions of this section do not affect the building use fees or other special fees authorized by the legislature for any institution for the purpose of financing revenue bond issues.

(e) All money collected as student services fees shall be reserved and accounted for in an account or accounts kept separate and apart from educational and general funds of the institution and shall be used only for the support of student services. All the money shall be placed in a depository bank or banks designated by the governing board and shall be secured as required by law. Each year the governing board shall approve for the institution a separate budget for student activities and services financed by fees authorized in this section. The budget shall show the fees to be assessed, the purpose or functions to be financed, the estimated income to be derived, and the proposed expenditures to be made. Copies of the budgets shall be filed annually with the coordinating board, the governor, the legislative budget board, the state auditor, and the state library.

(f) The governing board may waive all or part of any compulsory fee or fees authorized by this section in the case of any student for whom the payment of the fee would cause an undue financial hardship, provided the number of the students does not exceed 10 percent of the total entrollment. The board may limit accordingly the participation of a student in the activities financed by the fee so waived. (V.A.C.S. Art. 2654a, Sec. 4.)

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CHAPTER 55. FINANCING PERMANENT IMPROVEMENTS

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CHAPTER 55. FINANCING PERMANENT IMPROVEMENTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 55.01 DEFINITIONS. In this chapter:

(1) "Institution of higher education" or "institution" has the meaning assigned to it by Section 61.003(7) of this code, except that "public junior college" is excluded.

(2) "Governing board" or "board" means the board having management and control of an institution of higher education. (New.)

[Sections 55.02-55.10 reserved for expansion]

SUBCHAPTER B. REVENUE BONDS AND FACILITIES.

Sec. 55.11. GENERAL AUTHORITY. Each board is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof.

Sec. 55.12. CONTRACTS FOR JOINT CONSTRUCTION. Each board may enter into contracts with municipalities or school districts for the joint construction of museums, libraries, or other buildings.

Sec. 55.13. AUTHORITY TO ISSUE REVENUE BONDS. For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof, each board may issue its revenue bonds from time to time and in one or more issue or series, to be payable from and secured by liens on and pledges of all or any part of any of the revenues, income, or receipts of the board and its institution or institutions, or any branch or branches thereof, including, without limitation, any rentals, rates, charges, fees, or other resources, in the manner provided by this subchapter.

Sec. 55.14. TERMS AND CONDITIONS. (a) The bonds may be issued to mature serially or otherwise within not to exceed 50 years from their date, and each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under any terms or conditions that may be set forth in the resolution authorizing the issuance of the bonds.

(b) The bonds, and any interest coupons appertaining thereto, are and shall constitute negotiable instruments within the meaning and for all purposes of the Texas Uniform Commercial Code (provided that the bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall

bear interest at such rates, all as shall be determined and provided by the board in the resolution authorizing the issuance of the bonds.

Sec. 55.15. DISPOSITION OF BOND PROCEEDS. Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition or construction of any facilities to be provided through the issuance of the bonds, and for providing a reserve for the payment of the principal of and interest on the bonds, and such proceeds may be placed on time deposit or invested, until needed, to the extent, and in the manner provided, in the bond resolution.

Sec. 55.16. RENTALS, RATES, CHARGES, AND FEES. Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, services, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or other facilities, in such amounts and in such manner as may be determined by the board.

Sec. 55.17. PLEDGES; PARIETAL RULES; TYPES OF FEES; ADDITIONAL PLEDGE OF RESOURCES. (a) Each board may pledge all or any part of its revenues, income, or receipts from such rentals, rates, charges, and/or fees, or other resources to the payment of the bonds, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds. The pledged rentals, rates, charges, and/or fees shall be fixed and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the bonds and for the payment of operation, maintenance, and other expenses in connection with the aforesaid property, buildings, structures, activities, services, operations, or other facilities.

(b) Each board may establish and enforce parietal rules for students and others, and enter into agreements regarding occupancy, use, and availability of facilities, and the amounts and collection of pledged revenues, income, receipts, rentals, rates, charges, fees, or other resources, that will assure making all the required payments and deposits.

(c) Fees for the use by or availability to the students of all or any property, buildings, structures, activities, services, operations, or other facilities, may be pledged to the payment of the bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, or any branch or branches thereof, in the amounts and in the manner as determined and provided by the board in the resolution authorizing the issuance of the bonds; and said fees may be collected in the full amounts required or permitted herein, without regard to actual use, availability, or existence of any facility, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of

any specifically described property, buildings, structures, activities, services, operations, or other facilities; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions, or any branch or branches thereof. Such specific and/or general fees may be fixed and collected, and pledged to the payment of any issue or series of bonds issued by the board, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions, or any branch or branches thereof; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in any resolution authorizing the issuance of bonds, and provided that no such additional specific fees shall be pledged if prohibited by any resolution which authorized the issuance of any then outstanding bonds.

(d) Additionally, each board may pledge irrevocably to the payment of the bonds, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, or any branch or branches thereof, an amount not exceeding $5 from each enrolled student for each regular semester and $2.50 from each enrolled student for each summer term. Each board also may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. A board also may pledge to the payment of the bonds all or any part of any revenues, income, receipts, or other resources of said board, including, without limitation, student charges, to the extent that such revenues, income, receipts, or other resources are permitted to be pledged to the payment of revenue bonds authorized to be issued by the board by any other law. Further, in issuing bonds pursuant to this subchapter, each board additionally may pledge to the payment of outstanding bonds, issued pursuant to any other law, all or any part of the revenues, income, receipts, or resources of the board authorized to be pledged to the payment of bonds issued pursuant to this subchapter.

Sec. 55.18. BONDS NOT OBLIGATIONS OF THE STATE. Bonds issued by a board are payable solely from the revenues, income, receipts, or other resources of the board, as provided in this subchapter, and such bonds shall never be an obligation of the State of Texas.

Sec. 55.19. REFUNDING BONDS. Any bonds or notes at any time issued by a board may be refunded or otherwise refinanced by the issuance by the board of refunding bonds for such purpose, under such terms, conditions, and details as may be determined by resolution of the board. All pertinent and appropriate provisions of this subchapter shall be applicable to such refunding bonds, and they shall be issued in the manner provided herein for other bonds authorized under this subchapter; provided that such refunding bonds may be sold and delivered in amounts necessary to pay the principal, interest, and redemption premium, if any, of

bonds or notes to be funded or refunded, at maturity or on any redemption date. Also, such refunding bonds may be issued to be exchanged for the bonds or notes being refunded thereby. In the latter case, the Comptroller of Public Accounts of the State of Texas shall register the refunding bonds and deliver the same to the holder or holders of the bonds or notes being refunded thereby, in accordance with the provisions of the resolution authorizing the refunding bonds; and any such exchange may be made in one delivery, or in several installment deliveries. Bonds issued at any time by a board also may be refunded in the manner provided by any other applicable law.

Sec. 55.20. APPROVAL AND REGISTRATION OF BONDS. All bonds issued by any board, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

Sec. 55.21. BONDS ARE AUTHORIZED INVESTMENTS AND SECURITY FOR DEPOSITS. All bonds issued by any board are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and for all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and for all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

Sec. 55.22. VALIDATION OF BONDS AND PROCEEDINGS. All revenue bonds heretofore approved by the attorney general and registered by the comptroller, which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, income, receipts, or other resources of such board, are hereby validated in all respects, together with all proceedings authorizing the issuance thereof, and said bonds and proceedings are and shall be valid and binding obligations in accordance with their terms and conditions for all purposes, as though they had been duly and legally issued and authorized originally.

Sec. 55.23. CUMULATIVE EFFECT OF SUBCHAPTER. This subchapter shall be cumulative of all other law on the subject, but this

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subchapter shall be wholly sufficient authority within itself for the issuance of the bonds and the performance of the other acts and procedures authorized hereby, without reference to any other law or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds are being issued under this subchapter, then to the extent of any conflict or inconsistency between any provisions of this subchapter and any provision of any other law, the provisions of this subchapter shall prevail and control; provided, however, that any board shall have the right to use the provisions of any other laws, not in conflict with the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this subchapter.

Sec. 55.24. PLEDGES UNDER PREVIOUS LAWS TO REMAIN IN EFFECT. Where any revenues, income, receipts, or other resources of any board have been pledged to the payment of principal of and interest on any bonds or notes issued and delivered pursuant to any other law, the repeal of such law by virtue of the enactment of Title 3 of this code shall not affect any such pledge or any covenants with respect to such bonds or notes, or any bonds issued to refund same, and all such pledges and covenants shall remain in full force and effect in accordance with the terms and provisions thereof.

[Sections 55.25-55.40 reserved for expansion]

SUBCHAPTER C. REFUNDING
CONSTITUTIONAL BONDS AND NOTES

Sec. 55.41. REFUNDING BONDS. The governing board of any institution which has heretofore issued or which hereafter issues bonds or notes pursuant to the authority of Article VII, Section 17, of the Texas Constitution, as amended, may issue refunding bonds to refinance or refund any or all of the bonds or notes by the issuance of its refunding bonds; and the governing board may pledge all or any part of the funds allotted pursuant to that section of the constitution to any institution governed by the board to secure the refunding bonds issued pursuant to this section. The refunding bonds shall be issued in the amounts, and bear interest at the rates, determined by the governing board, provided that such interest rates shall not exceed any constitutional limit; and shall mature serially or otherwise in not more than 10 years. The refunding bonds shall be examined and approved by the attorney general, and when so approved shall be incontestable, and all bonds shall be registered by the comptroller of public accounts. The refunding bonds may be exchanged for bonds or notes issued pursuant to the section of the constitution or may be sold and the proceeds used to call and redeem the outstanding bonds and notes. (V.A.C.S. Art. 2909c-2.)

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SUBTITLE B. STATE COORDINATION OF HIGHER EDUCATION
CHAPTER 61. COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 61.001. SHORT TITLE. This chapter may be cited as the Higher Education Coordinating Act of 1965. (V.A.C.S. Art. 2919e-2, Sec. 1 (part).)

Sec. 61.002. PURPOSE. The purpose of this chapter is to establish in the field of public higher education in the State of Texas an agency to provide leadership and coordination for the Texas higher education system, institutions, and governing boards, to the end that the State of Texas may achieve excellence for college education of its youth through the efficient and effective utilization and concentration of all available resources and the elimination of costly duplication in program offerings, faculties, and physical plants. (V.A.C.S. Art. 2919e-2, Sec. 1 (part).)

Sec. 61.003. DEFINITIONS. In this chapter:

(1) "Board" means the Coordinating Board, Texas College and University System.

(2) "Public junior college" means any junior college certified as required by law, including but not limited to the following as long as they retain certification: Alvin Junior College; Amarillo Junior College; Blinn Junior College, Brenham; Cisco Junior College; Clarendon Junior College; Cooke County Junior College, Gainesville; Del Mar Junior College, Corpus Christi; Frank Phillips Junior College, Borger; Grayson County Junior College, Denison; Henderson County Junior College, Athens; Hill County Junior College, Hillsboro; Howard County Junior College, Big Spring; Kilgore Junior College; Laredo Junior College; Lee Junior College, Baytown; Navarro County Junior College, Corsicana; Odessa Junior College; Panola County Junior College, Carthage; Paris Junior College; Ranger Junior College; San Antonio Junior College; San Jacinto Junior College, Pasadena; South Plains Junior College, Levelland; Southwest Texas Joint Counties Junior College, Uvalde; Temple Junior College; Texarkana Junior College; Texas Southmost College, Brownsville; Tyler Junior College; Victoria Junior College; Weatherford Junior College; and Wharton County Junior College, Wharton.

(3) "General academic teaching institution" means The University of Texas at Austin; The University of Texas at El Paso; The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio; Texas A & M University, Main University; The University of Texas at Arlington; Tarleton State College; Prairie View Agricultural and Mechanical College; Texas Maritime Academy; Texas Tech University; North Texas State University; Lamar University; Texas A & I University; Texas Woman's University; Texas Southern University; Midwestern University; University of Houston; Pan American University; East Texas State University; Sam Houston State University; Southwest Texas State University; West Texas State University; Stephen F. Austin State University; Sul Ross State University; Angelo State University; and any other college,

university, or institution so classified as provided in this chapter or created and so classified, expressly or impliedly, by law.

(4) "Public senior college or university" means a general academic teaching institution as defined above.

(5) "Medical and dental unit" means The University of Texas Medical Branch at Galveston; Southwestern Medical School; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the component institutions of The University of Texas Nursing School (System-wide); and The University of Texas School of Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

(6) "Other agency of higher education" means The University of Texas System, System Administration; Texas Western University Museum; Texas A & M University System, Administrative and General Offices; Texas Agricultural Experiment Station; Texas Agricultural Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas Agricultural Extension Service); Texas Engineering Experiment Station (including the Texas Transportation Institute); Texas Engineering Extension Service; Texas Forest Service; Texas Tech University Museum; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Water Resources Institute of Texas; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

(7) "Institution of higher education" means any public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in this section.

(8) "Governing board" means the body charged with policy direction of any public junior college, public senior college or university, medical or dental unit, or other agency of higher education, including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards insofar as they are charged with policy direction of a public junior college.

(9) "University system" means the association of one or more public senior colleges or universities, medical or dental units, or other agencies of higher education under the policy direction of a single governing board.

(10) "Degree program" means any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle him to a degree from a public senior college or university or a medical or dental unit.

(11) "Certificate program" means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle him to a certificate, associate degree from a junior college, or documentary evidence, other than a degree, of completion of a course of study from an institution of higher education, provided that programs approved by or subject to the approval of the State Board of Vocational Education are excluded from this definition.

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(12) "Recognized accrediting agency" means the Southern Association of Colleges and Schools and any other association or organization so designated by the board.

(13) "Educational and general buildings and facilities" means buildings and facilities essential to or commonly associated with teaching, research, or the preservation of knowledge. Excluded are auxiliary enterprise buildings and facilities, including but not limited to dormitories, cafeterias, student union buildings, stadiums, and alumni centers. (V.A.C.S. Art. 2919e-2, Sec. 2.)

[Sections 61.004-61.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 61.021. ESTABLISHMENT OF COORDINATING BOARD: FUNCTIONS. The Coordinating Board, Texas College and University System, is an agency of the state. It shall have its office in Austin. It shall perform only the functions which are enumerated in this chapter and which the legislature may assign to it. Functions vested in the governing boards of the respective institutions of higher education not specifically delegated to the coordinating board shall be performed by the governing boards. The coordinating functions and other duties delegated to the board in this chapter shall apply to all public institutions of higher education. (V.A.C.S. Art. 2919e-2, Sec. 3.)

Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF OFFICE. The board shall consist of 18 members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Of the initial appointments to the board six shall be for terms which shall expire August 31, 1967, six for terms which shall expire August 31, 1969, and six for terms which shall expire on August 31, 1971, or at such time as their successors are appointed and have qualified. Thereafter, the governor shall appoint members for terms of six years. Members of the Texas Commission on Higher Education are eligible for appointment to the board. No member may be employed professionally for remuneration in the field of education during his term of office. (V.A.C.S. Art. 2919e-2, Sec. 4 (part).)

Sec. 61.023. BOARD OFFICERS. The governor shall designate a chairman and vice chairman of the board. The board shall appoint a secretary of the board whose duties may be prescribed by law and by the board. (V.A.C.S. Art. 2919e-2, Sec. 4 (part), Sec. 4a.)

Sec. 61.024. COMPENSATION AND EXPENSES OF MEMBERS. Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending meetings of the board or in attending to other work of the board when that other work is approved by the chairman of the board. (V.A.C.S. Art. 2919e-2, Sec. 5.)

Sec. 61.025. QUORUM; MEETINGS; AGENDA. A majority of the membership of the board constitutes a quorum. The board shall hold regular quarterly meetings in the city of Austin, and other meetings at places and times scheduled by it in formal sessions and called by the chairman. An agenda for the meetings in sufficient detail to indicate the items on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each state institution of higher education at least 30 days prior to the meeting. (V.A.C.S. Art. 2919e-2, Sec. 6.)

Sec. 61.026. COMMITTEES AND ADVISORY COMMITTEES. The chairman may appoint committees from the board's membership as he or the board may find necessary from time to time. The board may appoint advisory committees from outside its membership as it may deem necessary. (V.A.C.S. Art. 2919e-2, Sec. 7.)

Sec. 61.027. RULES OF PROCEDURE; HEARINGS; NOTICE; MINUTES. The board shall adopt and publish rules and regulations in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes), to effectuate the provisions of this chapter. The board shall grant any institution of higher education a hearing upon request and after reasonable notice. Minutes of all meetings shall be available in the board's office for public inspection. (V.A.C.S. Art. 2919e-2, Sec. 8.)

Sec. 61.028. COMMISSIONER OF HIGHER EDUCATION; PERSONNEL; CONSULTANTS. The board shall appoint a commissioner of higher education, who shall select and supervise the board's staff and perform other duties delegated to him by the board. The commissioner shall serve at the pleasure of the board. The commissioner shall be a person of high professional qualifications having a thorough background by training and experience in the fields of higher education and administration and shall possess such other qualifications as the board may prescribe. The commissioner shall employ professional and clerical personnel and consultants as necessary to assist the board and the commissioner in performing the duties assigned by this chapter. The number of employees, their compensation and the other expenditures of the board shall be within the limits and in compliance with the appropriation made for those purposes by the legislature and within budgets that shall be approved from time to time by the board. (V.A.C.S. Art. 2919e-2, Sec. 9.)

[Sections 61.029-61.050 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 61.051. COORDINATION OF INSTITUTIONS OF PUBLIC HIGHER EDUCATION. (a) The board shall represent the highest authority in the state in matters of public higher education.

(b) The board shall define a junior college, a senior college, a university, and a university system; provided, that nothing in this section may be construed to authorize the board to establish or create any university system or to alter any university system presently existing by virtue of statute or the constitution of this state.

(c) The board shall develop and publish criteria to be used as a basis for determining the need for changing the classification of any public institution of higher education and for determining the need for new public junior colleges, public senior colleges, universities, or university systems.

(d) The board shall classify and prescribe the role and scope for each public institution of higher education in Texas, shall make such changes in classification or role and scope of each institution as it deems necessary, and shall hear applications from the institutions for changes in classification or role and scope.

(e) The board shall review periodically all degree and certificate programs offered by the institutions of higher education to assure that they meet the present and future needs of the state. The board shall also order the initiation, consolidation, or elimination of degree or certificate programs where that action is in the best interests of the institutions themselves or the general requirements of the State of Texas, or when that action offers hope of achieving excellence by a concentration of available resources. No new department, school, degree program, or certificate program may be added at any institution of higher education after September 1, 1965, except with specific prior approval of the board.

(f) The board shall encourage and develop in cooperation with the State Board of Vocational Education new certificate programs in technical and vocational education in institutions of higher education as the needs of technology and industry may demand and shall recommend the elimination of certificate programs for which a need no longer exists.

(g) The board shall develop and promulgate a basic core of general academic courses which, when offered at a junior college during the first two years of collegiate study, shall be freely transferable among all public institutions of higher education in Texas which are members of recognized accrediting agencies on the same basis as if the work had been taken at the receiving institution.

(h) The board shall make continuing studies of the needs of the state for research and for extension and public services and designate the institutions of higher education to perform research, public service, and extension programs, including limitation of extension programs for credit to specific geographic areas. The board shall also maintain an inventory of all institutional and programmatic research, extension, and public service activities being conducted by the various institutions, whether state-financed or not. Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the last preceding year. All reports required by this subsection shall be

made subject to the limitations imposed by security regulations governing defense contracts for research.

(i) The board shall develop and promote one or more degree or certificate programs to the highest attainable quality at each institution of higher education for which the particular institution is uniquely suited and for which there is marked promise of excellence. (V.A.C.S. Art. 2919e-2, Sec. 10.)

Sec. 61.052. LIST OF COURSES: ANNUAL SUBMISSION TO BOARD. Each governing board shall submit to the board once each year on dates designated by the board a comprehensive list by department, division, and school of all courses, together with a description of content, scope, and prerequisites of all these courses, that will be offered by each institution under the supervision of that governing board during the following academic year. The board may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board involved. (V.A.C.S. Art. 2919e-2, Sec. 11.)

Sec. 61.053. BOARD ORDERS; NOTICE. (a) Any order of the board affecting the classification, role and scope, and program of any institution of higher education may be entered only after:

(1) a written factual report and recommendations from the commissioner of higher education covering the matter to be acted on have been received by the board and distributed to the governing board and the administrative head of the affected institution;

(2) the question has been placed upon the agenda for a regularly-scheduled quarterly meeting; and

(3) the governing board of the affected institution has had an opportunity to be heard.

(b) Notice of the board's action shall be given in writing to the governing board concerned not later than four months preceding the fall term in which the change is to take effect. (V.A.C.S. Art. 2919e-2, Sec. 12.)

Sec. 61.054. EXPENDITURES FOR PROGRAMS DISAPPROVED BY BOARD. No funds appropriated to any institution of higher education may be expended for any program which has been disapproved by the board, unless the program is subsequently specifically approved by the legislature. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

Sec. 61.055. INITIATION OF NEW DEPARTMENTS, SCHOOLS, AND PROGRAMS. No new department, school, or degree or certificate program approved by the board or its predecessor, the Texas Commission on Higher Education, may be initiated by any institution of higher education until the board has made a written finding that the department, school, or degree or certificate program is adequately financed by legislative appropriation, by funds allocated by the board, or by funds from other sources. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

Sec. 61.056. REVIEW OF LEGISLATION ESTABLISHING ADDITIONAL INSTITUTIONS. Any proposed statute which would establish an additional institution of higher education, except a public junior college, shall be submitted, either prior to introduction or by the standing committee considering the proposed statute, to the board for its opinion as to the state's need for the institution. The board shall report its findings to the governor and the legislature. A recommendation that an additional institution is needed shall require the favorable vote of at least two-thirds of the members of the board. A recommendation of the board shall not be considered a condition precedent to the introduction or passage of any proposed statute. (V.A.C.S. Art. 2919e-2, Sec. 13 (part).)

Sec. 61.057. PROMOTION OF TEACHING EXCELLENCE. To achieve excellence in the teaching of students at institutions and agencies of higher education, the board shall:

(1) develop and recommend:

(A) minimum faculty compensation plans, basic increment programs, and incentive salary increases;

(B) minimum standards for faculty appointment, advancement, promotion, and retirement;

(C) general policies for faculty teaching loads, and division of faculty time between teaching, research, administrative duties, and special assignments;

(D) faculty improvement programs, including a plan for sabbatical leaves, appropriate for the junior and senior colleges and universities, respectively; and

(E) minimum standards for academic freedom, academic responsibility, and tenure;

(2) pursue vigorously and continuously a goal of having all college and university academic classes taught by persons holding the minimum of an earned master's degree or its equivalent in academic training, creative work, or professional accomplishment;

(3) explore, promote, and coordinate the use of educational television among institutions of higher education and encourage participation by public and private schools and private institutions of higher education in educational television;

(4) conduct, and encourage the institutions of higher education to conduct, research into new methods, materials, and techniques for improving the quality of instruction and for the maximum utilization of all available teaching techniques, devices, and resources, including but not limited to large classes, team teaching, programmed instruction, interlibrary exchanges, joint libraries, specially-designed facilities, visual aids, and other innovations that offer promise for superior teaching or for meeting the need for new faculty members to teach anticipated larger numbers of students; and

(5) assume initiative and leadership in providing through the institutions of higher education in the state those programs and offerings which will achieve the objectives set forth in Section 61.002 of this code. (V.A.C.S. Art. 2919e-2, Sec. 14.)

Sec. 61.058. CONSTRUCTION FUNDS AND DEVELOPMENT OF PHYSICAL PLANTS. To assure efficient use of construction funds and the orderly development of physical plants to accomodate projected college student enrollments, the board shall:

(1) determine formulas for space utilization in all educational and general buildings and facilities at institutions of higher education;

(2) devise and promulgate methods to assure maximum daily and year-round use of educational and general buildings and facilities, including but not limited to maximum scheduling of day and night classes and maximum summer school enrollment;

(3) consider plans for selective standards of admission when institutions of higher education approach capacity enrollment;

(4) require, and assist the public senior colleges and universities, medical and dental units, and other agencies of higher education in developing, long-range plans for campus development;

(5) endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;

(6) develop and publish standards, rules, and regulations to guide the institutions and agencies of higher education in making application for the approval of new construction and major repair and rehabilitation of educational and general buildings and facilities; and

(7) approve or disapprove all new construction and repair and rehabilitation of educational and general buildings and facilities at institutions of higher education financed from any source other than ad valorem tax receipts of the public junior colleges, provided that:

(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used and their gross dimensions to assure conformity with approved space utilization standards and the institution's approved programs and role and scope;

(B) the requirement of approval for new construction financed from other than appropriated funds applies only to projects the total cost of which is in excess of $100,000;

(C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to projects the total cost of which is in excess of $25,000; and

(D) the requirement of approval or disapproval by the board does not apply to construction, repair, or rehabilitation involving the use of constitutional funds which are authorized by Article VII, Section 11, 17, or 18, of the Texas Constitution. (V.A.C.S. Art. 2919e-2, Sec. 15.)

Sec. 61.059. APPROPRIATIONS RECOMMENDATIONS. (a) To finance a system of higher education and to secure an equitable distribution of state funds deemed to be available for higher education, the board shall perform the functions described in this section.

(b) The board shall devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature. Not later than March 1 of every even-numbered calendar year, the board shall notify the governing boards and the chief administrative officers of the respective institutions of higher education and university systems, the governor, and the Legislative Budget Board of the formulas designated by the board to be used by the institutions in making appropriation requests for the next succeeding biennium and shall certify to the governor and the Legislative Budget Board that each institution has prepared its appropriation request in accordance with the designated formulas and in accordance with the uniform system of reporting provided in this chapter. The board shall furnish any other assistance to the governor and the Legislative Budget Board in the development of appropriations recommendations as either or both of them may request. However, nothing in this chapter shall prevent or prohibit the governor, the Legislative Budget Board, the board, or the governing board of any institution of higher education from requesting or recommending deviations from any applicable formula or formulas prescribed by the board and advancing reasons and arguments in support of them.

(c) The board shall recommend to the governor and the Legislative Budget Board supplemental contingent appropriations to provide for increases in enrollment at the institutions of higher education. Contingent appropriations may be made directly to the institutions or to the board, as the legislature may direct in each biennial appropriations act. In the event the contingent appropriation is made to the board, the funds shall be allocated and distributed by the board to the institutions as it may determine, subject only to such limitations or conditions as the legislature may prescribe.

(d) The board shall recommend to the governor and the Legislative Budget Board tuition policies for public junior colleges, public senior colleges and universities, medical and dental units, and other agencies of higher education and vocational and technical programs receiving support from state funds.

(e) The board shall distribute funds appropriated to the board for allocation for specified purposes under limitations prescribed by law and the rules and regulations of the board in conformity therewith, provided that no distribution or allocation may be made to any institution of higher education which has failed or refused to comply with any order of the board as long as that failure or refusal continues.

(f) The board shall make continuing studies on its own initiative or upon the request of the governor or the Legislative Budget Board of the financial needs of public higher education and all services and activities of the institutions of higher education and issue reports to the governor and the Legislative Budget Board that result from its studies. (V.A.C.S. Art. 2919e-2, Sec. 16.)

Sec. 61.060. CONTROL OF PUBLIC JUNIOR COLLEGES. The board shall exercise, under the acts of the legislature, general control

of the public junior colleges of this state, on and after September 1, 1965. All authority not vested by this chapter or other laws of the state in the board is reserved and retained locally in each respective public junior college district or the governing board of each public junior college as provided in the applicable laws. (V.A.C.S. Art. 2919e-2, Sec. 17.)

Sec. 61.061. POLICIES, RULES, AND REGULATIONS RESPECTING JUNIOR COLLEGES. The board has the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges placed upon it by the legislature. The commissioner of higher education is responsible for carrying out these policies and enforcing these rules and regulations. (V.A.C.S. Art. 2919e-2, Sec. 18.)

Sec. 61.062. POWERS RESPECTING JUNIOR COLLEGES. (a) The board may authorize the creation of public junior college districts as provided in the applicable laws. In the exercise of this authority the board shall give particular attention to the need for a public junior college in the proposed district, and the ability of the district to provide adequate local financial support.

(b) The board may dissolve any public junior college district which has failed to establish and maintain a junior college in the district within three years from the date of its authorization.

(c) The board may adopt standards for the operation of public junior colleges and prescribe rules and regulations for them.

(d) The board may require of each public junior college whatever reports it deems necessary in accordance with its rules and regulations.

(e) The board may establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the board with respect to public junior colleges. (V.A.C.S. Art. 2919e-2, Sec. 19.)

Sec. 61.063. LISTING AND CERTIFICATION OF JUNIOR COLLEGES. The commissioner of higher education shall file with the state auditor and the state comptroller on or before October 1 of each year a list of the public junior colleges in this state. The commissioner shall certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the board. Only those colleges which are so certified shall be eligible for and may receive any appropriation made by the legislature to public junior colleges. (V.A.C.S. Art. 2919e-2, Sec. 20.)

Sec. 61.064. COOPERATIVE UNDERTAKINGS WITH PRIVATE COLLEGES AND UNIVERSITIES. The board shall:

(1) enlist the cooperation of private colleges and universities in developing a statewide plan for the orderly growth of the Texas system of higher education;

(2) encourage cooperation between public and private institutions of higher education wherever possible and may enter into cooperative undertakings with those institutions on a shared-cost basis as permitted by law;

(3) consider the availability of degree and certificate programs in private institutions of higher education in determining programs for public institutions of higher education; and

(4) cooperate with these private institutions, within statutory and constitutional limitations, to achieve the purposes of this chapter. (V.A.C.S. Art. 2919e-2, Sec. 21.)

Sec. 61.065. REPORTING; ACCOUNTING. After consultation with the governor, the state auditor, and the Legislative Budget Board, the board shall prescribe a uniform system of reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. Financial reports of the institutions of higher education shall classify accounts in accordance with the recommendation of the National Committee on the Preparation of a Manual on College and University Business Administration as set forth in Volume I of College and University Business Administration published by the American Council on Education with a copyright date of 1952, and subsequent published revisions, with such modifications as may be developed as provided by this chapter or as may be required to conform with specific provisions of the biennial appropriations acts of the legislature. The accounts of the institutions shall be maintained and audited in accordance with the approved reporting system. (V.A.C.S. Art. 2919e-2, Sec. 22.)

Sec. 61.066. STUDIES AND RECOMMENDATIONS; REPORTS. The board shall make studies and recommendations directed toward the achievement of excellence or toward improved effectiveness and efficiency in any phase of higher education in Texas and shall report on their studies and recommendations to the governor and the legislature. The officials of the institutions of higher education shall comply with requests for reports or information made by the board or the commissioner. To assure that the institutions of higher education timely file various reports with the appropriate agencies, the board shall receive and distribute the reports required by statute to be filed with the governor, the Legislative Budget Board, the state auditor, the state library, and any other state agency. (V.A.C.S. Art. 2919e-2, Sec. 23.)

Sec. 61.067. CONTRACTS. In achieving the goals outlined in this chapter and in performing the functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations and individuals. The board shall propose, foster, and encourage the use of interagency contracts among the institutions of higher education to reduce duplication and achieve better use of personnel and facilities. (V.A.C.S. Art. 2919e-2, Sec. 24.)

Sec. 61.068. GIFTS, GRANTS, DONATIONS. The board may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation, or the United States, subject to such limitations or conditions as may be provided by law. Gifts, grants, or donations of money shall be deposited in the state treasury and expended in accordance with the specific purpose for which given, under such conditions as may be imposed by the donor and as provided by law. (V.A.C.S. Art. 2919e-2, Sec. 25.)

Sec. 61.069. BOARD REPORT. The board shall make a report of its activities to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature. (V.A.C.S. Art. 2919e-2, Sec. 26.)

Sec. 61.070. DUTIES OF CENTRAL EDUCATION AGENCY NOT AFFECTED. None of the duties or functions assigned by statute to the central education agency, except those relating to public junior colleges, are affected by this chapter. (59th Legis., Ch. 12, Sec. 2 (part).)

[Sections 61.071-61.090 reserved for expansion]

SUBCHAPTER D. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE AND BAYLOR UNIVERSITY COLLEGE OF DENTISTRY

Sec. 61.091. DEFINITIONS. In this subchapter:

(1) "Bona fide Texas resident" means a person defined
* as a "resident student" in Subchapter B, Chapter 54 of this code, and rules, regulations, and interpretations promulgated under that subchapter by the board or the Commission on Higher Education.

(2) "Established public medical schools" means The University of Texas Medical Branch and Southwestern Medical School.

(3) "Undergraduate medical student" means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree.

(4) "Scholastic year of disbursement" means the period of time commencing on September 1 of each calendar year and terminating on August 31 of the next succeeding calendar year. The first scholastic year of disbursement commences on September 1, 1970, and terminates on August 31, 1971.

(5) "Average annual state tax support per undergraduate medical student enrolled at the established public medical schools" means an amount calculated by dividing the net general revenue appropriations to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of undergraduate medical students enrolled in those schools on October 15 of the fiscal year. (V.A.C.S. Art. 2919e-2.1, Sec. 1.)

Sec. 61.092. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE. The board may contract with Baylor College of Medicine for the administration, direction, and performance of all services and the

provision, maintenance, operation, and repair of all buildings, facilities, structures, equipment, and materials necessary or proper to the education, training, preparation, or instruction of bona fide Texas resident undergraduate medical students. However, nothing in this subchapter may be construed to empower the board to limit, alter, modify, or in any other manner change or approve, or negotiate for changes in or approval of, the administration, direction, and performance of these services or the provision, maintenance, operation, and repair of buildings, facilities, structures, equipment, or materials. (V.A.C.S. Art. 2919e-2.1, Sec. 2.)

Sec. 61.093. DISBURSEMENTS. (a) In the exercise of the authority described in Section 61.092 of this code, the board may disburse to Baylor College of Medicine, during each scholastic year of disbursement, an amount equal to the average annual state tax support per undergraduate medical student at the established public medical schools, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Baylor College of Medicine. However, the board may never disburse an amount exceeding the amount appropriated by the legislature for this purpose.

(b) Subject to the limitations described in Subsection (a) of this section, the board may establish, by contract with Baylor College of Medicine, the method by which the disbursement shall be accomplished, and may prescribe reasonable rules and regulations necessary to ascertain the average annual state tax support per undergraduate medical student at the established public medical schools. (V.A.C.S. Art. 2919e-2.1, Sec. 3.)

Sec. 61.094. CONTRACTS WITH BAYLOR UNIVERSITY COLLEGE OF DENTISTRY. The board may contract with the Baylor University College of Dentistry, to the extent it is owned by a nonprofit corporation distinct from the Baptist Church, for the education, training, preparation, or instruction of bona fide Texas resident undergraduate dental students enrolled for a regular schedule of courses in pursuit of a Doctor of Dentistry degree, in the same manner as provided in this subchapter for medical students, including all powers with respect to medical students, and all powers with respect to the Board and the Baylor University College of Medicine granted in this subchapter. For the purposes of this section, The University of Texas Dental Branch at Houston shall be used to calculate the average annual state tax support per undergraduate dental student. (V.A.C.S. Art. 2919e-2.1, Sec. 4.)

Sec. 61.095. RESTRICTIONS. The rights, powers, and authority granted in this subchapter shall not be subject to restriction, limitation, obligation, or requirement provided in Section 61.058 of this code or Articles 665 through 678m, inclusive, of Vernon's Texas Civil Statutes, notwithstanding any other provision in this subchapter. (V.A.C.S. Art. 2919e-2.1, Sec. 5.)

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CHAPTER 65. ADMINISTRATION OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 65.01. DEFINITIONS. In this chapter:

(1) "System" or "university system" means The University of Texas System.

(2) "Board" means the board of regents of The University of Texas System. (New.)

[Sections 65.02-65.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 65.11. BOARD OF REGENTS. The government of the university system is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (R.S. Art. 2584 (part); V.A.C.S. Art. 2584a.)

Sec. 65.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2907 (part).)

Sec. 65.13. BOARD OFFICERS. The board shall elect a chairman from its members to serve at the will of the board. The state treasurer shall be the treasurer of the university system. (R.S. Art. 2584 (part).)

Sec. 65.14. EXPENSES. The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from the available university fund. (R.S. Art. 2589.)

Sec. 65.15. SEAL. The board may make and use a common seal and may alter it at will. (R.S. Art. 2584 (part).)

[Sections 65.16-65.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 65.31. GENERAL POWERS AND DUTIES. (a) The board shall enact bylaws, rules, and regulations it deems necessary for the successful management and government of the university system.

(b) The board shall:

(1) establish the organization of the university system;

(2) determine the offices and professorships;

(3) appoint a chief executive officer for each component institution within the system, who, if the board deems it advisable, shall also discharge the duties of a professor;

(4) appoint the professors and other officers and fix their respective salaries;

(5) regulate the course of instruction and prescribe, with the advice of the faculty, the books and authorities used in the several departments; and

(6) confer the degrees and grant the diplomas usually conferred and granted by universities. (R.S. Art. 2585.)

Sec. 65.32. REMOVAL OF OFFICERS, ETC. The board may remove any officer, member of the faculty, or employee connected with the system when in its judgment the interest of the system requires the removal. (R.S. Art. 2586.)

Sec. 65.33. EMINENT DOMAIN. (a) The board has the power of eminent domain to acquire for the use of the university system any land that may be necessary and proper for carrying out its purposes in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended.

(b) Whenever the board has been made trustees by a will, instrument in writing, or otherwise of a trust for a scientific, educational, philanthropic, or charitable purpose, or other trust for a public purpose, it may act by a quorum of the board or a majority of all members. Unless otherwise directed by the terms of the will or instrument, as trustees the board may exercise for the purpose of the trust the power of eminent domain and may condemn land and other property as provided by Title 52, Revised Civil Statutes of Texas, 1925, as amended.

(c) The taking of the property is declared to be for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925. (V.A.C.S. Art. 2585b; Art. 3264b.)

Sec. 65.34. CONTRACTS. (a) All contracts with architects, plan makers, landscapers, or draftsmen, or with any other person, firm, or corporation of whatever name or designation shall be absolutely void unless approved by the signed written vote of a majority of the board in regular or called meeting assembled.

(b) All contracts for the construction or erection of permanent improvements shall be absolutely void unless made after receiving sealed competitive bids after advertisement by the chairman of the board of regents for four consecutive weeks in one or more newspapers of general circulation in the State of Texas, and the bids are considered and awards made to the lowest responsible bidder by the signed written vote of a majority of the board in a regular or called meeting assembled. The bids and awards shall be made only after the publication. (R.S. Art. 2593.)

Sec. 65.35. EXPENDITURES. All expenditures may be made by the order of the board and shall be paid on warrants from the comptroller based on vouchers approved by the chairman of the board or his delegate, or by the institutional head or his delegate of the component institution making the expenditures. (R.S. Art. 2594.)

Sec. 65.36. DONATIONS FOR PROFESSORSHIPS AND SCHOLARSHIPS. (a) Donations of property may be made for the purpose of establishing or assisting in the establishment of a professorship or scholarship in the university system or any of its institutions, either temporarily or permanently, and the donations will be governed by the rules prescribed by this section.

(b) The legal title to the property shall be vested in a person or persons, body corporate, or the State of Texas, to be held in trust for the purpose under any directions, limitations, and provisions that may be declared in writing in the donation, not inconsistent with the objects and proper management of the system or its institutions.

(c) The donor may declare and direct the manner in which the title to the property shall thereafter be transmitted from the trustee in continued succession, to be held for and appropriated to the declared purposes.

(d) The donor may declare and direct the person or class of persons who shall receive the benefit of the donation and the manner of their selection.

(e) The declarations, directions, and limitations shall not be inconsistent with the objects and proper management of the system or its institutions.

(f) In case of failure to transmit the title to the property or to bestow its use in the manner declared and directed in the donation, or in case the uses, or either of them, become impracticable from the change of circumstances, the title to the property, unless otherwise expressly directed by the donor, shall vest in this state to be held in trust to carry into effect the purposes of the donation as nearly as practicable by such agencies as may be provided therefor.

(g) The title to the property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent the loss of, or damage to, the property donated, or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

(h) Copies of the donation shall be filed with the board or the branch to which the donation applies; and the board shall report the condition and management of the property and the manner in which the trust is being administered as part of the matters reported pertaining to the institution. (R.S. Art. 2595.)

Sec. 65.37. FUNDS RECEIVED FOR TRUST SERVICES. The board may deposit in an appropriate university account all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the university system or any institution of the system. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system. (V.A.C.S. Art. 2594a.)

Sec. 65.38. NONSECTARIAN. No religious qualification shall be required for admission to any office or privilege in the university system. No course of instruction of a sectarian character shall be taught in the system. (R.S. Art. 2604.)

Sec. 65.39. MANAGEMENT OF LANDS OTHER THAN PERMANENT UNIVERSITY FUND LANDS. The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, The University of Texas System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of The University of Texas System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. (R.S. Art. 2596; V.A.C.S. Art. 2592a, Sec. 1; Art. 2603b-1.)

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CHAPTER 66. PERMANENT UNIVERSITY FUND
SUBCHAPTER A. COMPOSITION, INVESTMENT, AND USE

Sec. 66.01. PERMANENT UNIVERSITY FUND. The composition, investment, purposes, and use of the permanent university fund are governed by Article VII, Sections 10, 11, 11a, 15, and 18, of the Texas Constitution. (New.)

Sec. 66.02. AVAILABLE UNIVERSITY FUND. The dividends, interest, and other income from the permanent university fund shall constitute the available university fund. All income derived from the permanent university fund shall be deposited in the State Treasury to the credit of the available university fund within five days after receipt by any state officer, agent, or employee. (V.A.C.S. Art. 2654d, Sec. 5 (part).)

Sec. 66.03. APPORTIONMENT AND USE OF AVAILABLE FUND. (a) The reference in Article VII, Section 18, of the Texas Constitution, to "Chapter 42 of the Acts of the Regular Session of the 42nd Legislature of the State of Texas" shall be construed to mean this section.

(b) The board of regents of The University of Texas System shall expend as much of the available university fund as is appropriated by the legislature for the administration of the university lands and of the permanent university fund, the expenses to be apportioned between the two systems in proportion to their receipts of available university funds under the terms of this section.

(c) The board of directors of The Texas A&M University System shall expend one-third of all the available university fund received from the permanent university fund arising from the 1,000,000 acres of land appropriated by the constitution and the land appropriated by the Act of 1883, except income from grazing leases on university lands (less its proportion of expenses of administration and excluding any expenses of administration from grazing leases); and the board of regents of The University of Texas System shall expend the balance of the available fund, including all the income from grazing leases on university lands (less its proportion of expenses of administration). (R.S. Art. 2592.)

Sec. 66.04. VALIDITY OF BONDS PURCHASED BY BOARD. Whenever the board has purchased the bonds of any city, county, or municipality, approved by the attorney general, the certificate of the attorney general attesting their validity shall be admitted and received as prima facie evidence of the validity of the bonds; and in all cases in which the proceeds of the sale of these bonds have been received by the proper officers of the city, municipality, or county, or by the party acting for them in negotiating the sale of the bonds, the city, municipality, or county is thereafter estopped from denying the validity of the bonds and

they shall be held to be valid and binding obligations. In the case of any bonds bought under this section, premium or discount shall be distributed over the life of the bonds. (V.A.C.S. Art. 2591a, Sec. 3 (part), 4 (part).)

[Sections 66.05-66.20 reserved for expansion]

SUBCHAPTER B. PERMANENT UNIVERSITY FUND BONDS AND NOTES

Sec. 66.21. REGISTRATION. All bonds and notes issued pursuant to the provisions of Article VII, Section 18, of the Texas Constitution, as originally adopted or as amended, shall be registered by the comptroller of public accounts after they have been approved by the attorney general. (V.A.C.S. Art. 2909d, Sec. 1.)

Sec. 66.22. REFUNDING BONDS AND NOTES. Any bonds or notes issued pursuant to the constitutional provisions described in Section 66.21 of this code, or issued pursuant to this subchapter, may be refunded by the governing board which issued the bonds or notes, upon such terms and conditions, including interest rates and maturities, as may be determined by that board, provided that such terms and conditions shall not be inconsistent with the applicable constitutional provisions. Any such bonds or notes may be so refunded by the issuance of refunding bonds or notes, either to be exchanged for the bonds or notes being refunded and cancelled, or to be sold, with the proceeds to be used for the redemption and cancellation of the bonds or notes being refunded. (V.A.C.S. Art. 2909d, Sec. 2.)

Sec. 66.23. REFUNDING BONDS AND NOTES: APPROVAL; REGISTRATION. All refunding bonds or notes authorized to be issued under this subchapter and the records relating to their issuance, including any proceedings relating to the redemption of any outstanding bonds or notes, shall be submitted to the attorney general for examination, and if he finds that they have been issued in accordance with law, he shall approve them, and then they shall be registered by the comptroller of public accounts, and after such approval and registration they shall be incontestable. When any such refunding bonds or notes are issued to be exchanged for any outstanding bonds or notes, the comptroller of public accounts shall register and deliver such refunding bonds on surrender for cancellation of the bonds or notes being refunded. When any such refunding bonds or notes are sold, with the proceeds to be used for redeeming any outstanding bonds or notes, the comptroller of public accounts shall register such refunding bonds or notes, even though the bonds or notes to be redeemed shall not have been surrendered for redemption or cancellation. (V.A.C.S. Art. 2909d, Sec. 3.)

Sec. 66.24. AUTHORIZED INVESTMENTS; SECURITY FOR DEPOSITS. All bonds and notes, whether original or refunding, issued pursuant to the constitutional provisions or issued pursuant to this subchapter, shall be fully negotiable instruments, and all bonds and notes are declared to be legal and authorized investments for

banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be lawful and sufficient security for those deposits to the extent of their par value when accompanied by all unmatured coupons appurtenant to them. (V.A.C.S. Art. 2909d, Sec. 4.)

Sec. 66.25. TAX EXEMPT. The carrying out of the purposes of the constitutional provisions and of this subchapter will be performing an essential public function under the constitution, and all bonds and notes, whether original or refunding, heretofore or hereafter issued pursuant to the constitutional provisions or this subchapter, and their transfer and the income from them, including the profits made on their sale, shall at all times be free from taxation in this state. (V.A.C.S. Art. 2909d, Sec. 5.)

[Sections 66.26-66.40 reserved for expansion]

SUBCHAPTER C. MANAGEMENT OF UNIVERSITY LANDS

Sec. 66.41. MANAGEMENT OF UNIVERSITY LANDS. The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the permanent university fund. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the permanent university fund, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. (R.S. Art. 2596; V.A.C.S. Art. 2592a, Sec. 1; Art. 2603b-1.)

Sec. 66.42. DUTY OF LAND COMMISSIONER. The commissioner of the general land office shall:

(1) furnish to the board of regents complete and accurate maps and all other data necessary to show the location and condition of every tract of the university lands;

(2) furnish to the board any additional information it may require; and

(3) render to the board any possible assistance it may request in the discharge of its duties under this chapter. (R.S. Art. 2598.)

Sec. 66.43. UNIVERSITY LANDS: SURVEYS; PERSONNEL. (a) The board of regents shall cause to be done such surveying

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or resurveying of the blocks and subdivisions of the university lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed on the ground, the blocks shall be surveyed or resurveyed and divided into surveys of sections and fractional sections, and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors to do such surveying shall be employed by the board. The field notes of such surveys shall be returned to the general land office, and when correct and in accordance with law shall be approved by the commissioner of the general land office, filed in the general land office, and become archives therein.

(b) The board of regents may employ and compensate personnel the board deems necessary in connection with performance of any duties under this section or under Subchapter D of this chapter. (V.A.C.S. Art. 2603b, Sec. 1, 3 (part).)

Sec. 66.44. MANAGEMENT OF MINERALS OTHER THAN OIL AND GAS. The board of regents has the sole and exclusive management and control of all minerals, other than oil and gas, in lands set aside and appropriated to, or acquired by the permanent university fund. The board may sell, lease, and otherwise manage and control the minerals, other than oil and gas, in those lands as may seem best to it for the interests of the permanent university fund. The board may also explore and have explored and developed the minerals and may make any contract or contracts with any person, association of persons, firm, or corporation for the exploration, development, mining, production, disposition, and sale of the minerals in those lands. (R.S. Art. 2597.)

[Sections 66.45-66.60 reserved for expansion]

SUBCHAPTER D. BOARD FOR LEASE OF UNIVERSITY LANDS

Sec. 66.61. DEFINITION. As used in this subchapter, "board" means the Board for Lease of University Lands. (V.A.C.S. Art. 2603a, Sec. 1 (part).)

Sec. 66.62. BOARD FOR LEASE. (a) The Board for Lease of University Lands is composed of the commissioner of the general land office and two members of the board of regents selected by the board of regents.

(b) Neither regent member may be directly or indirectly employed by, or be an officer of or an attorney for, an oil or gas company.

(c) A majority of the board has the power to act for the board.

(d) The board shall perform the duties prescribed by this subchapter and shall keep a public record of all its proceedings. (V.A.C.S. Art. 2603a, Sec. 1 (part); Sec. 18 (part).)

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Sec. 66.63. OIL AND GAS SUBJECT TO SALE. The oil and gas in the university lands are subject to sale under the regulations, at the times, and on the terms provided in this subchapter, and under the rules and regulations adopted by the board as authorized by this subchapter, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2603a, Sec. 3.)

Sec. 66.64. PLACING OIL AND GAS ON MARKET; PUBLIC AUCTION; ADVERTISEMENT. (a) Whenever there is a demand for the purchase of oil and gas in any university land that will reasonably insure that the oil and gas may be sold advantageously, the board shall place the oil and gas in the land on the market in separate tracts of such area and extent as the board may determine most suitable for profitable marketing; but in no event shall any tract in which oil and gas is offered for as a unit exceed an area of 6,000 acres.

(b) The sale of the oil and gas shall be made at public auction held in Austin at any hour between 10 a.m. and 5 p.m.

(c) The board shall cause an advertisement to be made of the sale in two or more newspapers of general circulation in this state. The advertisement shall state the method, time, and place of sale; the primary term of the lease proposed to be executed covering any sale; the royalty to be paid; that lists describing the land to be sold may be obtained from the board; and other matters that in the judgment of the board are deemed advisable. In addition to the foregoing mandatory provisions, the board may cause the advertisement to be placed in oil and gas journals in and out of the state and to be mailed generally to persons it thinks might be interested. (V.A.C.S. Art. 2603a, Sec. 4.)

Sec. 66.65. ROYALTY; BONUS; ANNUAL RENTAL; SPECIAL FEE. (a) The oil and gas in each tract shall be offered for sale for a bonus in addition to the stipulated royalty. Each tract shall be offered separately.

(b) Each bid is subject to the royalty specified in the official advertisement preceding the sale, but in no event less than one-eighth of the gross production of oil and gas in the land; and shall further be subject to the payment of an annual rental after the first year of not less that 10 cents per acre, payable each year in advance, unless the royalties received from the land during the preceding year equal or exceed the amount of the annual rental payment.

(c) Each bid is also subject to the payment of a special fee equal to one percent of the total sum bid, which special payment shall constitute a special fund from which the board for lease shall defray the expenses of the sale, including the payment for the services of the auctioneer crying the sale and the payment of the general operating expenses in geologizing, oil field supervision, and auditing oil and gas production of university lands, including salaries and traveling expenses of persons employed by the board of regents for those purposes, and for the purpose of acquiring, constructing, and equipping a building in the city of Midland or adjacent area to house the administrative staff of the offices of University Lands, Geology and Land Agent, and such

other related agencies necessary for the management and development of university lands in West Texas.

(d) The board for lease may also direct the comptroller of The University of Texas System to transmit to the state treasurer for deposit to the credit of the permanent university fund any unexpended balances remaining in the special fund after reserving a sufficient amount in it for the payment of current expenses as set out in Subsection (c) of this section.

(e) The highest successful bidder shall pay to the commissioner of the general land office on the day the bid is accepted the full amount of bonus bid and the special fee. (V.A.C.S. Art. 2603a, Sec. 5.)

Sec. 66.66. WITHDRAWAL OF LANDS BEFORE BIDS RECEIVED. The board may withdraw any lands advertised for lease before the hour set for receiving bids. (V.A.C.S. Art. 2603a, Sec. 18 (part).)

Sec. 66.67. AWARD OF LEASE. (a) If any one of the bidders at the sale at public auction has offered a reasonable and proper price for any tract offered, not less than the price fixed by the board, the land advertised may be leased for oil and gas purposes under the terms of this subchapter and any regulations the board may prescribe, not inconsistent with the provisions of this subchapter. All bids may be rejected by the board.

(b) If the board determines that a satisfactory bid has been offered for the oil and gas, it shall make an award to the bidder offering the highest price, and a lease shall be executed by the commissioner of the general land office. A duplicate copy of the lease shall be filed in the general land office. (V.A.C.S. Art. 2603a, Sec. 7, 8(a).)

Sec. 66.68. PROVISIONS OF LEASE. (a) Each lease executed under this subchapter shall contain, and each valid and subsisting oil and gas lease previously executed by the commissioner under the source statute for this subchapter, on the application of the lessee and payment of a sum of money equal to one year's annual rental under the lease, shall be amended by written instrument to contain, the provisions prescribed by this section.

(b) Each lease shall provide that the primary term of the lease, as determined by the board prior to the promulgation of the advertisement, shall in no case exceed five years.

(c) Each lease shall provide that if oil and/or gas is being produced in paying quantities from the leased premises before the termination of the primary term, such lease shall not terminate but shall continue in force and effect as long as oil and/or gas is being so produced.

(d) Each lease shall provide that in the event production of oil or gas on the leased premises, after once obtained, shall cease for any cause within 60 days before the expiration of the primary term of such lease or at any time or times thereafter, such lease shall not terminate, if the lessee commences additional drilling or reworking operations within 60 days thereafter, and such lease shall remain in full force and effect so long as such

operations continue in good faith and in workmanlike manner, without interruptions, totaling more than 60 days during any one such operation; and if such drilling or reworking operations result in the production of oil and/or gas, such lease shall remain in full force and effect so long as oil or gas is produced therefrom in paying quantities or payment of shut-in gas well royalty or compensatory royalties is made as hereinafter provided in this subchapter.

(e) Each lease shall provide that if at the expiration of the primary term or at any time thereafter there is located on the leased premises a well or wells capable of producing gas in paying quantities and such gas is not produced for lack of a suitable market and such lease is not being otherwise maintained in force and effect, the lessee may pay as royalty $1,200 per annum for each well on the lease capable of producing gas in paying quantities, such payment to be made to the commissioner of the general land office at Austin, Texas, prior to the expiration of the primary term of the lease, or if the primary term has expired, within 60 days after lessee ceases to produce gas from such well or wells; and if such payment is made, the lease shall be considered to be a producing lease and such shut-in gas well royalty payment shall extend the term of the lease for a period of one year from the end of the primary term or from the first day of the month next succeeding the month in which production ceased; and thereafter if no suitable market for such gas exists, the lessee may extend the lease for two additional and successive periods of one year each by the payment of a like sum of money each year on or before the expiration of the extended term. Provided, however, that if, while such lease is being maintained in force and effect by payment of such shut-in gas well royalty, gas should be sold and delivered in paying quantities from a well situated within 1,000 feet of the leased premises and completed in the same producing reservoir or in any case where drainage is occurring, the right to further extend the lease by such shut-in gas well royalty payments shall cease, but such lease shall remain in force and effect for the remainder of the current one year period for which the shut-in gas well royalty has been paid, and for an additional period not to exceed a combined total of three years from the expiration of the primary term or from the first day of the month next succeeding the month in which production ceased by the payment by the lessee of compensatory royalty, at the royalty rate provided for in such university lease as would be due on an equivalent amount of like quality gas produced and delivered from the well completed in the same producing reservoir from which gas is being sold and delivered and which is situated within 1,000 feet of, or draining, the leased premises on which shut-in gas well is situated, such compensatory royalty to be paid monthly to the Commissioner of the General Land Office at Austin, Texas, beginning on or before the last day of the month next succeeding the month in which such gas is sold and delivered from the well situated within 1,000 feet of, or draining, the leased premises and completed in the same producing reservoir; provided further, that in the event such compensatory royalties paid in any 12-month

period are in a sum less than the annual shut-in gas well royalties provided for in this section, the lessee shall pay an additional sum equal to the difference within 30 days from the end of such 12-month period; provided further, that nothing herein shall relieve the lessee of the obligation of reasonable development, nor of the obligation to drill offset wells required by Section 66.75 of this code.

(f) Each lease shall provide that if, at the expiration of the primary term, production of oil and/or gas has not been obtained in paying quantities on the leased premises but drilling operations are being conducted thereon in good faith and in good and workmanlike manner, the lessee may, on or before the expiration of the primary term, file in the general land office written application to the commissioner for a 30-day extension of such lease, such application to be accompanied by a payment of $7.50 per acre for each acre in the lease, and the commissioner shall, in writing, extend such lease for a 30-day period from and after the expiration of the primary term and so long thereafter as oil or gas is produced in paying quantities from the premises; provided further, that the lessee may, so long as such drilling operations are being conducted in good faith, make like application and payment during any 30-day extended period for an additional extension of 30 days not to exceed a combined total of 180 days; provided, however, lessee may, so long as such drilling operations are being conducted in good faith, make written application to the commissioner, on or before the expiration of the initial extended period of 180 days for an additional extension of 180 days, such application to be accompanied by a payment of $50 per acre for each acre in the lease, and the commissioner shall, in writing, extend such lease for an additional 180-day period from and after the expiration of the initial extended period of 180 days, and so long thereafter as oil or gas is produced in paying quantities from the premises; provided, that no lease shall be extended under the provisions of this section for more than a total of 360 days from and after the expiration of the primary term unless production in paying quantities has been obtained. (V.A.C.S. Art. 2603a, Sec. 8(b)-1.)

Sec. 66.69. LEASE: ADDITIONAL PROVISIONS. Each oil and gas lease issued on university lands under this subchapter shall include any additional provisions and regulations, not inconsistent with the provisions of this subchapter, that the board may prescribe to preserve the interest of the state and safeguard the university funds. (V.A.C.S. Art. 2603a, Sec. 8(b)-2.)

Sec. 66.70. COMPENSATORY ROYALTIES IN LIEU OF OFFSET WELLS. (a) Subject to the provisions of this section, the commissioner of the general land office may execute agreements on behalf of the permanent university fund that provide for the payment by university land oil and gas lessees of compensatory royalty in lieu of drilling offset wells that may be required to protect a university oil and gas lease from drainage from a well or wells located on non-university lands or university lands leased at a lesser royalty situated within 1,000 feet of or draining the university-leased premises.

(b) Agreements providing for the payment of compensatory royalty must be approved by the board for lease of university lands.

(c) Any such agreement must be found by the commissioner and the board for lease to be in the best interest of the state and necessary to prevent economic waste.

(d) Nothing in an agreement shall relieve the lessee of the obligation of reasonable development or of the obligation to drill offset wells as required by Section 66.75 of this code as to other producing horizons.

(e) Beginning on the date fixed in the agreement, the lessee shall pay the compensatory royalty monthly to the commissioner at the land office in Austin.

(f) The agreement with respect to the interest of the state shall remain in force and effect as long as oil and gas, or either of them, is produced from a well located on university or non-university acreage and draining the university-leased premises.

(g) The agreement may contain other provisions the commissioner and the board for lease deem necessary to protect the interests of the permanent university fund. (V.A.C.S. Art. 2603a-1.)

Sec. 66.71. PRORATED OR REDUCED PRODUCTION CONTRACTS. Whenever in the discretion of the board it is to the best interest of the university and its permanent fund that production from any lease for a limited period of time should be prorated or reduced, the board may execute the necessary contract or contracts with the lessee or lessees and their assignees to effectuate the same and to carry out the intention of this subchapter. (V.A.C.S. Art. 2603a, Sec. 8(c).)

Sec. 66.72. EXTENSION OF PRODUCING LEASE. If oil or gas is discovered in paying quantities on any tract covered by a lease, then the lease as to that tract shall remain in force as long as oil and gas is produced in paying quantities from the tract, provided that the other provisions of this subchapter are complied with by the lessee. (V.A.C.S. Art. 2603a, Sec. 9.)

Sec. 66.73. ASSIGNMENT; RELINQUISHMENT. (a) All rights purchased may be assigned in quantities of not less than 40 acres, unless there are less than 40 acres remaining out of the tract originally leased under this subchapter, in which case the lesser area may be assigned. All assignments shall be filed in the general land office within 100 days after the date of the first acknowledgment thereof, accompanied by 10 cents an acre for each acre assigned; and if not so filed and payment made, the assignment shall be ineffective.

(b) All rights to any entire lease and to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated and filed in the land office accompanied by $1 for each area assigned; but such assignment shall not release the owners of any past due obligations theretofore accrued thereon. (V.A.C.S. Art. 2603a, Sec. 10.)

Sec. 66.74. ROYALTY PAYMENTS; INSPECTION OF RECORDS. (a) Royalty as stipulated in the sale shall be paid to the general land office at Austin for the benefit of the university permanent fund on or before the last day of each month for the preceding month during the life of the rights purchased; and it shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil produced and saved since the last report, the amount of gas produced and sold off the premises, and the market value of the oil and gas, together with a copy of gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, tanks, or pools and gas lines or gas storage.

(b) The books and accounts, receipt and discharges of all wells, tanks, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil and gas shall at all times be subject to inspection and examination by the commissioner of the general land office, the attorney general, the governor, or any member of the board of regents, or the representative of either. (V.A.C.S. Art. 2603a, Sec. 11.)

Sec. 66.75. PROTECTION FROM DRAINAGE. In every case where the area in which the oil and gas sold shall be contiguous or adjacent to land not university land, the acceptance of the bid and the sale made thereby shall constitute an obligation on the lessee to adequately protect the land leased from drainage from adjacent lands. In cases where the area in which the oil and gas is sold is contiguous to other university lands leased or sold, at a lesser royalty, the lessee shall likewise protect the state from drainage from the land so leased or sold for a lesser royalty. On failure to protect the land from drainage, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures. (V.A.C.S. Art. 2603a, Sec. 12.)

Sec. 66.76. FORFEITURE; OTHER REMEDIES; LIEN. (a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental or royalty on the production, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, or drilling, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority to access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

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(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil and gas produced upon the leased area and upon all rigs, tanks, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of the lease. (V.A.C.S. Art. 2603a, Sec. 13.)

Sec. 66.77. FILING OF RECORDS. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the general land office and constitute archives thereof. (V.A.C.S. Art. 2603a, Sec. 14 (part).)

Sec. 66.78. PAYMENTS; DISPOSITION. Payments under this subchapter shall be made to the commissioner of the general land office at Austin, who shall:

(1) transmit to the state treasurer for deposit to the credit of the permanent university fund all bonus and royalty payments;

(2) transmit to the state treasurer for deposit to the credit of the available university fund all payments for delay in drilling, all filing, assignment, and relinquishment fees, and all other payments except those described in Subdivision (3) of this section; and

(3) transmit to the comptroller of The University of Texas System the special one percent fee payment prescribed by Section 66.65(c) of this code, which shall be disbursed by the comptroller for the authorized purposes after approval thereof by the board. (V.A.C.S. Art. 2603a, Sec. 14 (part).)

Sec. 66.79. FORMS; CONTRACTS; REGULATIONS. The board shall adopt forms and contracts and shall promulgate rules and regulations, not inconsistent with the terms of this subchapter, that in its judgment will best effectuate the purpose of this subchapter and will best protect the university, its lands, and the income from the lands. (V.A.C.S. Art. 2603a, Sec. 18 (part).)

Sec. 66.80. EXPENSES OF EXECUTING THIS SUBCHAPTER. The expenses of executing the provisions of this subchapter shall be paid monthly by warrants drawn by the comptroller on the state treasury. (V.A.C.S. Art. 2603a, Sec. 16.)

CHAPTER 67. THE UNIVERSITY OF TEXAS AT AUSTIN

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CHAPTER 67. THE UNIVERSITY OF TEXAS AT AUSTIN
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 67.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at Austin.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 67.02. THE UNIVERSITY OF TEXAS AT AUSTIN. The University of Texas at Austin is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2585c, Sec. 2(a).)

[Sections 67.03-67.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 67.21. SPECIAL FEES. (a) The board may levy and collect special fees from each student as a prerequisite to registration in the university as provided by this section.

(b) The board may levy and collect from each student a compulsory group hospitalization fee of $4 for each regular semester and $2 for each term of each summer session.

(c) The board may levy and collect from each student a compulsory fee for operating, maintaining, improving, equipping, and/or constructing additions to the existing Texas Union building near Guadalupe Street, of not to exceed $10 for each regular semester and $5 for each term of each summer session, with such fees to be deposited to an account known as the Texas Union Fee Account. The activities of said Texas Union building financed in whole or in part by this fee shall be limited to those activities in which the entire student body is eligible to participate, and in no event shall any of the activities so financed be held outside of the territorial limits of the campus of The University of Texas at Austin.

(d) The fees thus collected and placed in the Texas Union Fee Account shall be placed under the control of and subject to the order of the board of directors of the Texas Union building, which board shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the same, and shall then levy the fees in such amounts as will be sufficient to meet the budgetary needs of said Texas Union building, within the limits herein fixed.

(e) The power and authority conferred by this section does not and shall not constitute in any way a limitation or restriction upon the power and authority of the board of regents under Chapter 55 of this code. (V.A.C.S. Arts. 2589c, 2589d, 2589e.)

Sec. 67.22. MILITARY TRAINING. No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university. (V.A.C.S. Art. 2585a.)

Sec. 67.23. TEXAS MEMORIAL MUSEUM. The board has the management and control of the Texas Memorial Museum. It shall be maintained as a museum and shall be an integral part of The University of Texas at Austin. (V.A.C.S. Art. 2589f.)

Sec. 67.24. RESEARCH AND EXPERIMENTATION FOR HIGHWAY DEPARTMENT. The state comptroller of public accounts may draw proper warrants in favor of the university based on vouchers or claims submitted by the university through the State Highway Department covering reasonable fees and charges for services rendered by members of the staff of the university system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, drainage, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the university in accordance with the provisions of Texas Highway Department Minute Order Number 52742, dated May 24, 1963; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the university shall be credited and deposited to local institutional funds under its control. (Acts 59th Legis., Ch. 78.)

[Sections 67.25-67.50 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS MCDONALD OBSERVATORY AT MOUNT LOCKE

Sec. 67.51. UNIT OF UNIVERSITY. The University of Texas McDonald Observatory at Mount Locke is a part of and under the direction and control of The University of Texas at Austin. (V.A.C.S. Art. 2585c, Sec. 2(b); Art. 2585d, Sec. 3(a) (part).)

[Sections 67.52-67.60 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MARINE SCIENCE INSTITUTE AT PORT ARANSAS

Sec. 67.61. UNIT OF UNIVERSITY. The University of Texas Marine Science Institute at Port Aransas is a part of and under the direction and control of The University of Texas at Austin. (V.A.C.S. Art. 2585c, Sec. 2(c); Art. 2585d, Sec. 3(a) (part).)

CHAPTER 68. THE UNIVERSITY OF TEXAS AT ARLINGTON

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CHAPTER 68. THE UNIVERSITY OF TEXAS AT ARLINGTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 68.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at Arlington.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 68.02. THE UNIVERSITY OF TEXAS AT ARLINGTON. The University of Texas at Arlington is a four-year and graduate-level coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (R.S. Art. 2620; V.A.C.S. Art. 2620a, Sec. 2 (part), 3; Art. 2621a, Sec. 1; Art. 2585c, Sec. 2(h).)

Sec. 68.03. BUILDINGS. It is the intent of the legislature that future building needs of The University of Texas at Arlington shall be financed from some source or sources other than The University of Texas' share of the principal and/or interest of and from the Permanent University Fund. (V.A.C.S. Art. 2620a, Sec. 2 (part).)

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CHAPTER 69. THE UNIVERSITY OF TEXAS AT EL PASO

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CHAPTER 69. THE UNIVERSITY OF TEXAS AT EL PASO

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 69.01. DEFINITIONS. In this chapter:

(1) "University" means The University of Texas at El Paso.

(2) "Board" means the board of regents of The University of Texas System. (New.)

Sec. 69.02. THE UNIVERSITY OF TEXAS AT EL PASO. The University of Texas at El Paso is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System. (R.S. Art. 2633 (part); V.A.C.S. Art. 2633a; V.A.C.S. Art. 2585c, Sec. 2(i).)

[Sections 69.03-69.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 69.21. ACQUISITION OF LAND. The board may acquire by purchase, exchange, or otherwise any tract or parcel of land in El Paso County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion. (V.A.C.S. Art. 2603b-3.)

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CHAPTER 70. THE UNIVERSITY OF TEXAS AT DALLAS

Sec. 70.01. UNIVERSITY AUTHORIZED. The Board of Regents of The University of Texas System shall establish and maintain a state-supported general academic institution of higher education to be known as The University of Texas at Dallas. (V.A.C.S. Art. 2606c-3.1, Sec. 1 (part).)

Sec. 70.02. LOCATION. The board shall locate The University of Texas at Dallas on a site, to be selected in Dallas County, consisting of not less than 250 acres of land that shall be donated for that purpose without cost to the State of Texas. The site may extend into any county adjacent to Dallas County. (V.A.C.S. Art. 2606c-3.1, Sec. 1 (part).)

Sec. 70.03. COURSES AND DEGREES. (a) The board may prescribe courses leading to customary degrees offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees, and their equivalents.

(b) No department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System, or its successor.

(c) Initial programs and departments shall be limited to those which existed in the Southwest Center for Advanced Studies on September 1, 1969. Approval of these programs, their expansion, and initiation of other programs shall be recommended by the board of regents and approved by the coordinating board. (V.A.C.S. Art. 2606c-3.1, Sec. 2 (part).)

Sec. 70.04 RULES AND REGULATIONS; JOINT APPOINTMENTS. The board may adopt other rules and regulations for the operation, control, and management of the university that are necessary for the conduct of the university as one of the first class. The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-3.1, Sec. 2 (part).)

Sec. 70.05. PROGRAMS AT OTHER UNIVERSITIES. It is the intent of the legislature that existing programs leading to undergraduate and graduate degrees at North Texas State University, Texas Woman's University, East Texas State University, and The University of Texas at Arlington shall never be placed at a disadvantage, curtailed, or restricted from orderly and proper expansion for any cause attributable to the establishment of, or the curricular objectives for, The University of Texas at Dallas; and that these universities shall not, as a result of the establishment of The University of Texas at Dallas, be handicapped in realizing their full potentials in quantity or quality for developing additional undergraduate and graduate programs which may from time to time be authorized by the coordinating board. (V.A.C.S. Art. 2606c-3.1, Sec. 3.)

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Sec. 70.06. LIMITATIONS ON ENROLLMENT. (a) The board may not permit the enrollment of freshman or sophomore undergraduate students at any time.

(b) The board may not permit the enrollment of junior or senior undergraduate students prior to September 1, 1975.

(c) The board may provide for the enrollment of graduate students and the awarding of graduate degrees after September 1, 1969. (V.A.C.S. Art. 2606c-3.1, Sec. 4.)

Sec. 70.07. GRANTS AND GIFTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at Dallas, and in aid of the research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-3.1, Sec. 5.)

CHAPTER 71. THE UNIVERSITY OF TEXAS AT SAN ANTONIO

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CHAPTER 71. THE UNIVERSITY OF TEXAS AT SAN ANTONIO

Sec. 71.01. THE UNIVERSITY OF TEXAS AT SAN ANTONIO. The University of Texas at San Antonio is a coeducational institution of higher education in Bexar County. The site of the university shall be on land selected by the board of regents and provided or donated for that purpose. (V.A.C.S. Art. 2606c-3, Sec. 1.)

Sec. 71.02. ORGANIZATION AND CONTROL. The organization and control of The University of Texas at San Antonio is vested in the Board of Regents of The University of Texas System. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.03. COURSES AND DEGREES. The board may prescribe courses leading to such customary degrees as are offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees and their equivalents, and that there be established a standard four-year undergraduate program; but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.04. OTHER RULES AND REGULATIONS. The board shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.05. JOINT APPOINTMENTS. The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-3, Sec. 2 (part).)

Sec. 71.06. BOARD MAY ACCEPT GRANTS AND GIFTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at San Antonio, and in aid of research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-3, Sec. 3.)

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CHAPTER 72. THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

Sec. 72.01. ESTABLISHMENT. The Board of Regents of the University of Texas System shall establish and maintain a fully state-supported coeducational institution of higher education to be known as The University of Texas of the Permian Basin. The institution shall be organized to accept only junior-, senior-, and graduate-level students, with at least 60 semester hours of accredited college or university study. (V.A.C.S. Art. 2606c-4, Sec. 1.)

Sec. 72.02. COURSES AND DEGREES. The board of regents may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and may award those degrees. It is the intent of the legislature that those degrees include bachelor's and master's degrees and their equivalents, and that there be established a standard program for this type of institution, but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.03. OTHER RULES AND REGULATIONS. The board of regents shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.04. JOINT APPOINTMENTS. The board of regents is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered. (V.A.C.S. Art. 2606c-4, Sec. 2 (part).)

Sec. 72.05. BOARD MAY ACCEPT GRANTS AND GIFTS. The board of regents may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, or any part of existing junior college facilities that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas of the Permian Basin, and in aid of research and teaching at the university. The board of regents may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university. (V.A.C.S. Art. 2606c-4, Sec. 3.)

Sec. 72.06. LOCATION. (a) The board of regents shall establish The University of Texas of the Permian Basin at a site consisting of at least 200 acres, unless otherwise specifically acceptable to the board.

(b) The site shall, within a reasonable length of time, be accessible to roads, and shall be accessible to required utilities at the perimeter of the site. The site shall be accessible to, and within a reasonable distance of, the present site of the Odessa College Campus in Odessa.

(c) The board shall select a site which is in Ector County; however, the site may extend into an adjoining county. If, within the discretion of the board, those sites made available within the provisions of this chapter are not suitable and other sites are suitable, then the board may accept and acquire a similar site wholly or partly in an adjoining county; however, that site may not be outside a 12-mile radius from the present campus of Odessa College in Odessa.

(d) The board is authorized to accept and acquire and shall accept and acquire a site for such college within the provisions of this chapter and the land for the site shall be deeded by proper conveyance free and clear of debt, to the state.

(e) The board shall in no event delay the acquisition of land for the institution created by the provisions of this chapter later than December 31, 1969.

(f) The board must follow the provisions of this chapter with respect to site and any decision reached to the contrary shall be null and void and all laws to the contrary are hereby expressly repealed. (V.A.C.S. Art. 2606c-4, Sec. 4.)

CHAPTER 73. THE UNIVERSITY OF TEXAS AT HOUSTON

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CHAPTER 73. THE UNIVERSITY OF TEXAS AT HOUSTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 73.001. COMPOSITION. The University of Texas at Houston is composed of the following component institutions under the management and control of the board of regents of The University of Texas System:

(1) The University of Texas Medical School at Houston;

(2) The University of Texas Dental Branch at Houston;

(3) The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston;

(4) The University of Texas Graduate School of Biomedical Sciences at Houston;

(5) The University of Texas School of Public Health at Houston; and

(6) other institutions and activities assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(d).)

[Sections 73.002-73.050 reserved for expansion]

SUBCHAPTER B. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON

Sec. 73.051. SHORT TITLE. This subchapter may be cited as the Brooks-Bass Medical Training Act of 1969. (V.A.C.S. Art. 2606c-1.1, Sec. 1.)

Sec. 73.052. ESTABLISHMENT; SCOPE. The board of regents shall establish and maintain The University of Texas Medical School at Houston, a component institution of the university system located in Harris County. The board may provide for the training and teaching of medical students, medical technicians, and other technicians in the practice of medicine. (V.A.C.S. Art. 2606c-1.1, Sec. 2.)

Sec. 73.053. TRANSFER OF DIVISION OF CONTINUING EDUCATION. The board may transfer the division of continuing education from The University of Texas Graduate School of Biomedical Sciences at Houston to The University of Texas Medical School at Houston. After the transfer, all appropriations, assets, funds, property, and equipment owned or held by the division of continuing education shall be owned, held, and controlled by The University of Texas Medical School at Houston. (V.A.C.S. Art. 2606c-1.1, Sec. 3.)

Sec. 73.054. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-1.1, Sec. 5.)

Sec. 73.055. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-1.1, Sec. 6.)

Sec. 73.056. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-1.1, Sec. 7.)

Sec. 73.057. TEACHING HOSPITAL. A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school. (V.A.C.S. Art. 2606c-1.1, Sec. 8.)

[Sections 73.058-73.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS M. D. ANDERSON HOSPITAL AND TUMOR INSTITUTE AT HOUSTON

Sec. 73.101. LOCATION. The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston is located in the Texas Medical Center in the city of Houston. (V.A.C.S. Art. 2603e, Sec. 1; Art. 2603f, Sec. 1 (part).)

Sec. 73.102. PURPOSE. The institution and its substations shall be devoted to the diagnosis, teaching, study, prevention, and treatment of neoplastic and allied diseases. (V.A.C.S. Art. 2603e, Sec. 5.)

Sec. 73.103. PRESIDENT. (a) The board of regents shall appoint a president of the institution.

(b) To be qualified for appointment as president, a person must be a licensed physician possessing an M.D. degree with at least five years of experience practicing medicine.

(c) The president has charge of the operation and conduct of the institution and has any other powers and duties conferred on him by the board. (V.A.C.S. Art. 2603e, Sec. 2.)

Sec. 73.104. MEDICAL STAFF. The medical staff of the institution shall be selected and employed by the board on the

recommendation of the president, and may be discharged in like manner. (V.A.C.S. Art. 2603e, Sec. 3.)

Sec. 73.105. DIAGNOSTIC AND TREATMENT SUBSTATIONS. The board may establish and maintain diagnostic and treatment substations as deemed expedient from time to time. The location, erection, operation, and management of the substations are under the control and direction of the board, subject to the other provisions of this subchapter. The substations and the main institution shall conform to the standards of the American College of Surgeons and the American Medical Association. (V.A.C.S. Art. 2603e, Sec. 4.)

Sec. 73.106. PATIENTS. Except to the extent of any conflict with this subchapter, the provisions of Chapter 152, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 3196a, Vernon's Texas Civil Statutes), govern the admission of patients to the institution and its substations, the support of patients, and other matters relating to patients. (V.A.C.S. Art. 2603e, Sec. 6.)

Sec. 73.107. ADMISSION: RULES AND REGULATIONS; APPROVAL OF PRESIDENT. (a) Admission to the institution and its substations is subject to rules and regulations promulgated from time to time by the president.

(b) No person shall be admitted until the president is satisfied that all requirements of this subchapter and the rules and regulations of the president have been met. (V.A.C.S. Art. 2603e, Sec. 7 (part), 9.)

Sec. 73.108. APPLICATION. (a) Admission is subject to the written application of the patient, the guardian of the patient, or some friend or relative of the patient.

(b) The written application shall be on forms prescribed by the president and shall include:

(1) the patient's name, age, sex, and national origin;

(2) the patient's residence address or addresses for at least the two-year period preceding the date of the application;

(3) the patient's occupation, trade, profession, or employment;

(4) the names and addresses of the patient's parents, children, brothers, sisters, and other responsible relatives, if any;

(5) the names, addresses, and ages of any relatives who are or who may have been similarly afflicted;

(6) a complete statement of the location, description, and value of any real or personal property owned, possessed, or held by the patient or his guardian;

(7) the name of each person legally liable for the support of the patient and a statement of the location, description, and value of any real or personal property owned, possessed, or held by that person; and

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(8) any other information or statements that may be required by the president.

(c) Each application shall be accompanied by a written request for the patient's admission by his attending physician which includes:

(1) a statement that he has adequately examined the patient and that the patient has, or is suspected of having, a neoplasm or allied disease;

(2) a statement indicating the duration of the disease, if known, and indicating any accompanying bodily disorder or disorders the patient may have at the time of the application; and

(3) any other information that may be required by the president. (V.A.C.S. Art. 2603e, Sec. 7 (part), 8.)

Sec. 73.109. FEE SCHEDULE. The president shall establish a schedule of minimum fees and charges conforming to the fees and charges customarily made for similar services in the community in which the services are rendered. (V.A.C.S. Art. 2603e, Sec. 10.)

Sec. 73.110. GIFTS AND GRANTS. The board may accept gifts and grants of money from other than state sources for the benefit of the institution and its substations. (V.A.C.S. Art. 2603e, Sec. 12.)

Sec. 73.111. ACCEPTANCE OF LAND IN MEDICAL CENTER. The board may accept for and in behalf of the State of Texas title by proper conveyance or conveyances to any land located in the Texas Medical Center for the operation and maintenance of the program of the institution. (Art. 2603f, Sec. 1 (part).)

[Sections 73.112-73.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS GRADUATE SCHOOL OF BIOMEDICAL SCIENCES AT HOUSTON

Sec. 73.151. DEAN. (a) The University of Texas Graduate School of Biomedical Sciences at Houston is under the direction of a dean appointed by the board of regents.

(b) To be qualified for appointment as dean, a person must have a doctor of medicine degree or a doctor of philosophy degree in one of the biomedical sciences.

(c) The dean is responsible through the chancellor or other executive officer of the system to the board. (V.A.C.S. Art. 2603f-2, Sec. 1.)

Sec. 73.152. SCOPE; DEGREE PROGRAMS; RULES AND REGULATIONS. (a) The board of regents may prescribe courses and conduct graduate and postdoctoral programs at the master's and doctoral levels in the sciences and other academic areas directly related to medical education and research, but the board shall not operate this institution as a general academic graduate school. The degree programs to be offered by the graduate school are subject to approval by the Coordinating Board, Texas College and University System.

(b) The board of regents may make rules and regulations necessary for the operation, control, and management of the graduate school. (V.A.C.S. Art. 2603f-2, Sec. 2.)

Sec. 73.153. GIFTS AND GRANTS. The board may accept and administer grants and gifts from any source for the benefit of the graduate school. (V.A.C.S. Art. 2603f-2, Sec. 3.)

Sec. 73.154. RESEARCH AND GRADUATE INSTRUCTION; JOINT APPOINTMENTS. (a) The board may expend funds appropriated by the legislature to the graduate school and grant, gift, and contract funds of the school in support of research and graduate instruction, within approved areas and programs, to be carried out either in its own facilities or in the facilities of other component units of The University of Texas at Houston.

(b) The board may make joint appointments in the graduate school and in one or more of the other component units of The University of Texas System. The salary of a person who is receiving a joint appointment shall be apportioned to the different units on the basis of services rendered. (V.A.C.S. Art. 2603f-2, Sec. 4.)

Sec. 73.155. AFFILIATION AND COOPERATION WITH OTHER UNITS. The graduate school shall maintain the closest possible affiliation with the science programs at The University of Texas at Austin and with the other medical units of The University of Texas System. It shall cooperate with other institutions, private and public, in furtherance of research in the biomedical sciences and related fields. (V.A.C.S. Art. 2603f-2, Sec. 5.)

Sec. 73.156. DIVISION OF CONTINUING EDUCATION. The board may establish as a part of the graduate school a separate division of continuing education for physicians. (V.A.C.S. Art. 2603f-2, Sec. 6.)

[Sections 73.157-73.200 reserved for expansion]

SUBCHAPTER E. THE UNIVERSITY OF TEXAS SCHOOL OF PUBLIC HEALTH AT HOUSTON

Sec. 73.201. LOCATION. The University of Texas School of Public Health at Houston is located in the Texas Medical Center in the city of Houston. (V.A.C.S. Art. 2603f, Sec. 1 (part); Art. 2585c, Sec. 2(e).)

Sec. 73.202. GIFTS AND DONATIONS. The board of regents may accept gifts and donations for the benefit of the school. (V.A.C.S. Art. 2603f, Sec. 2 (part).)

[Sections 73.203-73.300 reserved for expansion]

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL BRANCH AT HOUSTON

Sec. 73.301. COMPOSITION, LOCATION. The University of Texas Dental Branch at Houston is composed of The University of Texas Dental School at Houston, The University of Texas Dental Science Institute at Houston, The University of Texas School of Dental Hygiene at Houston, The University of Texas Postgraduate School of Dentistry at Houston, and other institutions and activities assigned to it from time to time. It is located in the Texas Medical Center. (V.A.C.S. Art. 2585c, Sec. 2(f) and (g); Art. 2585d, Sec. 3(c); Art. 2623b-1.)

Sec. 73.302. PURPOSE. The principal purpose of the dental school is to teach the subjects of dental education that will give a thorough knowledge of dentistry and related subjects and that meet the requirements of the Council on Dental Education, the American Association of Dental Schools, and other educational associations of similar standards concerned with dental education. (V.A.C.S. Art. 2623b-2.)

Sec. 73.303. FACULTY. The board of regents shall appoint the faculty of the dental school. (V.A.C.S. Art. 2623b-3.)

Sec. 73.304. COURSES AND DEGREES; RULES AND REGULATIONS. (a) The board may confer degrees and issue diplomas, and may fix a standard of grades for students.

(b) The dental school shall have regular courses leading to degrees and special courses deemed necessary by the board.

(c) The board may make other rules and regulations it deems necessary for the proper control and management of the dental school. (V.A.C.S. Art. 2623b-4.)

Sec. 73.305. GIFTS AND GRANTS. The board may accept gifts and grants from any source for the benefit of the dental branch. (V.A.C.S. Art. 2623b-6.)

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CHAPTER 74. OTHER MEDICAL, DENTAL, AND NURSING UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

Sec. 74.001. COMPOSITION. The University of Texas Medical Branch at Galveston is composed of the following component institutions under the control and management of the Board of Regents of The University of Texas System:

(1) **The University of Texas Medical School at Galveston, including:**

(A) the Graduate School;

(B) the School of Allied Health Sciences; and

(C) the Marine Biomedical Institute;

(2) The University of Texas Hospitals at Galveston, including:

(A) John Sealy Hospital;

(B) Children's Hospital;

(C) Marvin L. Graves Hospital;

(D) Randall Pavilion;

(E) Moody State School for Cerebral Palsied Children;

(F) R. Waverly Smith Pavilion;

(G) Jennie Sealy Hospital;

(H) John W. McCullough Outpatient Clinic;

(I) Rebecca Sealy Outpatient Facility; and

(J) Rosa and Henry Ziegler Hospital; and

(3) other institutions that may be assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(b).)

Sec. 74.002. JENNIE SEALY HOSPITAL; R. WAVERLY SMITH PAVILION. (a) The Jennie Sealy Hospital and the R. Waverly Smith Pavilion shall be operated by the medical branch as integral parts of its hospital operations, but without cost or expense to the medical branch or to the state for maintenance, operations, repairs, or otherwise.

(b) Title to those facilities shall remain in the name of the Sealy-Smith Foundation; and the property shall not be sold, granted, leased, or in any manner conveyed to the medical branch or to the university system.

(c) Except as otherwise provided in this section, the land on which Jennie Sealy Hospital is situated (Lots 11, 12, 13, and 14, Block 667, city of Galveston, Galveston County, Texas, conveyed to the Sealy-Smith Foundation by the board of regents) shall be used as the site of the Jennie Sealy Hospital, and in the event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents and the trustees of the Sealy-Smith Foundation, the purpose or use of these facilities may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school. However, no agreement shall be made which will impose on the medical branch or the state any obligation for maintenance, operation, repairs, or otherwise. (V.A.C.S. Art. 2603h, Sec. 1-7.)

Sec. 74.003. LAND ACQUISITION. The board may acquire by donation or deed of gift, for the use and benefit of the medical

branch, any and all properties contiguous or adjacent, or both, to the campus of the medical branch when the lands are deemed necessary for campus expansion. (Acts 59th Legis., Ch. 71, Sec. 1.)

[Sections 74.004-74.050 reserved for expansion]

SUBCHAPTER B. MOODY STATE SCHOOL FOR CEREBRAL PALSIED CHILDREN

Sec. 74.051. MOODY STATE SCHOOL FOR CEREBRAL PALSIED CHILDREN. The Moody State School for Cerebral Palsied Children is under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 3254c, Sec. 1 (part); Art. 3254c-1; Art. 3254c-2.)

Sec. 74.052. PURPOSE OF SCHOOL. The purpose of the school is to provide for the diagnosis, care, and education of persons afflicted with cerebral palsy. (V.A.C.S. Art. 3254c, Sec. 2.)

Sec. 74.053. SUPERINTENDENT, OFFICERS, EMPLOYEES. (a) The board of regents shall appoint a well-educated person as superintendent of the school and shall determine his salary and his duties. The board may remove him for reasons it deems sufficient.

(b) The superintendent may appoint and remove the subordinate officers and employees, the number and salaries of whom shall be fixed by the board.

(c) The superintendent is responsible to the board for the details of management of the school. He shall exercise the power conferred on him by law with the approval and consent of the board. (V.A.C.S. Art. 3254c, Sec. 3.)

Sec. 74.054. RULES AND REGULATIONS. The superintendent, with the approval of the board of regents, shall make the necessary rules and regulations for the government and management of the school. (V.A.C.S. Art. 3254c, Sec. 12.)

Sec. 74.055. PERSONS WHO MAY BE ADMITTED; CLASSIFICATION. (a) A person afflicted with cerebral palsy who has been a citizen of this state and of the county from which he comes at the time of filing his application with the county judge as provided by this subchapter shall be admitted to the school.

(b) A "citizen of this state" is defined to be any person who has actually resided in the state with the bona fide intention of being a citizen of the state for a period of 12 months immediately preceding the date of the application.

(c) Students admitted to the school shall be classified as:

(1) indigent public students;

(2) non-indigent public students; and

(3) private students.

(d) Indigent public students are those who possess no property of any kind and have no one legally liable for their support and able to reimburse the state.

(e) Non-indigent public students are those who possess some property out of which the state may be reimbursed or who have someone legally liable for their support and able to reimburse the state. (V.A.C.S. Art. 3254c, Sec. 4.)

Sec. 74.056. PRIVATE STUDENTS. (a) Private students may be admitted to the school on the application of a parent, guardian, or friend under regulations prescribed by the board and the superintendent not in conflict with the provisions of this subchapter.

(b) A private student shall be kept and maintained at the school at his own expense or at the expense of his parent, guardian, relative, or friend. For the board, care, and education of private students, the superintendent shall make a special contract at the rate set by the board of regents. At the time of admission of a private student, the agreed fee must be paid in advance for six months, and bond and security must be given for the prompt payment of all future expenses of the student.

(c) Payments under this section shall be made to the school, which shall give receipt for the payments and shall use them for the maintenance and improvement of the school. (V.A.C.S. Art. 3254c, Sec. 6.)

Sec. 74.057. PREFERENCE AS BETWEEN APPLICANTS. When application is made for more students than can be admitted, the superintendent shall give preference to indigent public students over non-indigent public students, and shall at all times give preference to both of those classes over private students. (V.A.C.S. Art. 3254c, Sec. 5.)

Sec. 74.058. APPLICATION. (a) The parent, guardian, or friend of a person for whom admission is sought may make application in writing and under oath to the county judge of the county where the person for whom admission is sought resides.

(b) The application shall state as to the person for whom admission is sought:

(1) the name, age, sex, and national origin;

(2) his occupation, trade, or employment;

(3) his residence address or addresses for the three years immediately preceding the date of the application;

(4) the name and address of any living parent or guardian;

(5) the name and address of the husband or wife, if any;

(6) the name, address, age, and sex of each child, if any;

(7) a description and estimated value of any property interest;

(8) the name and address of each person liable for his support, if any, and a description and estimated value of any property owned by that person; and

(9) the name and address of any relative who is or was similarly afflicted, insane, inebriate, consumptive, or criminal. (V.A.C.S. Art. 3254c, Sec. 7.)

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Sec. 74.059. CERTIFICATE OF PHYSICIAN. The application shall be accompanied by a certificate of a reputable practicing physician stating that he has carefully examined the person for whose admission application is made and that the person is afflicted with cerebral palsy. The certificate shall also show the present physical condition of the applicant and any special and other information that would be helpful to the superintendent in the care and education of the person. (V.A.C.S. Art. 3254c, Sec. 8.)

Sec. 74.060. DUTIES OF COUNTY JUDGE. (a) The county judge shall certify that the physician making the certificate is a reputable physician actively engaged in the practice of his profession and has complied with the laws of this state granting license to physicians to practice medicine.

(b) If the judge is not satisfied as to the showing made in the application and certificate, or either, he may subpoena witnesses and examine them under oath as to those matters.

(c) If it appears to the county judge that the person is entitled to admission to the school, he shall forward an application to the superintendent of the school for admission of the person as an indigent or non-indigent student, as the judge determines on careful investigation. The application shall be accompanied with full copy of the proceedings had in the case, and the original shall be filed in the office of the county clerk.

(d) The county judge shall see that each student admitted to the school is supplied with three full suits of substantial clothing. (V.A.C.S. Art. 3254c, Sec. 9.)

Sec. 74.061. EXPENSES. The cost of the clothing and the transportation of an indigent public student and the expenses and compensation of the necessary escort shall be paid by the county from which the student is sent. Non-indigent public students shall pay for the clothing, transportation, and escort. In no case shall the escort be entitled to charge or receive more than $2 a day and expenses actually necessary in going to and returning from the school. (V.A.C.S. Art. 3254c, Sec. 10.)

Sec. 74.062. SUPPORT OF INDIGENT PUBLIC STUDENTS. Indigent public students shall be supported entirely at the expense of the state. (V.A.C.S. Art. 3254c, Sec. 11 (part).)

Sec. 74.063. SUPPORT OF NON-INDIGENT PUBLIC STUDENTS; REIMBURSEMENT; SUIT. (a) Each non-indigent public student shall be kept and maintained at the expense of the state in the first instance; but the state has the right to be reimbursed for the support of a non-indigent student, and the claim of the state for support constitutes a valid lien against any property of the student, or in case he has a guardian, against his estate, or against the person or persons who may be legally liable for his support and financially able to contribute to his support.

(b) The claim may be collected by suit or other proceedings in the name of this state by the county or district attorney of

the county from which the student is sent, against the student, his guardian, or the person or persons liable for his support, as the case may be.

(c) The suit or proceeding shall be instituted on the written request of the superintendent, accompanied by his certificate as to the amount due the state, which shall in no case exceed the sum set by the board of regents. The certificate of the superintendent shall be sufficient evidence of the amount due the state for the support of the student.

(d) The county or district attorney shall institute and conduct the suit or proceedings, for which he is entitled to a commission of 10 percent of the amount collected. The county or district attorney shall pay all money so collected, less the commission, to the board of regents, which shall receive and give receipt for the payment and shall use the money for maintenance and improvement of the school. (V.A.C.S. Art. 3254c, Sec. 11 (part).)

[Sections 74.064-74.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL SCHOOL AT DALLAS

Sec. 74.101. COMPONENT INSTITUTION. The University of Texas Southwestern Medical School at Dallas is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2606b, Sec. 1, 1a, 3 (part).)

Sec. 74.102. COURSES AND DEGREES; RULES AND REGULATIONS. The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class. (V.A.C.S. Art. 2606b, Sec. 2.)

Sec. 74.103. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and leases, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed. (V.A.C.S. Art. 2606b, Sec. 4 (part).)

Sec. 74.104. ENTERING CLASSES. The medical school shall admit at least 100 students in each entering class. (V.A.C.S. Art. 2606b, Sec. 5.)

Sec. 74.105. LEASE OF LAND FOR HOSPITAL, ETC. (a) The board may lease to nonprofit charitable, scientific, or educational corporations organized under the laws of the State of Texas, or to any governmental agency or agencies, a tract or tracts of land situated in Dallas County out of land previously deeded by Southwestern Medical Foundation to the State of Texas.

(b) A lease under this section shall be on the terms, conditions, and provisions and for a period of years determined by the board. No lease shall be for a term of more than 99 years.

(c) A lease under this section shall be made only to a nonprofit corporation or governmental agency for the purpose of constructing, maintaining, and operating a hospital, hospitals, or public health centers and services; or for the purpose of constructing, maintaining, and operating dormitories and housing facilities for students attending the medical school or persons employed by and in institutions located on the property.

(d) In no event shall the State of Texas or The University of Texas System be liable, directly or indirectly, for any expense or cost in connection with the construction, operation, and maintenance of any building or other improvement placed on the leased premises by any lessee. (V.A.C.S. Art. 2603g.)

[Sections 74.106-74.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO

Sec. 74.151. COMPONENT INSTITUTION. The University of Texas Medical School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2585c, Sec. 2(d); Art. 2606c, Sec. 1 (part).)

Sec. 74.152. COURSES AND DEGREES; RULES AND REGULATIONS. The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class. (V.A.C.S. Art. 2606c, Sec. 2.)

Sec. 74.153. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government, any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and money, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed. (V.A.C.S. Art. 2606c, Sec. 3.)

Sec. 74.154. TEACHING HOSPITAL. A teaching hospital deemed suitable by the board shall be provided by the city or county within one mile of the campus of the medical school. It shall be maintained without cost to the state. (V.A.C.S. Art. 2606c, Sec. 1 (part).)

[Sections 74.155-74.200 reserved for expansion]

SUBCHAPTER E. MEDICAL SCHOOL TO BE ESTABLISHED AND LOCATED BY BOARD OF REGENTS

Sec. 74.201. ESTABLISHMENT AND LOCATION; NAME; SCOPE. (a) The board of regents may establish and maintain an additional medical branch of the university system at any location in the state. However, the location of the medical school must be determined by the board to be in the best interests of the people of the State of Texas and must be approved by the Coordinating Board, Texas College and University System. The school so established shall be known by a name designated by the board. The board is prohibited, however, from establishing this medical school in the same county that maintains or operates the main campus of any public or private medical school on September 1, 1969.

(b) The board may provide for the teaching and training of medical students, medical technicians, and other technicians in the practice of medicine. (V.A.C.S. Art. 2606c-1.1, Sec. 4.)

Sec. 74.202. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-1.1, Sec. 5.)

Sec. 74.203. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-1.1, Sec. 6.)

Sec. 74.204. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings,

libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-1.1, Sec. 7.)

Sec. 74.205. TEACHING HOSPITAL. A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school. (V.A.C.S. Art. 2606c-1.1, Sec. 8.)

[Sections 74.205-74.250 reserved for expansion]

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL SCHOOL AT SAN ANTONIO

Sec. 74.251. COMPONENT INSTITUTION. The University of Texas Dental School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System. (V.A.C.S. Art. 2603f-3, Sec. 1 (part).)

Sec. 74.252. TRAINING AND TEACHING. The board may provide for the training and teaching of dental students, dental technicians, and other technicians related to the practice of dentistry. (V.A.C.S. Art. 2603f-3, Sec. 1 (part).)

Sec. 74.253. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American dental schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2603f-3, Sec. 2.)

Sec. 74.254. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of a person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2603f-3, Sec. 3.)

Sec. 74.255. GIFTS AND GRANTS. The board may accept gifts and grants from any source for the benefit of the dental school. (V.A.C.S. Art. 2603f-3, Sec. 4.)

[Sections 74.256-74.300 reserved for expansion]

SUBCHAPTER G. THE UNIVERSITY OF TEXAS (CLINICAL) NURSING SCHOOL AT SAN ANTONIO

Sec. 74.301. ESTABLISHMENT; PURPOSE. The board of regents may establish and maintain in Bexar County The University of Texas (Clinical) Nursing School at San Antonio, a clinical nursing school for the education of nursing students. (V.A.C.S. Art. 2606c-2, Sec. 1 (part).)

Sec. 74.302. HOSPITAL FACILITIES AND SERVICES. All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently. (V.A.C.S. Art. 2606c-2, Sec. 1 (part).)

Sec. 74.303. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-2, Sec. 2.)

Sec. 74.304. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class, not in conflict with Section 74.302 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered. (V.A.C.S. Art. 2606c-2, Sec. 4.)

Sec. 74.305. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-2, Sec. 5.)

Sec. 74.306. LIBERAL ARTS COURSES PENDING ESTABLISHMENT. While the nursing school is being established, students may take the prerequisite liberal arts courses prescribed by the nursing school. (V.A.C.S. Art. 2606c-2, Sec. 3.)

[Sections 74.307-74.350 reserved for expansion]

SUBCHAPTER H. THE UNIVERSITY OF TEXAS (UNDERGRADUATE) NURSING SCHOOL AT EL PASO

Sec. 74.351. ESTABLISHMENT; PURPOSE. The board of regents may establish and maintain in El Paso County The University of Texas (Undergraduate) Nursing School at El Paso, a four-year school for the education of nursing students. (V.A.C.S. Art. 2606c-2.1, Sec. 1 (part).)

Sec. 74.352. HOSPITAL FACILITIES AND SERVICES. All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently. (V.A.C.S. Art. 2606c-2.1, Sec. 1 (part).)

Sec. 74.353. COURSES AND DEGREES; RULES AND REGULATIONS. The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class. (V.A.C.S. Art. 2606c-2.1, Sec. 2.)

Sec. 74.354. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS. The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional
* school of the first class, not in conflict with Section 74.352 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered. (V.A.C.S. Art. 2606c-2.1, Sec. 3.)

Sec. 74.355. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school. (V.A.C.S. Art. 2606c-2.1, Sec. 4.)

CHAPTER 75. OTHER UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

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CHAPTER 75. OTHER UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE INSTITUTE OF TEXAN CULTURES

Sec. 75.001. INSTITUTE OF TEXAN CULTURES. The Institute of Texan Cultures and the Texas State Exhibits Building at HemisFair 1968, and all land and improvements related to them, are under the management and control of the board of regents. (59th Legis., Ch. 443, Sec. 8(a), as amended.)

Sec. 75.002. PURPOSE OF INSTITUTE. The institute shall continue to be used principally as a center concerned with subjects relating to the history and culture of the people of Texas, with collecting, organizing, and interpreting information on Texas subjects, and with producing films, filmstrips, slides, tapes, publications, and exhibits on these subjects for statewide use on television, in classrooms, in museums, and at public gatherings for the benefit of the people of Texas. (59th Legis., Ch. 443, Sec. 8(c), as amended.)

Sec. 75.003. GIFTS OF LAND. The board may accept gifts of land for the benefit of the institute. (59th Legis., Ch. 443, Sec. 8(b), as amended.)

[Sections 75.004-75.100 reserved for expansion]

SUBCHAPTER B. INSTITUTE FOR URBAN STUDIES

Sec. 75.101. CREATION OF INSTITUTE; LOCATION. The board of regents of The University of Texas System shall establish and maintain an institute for urban studies in the Fort Worth-Dallas metropolitan area. (V.A.C.S. Art. 2606d, Sec. 1.)

Sec. 75.102. ADMINISTRATION. The administration of the institute for urban studies shall be under the direction of the chancellor and board of regents of The University of Texas System. The administrative officer of the institute shall be appointed by the chief academic executive of his university with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 75.103. ROLE AND SCOPE OF INSTITUTE. The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 75.104. CORRELATION OF PROGRAMS. In order to correlate the programs offered by the institute and the institute established by the University of Houston under Subchapter D, Chapter 111, of this code, there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 75.105. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the chief academic executive of the university and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

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SUBTITLE D. THE TEXAS A & M UNIVERSITY SYSTEM
CHAPTER 85. ADMINISTRATION OF THE TEXAS A & M UNIVERSITY SYSTEM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 85.01. DEFINITIONS. In this chapter:

(1) "System" or "university system" means The Texas A & M University System.

(2) "Board" means the board of directors of The Texas A & M University System. (New.)

[Sections 85.02-85.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 85.11. BOARD OF DIRECTORS. The government of the university system is vested in a board of nine directors appointed by the governor with the advice and consent of the senate. (R.S. Art. 2610 (part); V.A.C.S. Art. 2607a, Sec. 2, 3.)

Sec. 85.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2907 (part).)

Sec. 85.13. CERTIFICATE OF APPOINTMENT. The secretary of state shall forward a certificate to each director within 10 days after his appointment, notifying him of the fact of his appointment. If any person so appointed and notified fails for 10 days to give notice to the governor of his acceptance, his appointment shall be deemed void and his place shall be filled as in the case of a vacancy. (R.S. Art. 2611.)

Sec. 85.14. PRESIDENT OF BOARD. The board shall elect from its members a president of the board, who shall call the board together for the transaction of business whenever he deems it expedient. (R.S. Art. 2610 (part).)

Sec. 85.15. EXPENSES OF DIRECTORS. The directors shall serve without compensation but are entitled to reimbursement for actual expenses incurred in attending board meetings and in transacting the official business of the board. (R.S. Art. 2612.)

Sec. 85.16. SEAL. The board may make and use a common seal. (R.S. Art. 2610 (part).)

[Sections 85.17-85.20 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

Sec. 85.21. GENERAL POWERS AND DUTIES. The board shall make bylaws, rules, and regulations it deems necessary and proper

for the government of the university system and its institutions, agencies, and services. The board shall regulate the course of study and prescribe the course of discipline necessary to enforce the faithful discharge of the duties of the officers, faculty, and students. (R.S. Art. 2613, subd. 6.)

Sec. 85.22. EXPENDITURES. All expenditures may be made by order of the board and shall be paid on warrants from the comptroller based on vouchers approved by the president of the board or by some officer or officers designated by him in writing to the comptroller. (R.S. Art. 2613, subd. 9.)

Sec. 85.23. PERMANENT IMPROVEMENTS; CONTRACTS; LAND TRANSACTIONS. (a) The board may contract with persons, firms, or corporations for the purchase, acquisition, or construction of permanent improvements on or conveniently located with reference to the campus of any institution of the system; and may purchase, sell, or lease lands and other appurtenances for the construction of the permanent improvements. However, no liability shall be incurred by the State of Texas under this subsection.

(b) The board may sell, encumber, or contract with reference to the divesting or encumbering of the title to, any part of the campus or other property of any institution of the system as may be necessary in the construction or acquisition of dormitories. However, no debt shall be incurred against the institution or the State of Texas. (V.A.C.S. Art. 2613a-1, Sec. 1, 4, and 7.)

Sec. 85.24. UTILITIES. (a) The board from time to time may improve and equip existing central power plants and may construct, acquire, improve, and equip steam plants and additions to them, and the board may acquire land for these purposes for the institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board. As used in this subsection, "steam plants" does not include electrical generating facilities, but "central power plants" does include electrical generating facilities.

(b) The board from time to time may construct, extend, and improve the water systems, sewer systems, or both, for any or all institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board.

(c) The board may furnish water, sewer, steam, power, electricity, or any or all of those services from the power and steam plant or plants and other facilities located at each institution, to any or all dormitories, kitchens and dining halls, hospitals, student activity buildings, gymnasiums, athletic buildings and stadiums, the dormitory for help, laundry, and other buildings or facilities that may have been or may be constructed at each institution, and may determine the amount to be charged as a part of the maintenance and operation expense of those buildings or facilities for the service or services. The board may allocate the cost of furnishing the services to revenue-producing buildings and facilities and to other buildings and facilities at the institutions. The board may pledge the net revenues from the amounts

thus received for the services to pay the principal of and interest on, and to create and maintain the reserve for, the negotiable revenue bonds issued for the purpose of constructing, acquiring, improving, extending, or equipping the power and steam plants, or additions thereto, or other facilities, and may secure the bonds additionally by pledging rentals, rates, charges, and fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, which may be fixed and collected from all or any designated part of the students enrolled in the institution or institutions or from others in the amounts and in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds. (V.A.C.S. Art. 2613a-4, Sec. 1a, 1b, 4.)

Sec. 85.25. LANDS AND MINERAL INTERESTS. (a) The board is vested with the sole and exclusive management and control of lands and mineral interests under its jurisdiction and that may be acquired by it. The board may convey lands to other units or agencies of government; and where not otherwise authorized by existing law so to do, the board may sell said lands or lease the surface estate under terms and conditions it deems best in the public interest. The board may not, however, sell or otherwise dispose of any land comprising the original main campus of Texas A & M University, located at College Station, except as specifically authorized by existing law. Proceeds received therefrom may be retained in local funds subject to disposition by the board for any lawful purpose.

(b) This section is cumulative of existing statutes relating to the authority of the board to lease for oil, gas, sulphur, mineral ore, and other mineral developments, and otherwise to buy, sell, and lease certain lands under its jurisdiction and supervision.

(c) This section does not cover any lands or minerals held by the general land office. (V.A.C.S. Art. 2613a-11.)

Sec. 85.26. LEASES AND EASEMENTS; RIGHTS-OF-WAY FOR ELECTRIC LINES, PIPELINES, IRRIGATION CANALS, ETC. (a) The board may execute leases and grant easements for rights-of-way for telephone, telegraph, electric transmission, and power lines, for oil pipelines, gas pipelines, sulphur pipelines, water pipelines and other electric lines and pipelines of any nature whatsoever, and for irrigation canals, and laterals, and may execute easements or leases for the erection and maintenance of electric substations, pumping stations, loading racks, tank farms, and other structures, and may execute easements for rights-of-way to the Texas Highway Department, to any county in the state, or to any corporation, group, organization, firm, or individual for highway or roadway purposes, on or across any lands belonging to the state and under the control of the board, if the board in its discretion deems it apparent that the interest of the state can best be served by the granting of the easements and leases.

(b) Each easement granted under this section shall be on forms approved by the attorney general and shall include a complete description of the land on which the easement is to be

granted, the period of time covered by the easement, the amount of money to be paid by the grantee to the grantor, or other consideration for the granting of such easement. It shall also specify the terms and conditions, penalties for failure to comply with its provisions, and other pertinent information necessary and desirable to effect a complete understanding of the transaction.

(c) The grant of an easement for right-of-way, except an easement for right-of-way for highway or roadway purposes which may be for an indefinite term shall be limited to a term of not longer than 10 years, but any such easement may be renewed by the board.

(d) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the part of the system to which the land from which the easement is granted is assigned.

(e) No person, firm, group, organization, agency, or corporation shall hereafter construct any telephone, telegraph, transmission, or electric line, pipeline, electric substation, tank farm, loading rack, pumping station, irrigation canal or lateral, highway, or roadway of the kind and character enumerated in Subsection (a) of this section, across or on any section or part of a section of land of the character described in Subsection (a) of this section, who has not obtained a proper easement as provided by this section; or continue in possession of any such land without obtaining from the board a grant of a right-of-way easement or other easement across or on such land where the telephone, telegraph, transmission, or electric lines, pipelines, or any other transmission or pipelines, electric substation, tank farm, loading rack, or pumping station, irrigation canal or lateral, highway, or roadway is to constructed. Any person, firm, group, organization, agency, or corporation violating this subsection shall be liable for a penalty of $100 for each day of the violation, to be recovered by the attorney general. (V.A.C.S. Art. 2613a-7.)

Sec. 85.27. FLOOD CONTROL EASEMENTS. The board may convey flood control easements over land under its jurisdiction and control to water control and improvement districts of this state. No flood control easement shall be conveyed unless the board receives from the district reasonable consideration for the conveyance. The conveyance shall be under the terms and conditions that the board deems in the best interest of the university system. (V.A.C.S. Art. 2613a-9.)

Sec. 85.28. AIRPORTS. (a) The board may construct or otherwise acquire an airport for any institution within the system. It may maintain and operate the airports in connection with the teaching of courses in aeronautical engineering and for purposes in cooperation with the national defense program and for other purposes which will not interfere with those uses.

(b) The board may acquire by purchase, lease, gift, condemnation, or otherwise, and may use, operate, and maintain any kind of property or property interest necessary or convenient to the

exercise of powers under this section. The power of eminent domain shall be exercised in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, as amended, except that the board shall not be required to give bond for appeal or bond for costs. (V.A.C.S. Art. 2615c.)

Sec. 85.29. RESEARCH AND EXPERIMENTATION FOR HIGHWAY DEPARTMENT. The state comptroller of public accounts may draw proper warrants in favor of any part of the university system based on vouchers or claims submitted by the system through the State Highway Department covering reasonable fees and charges for services rendered by members of the staff of the system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the Texas Agricultural and Mechanical College System as passed by the State Highway Department on September 29, 1948, and recorded by the State Highway Department as Minute Order Number 25396; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the system shall be credited and deposited to local institutional funds under its control. (V.A.C.S. Art. 2615e.)

[Sections 85.30-85.50 reserved for expansion]

SUBCHAPTER D. LEASE OF LANDS FOR OIL, GAS, AND OTHER MINERAL DEVELOPMENT

Sec. 85.51. AUTHORITY TO LEASE. The board may lease for oil, gas, sulphur, mineral ore, and other mineral developments to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control, or any part of those lands, owned or in the future acquired by the state for the use of the university system. (V.A.C.S. Art. 2613a-3, Sec. 1(a).)

Sec. 85.52. SALE OF MINERAL ORE IN PLACE. Mineral ore located in and on the land may also be sold in place by the board at not less than the fair market value as determined by the same methods as are provided for leasing of lands under this subchapter for development of the minerals in the lands. (V.A.C.S. Art. 2613a-3, Sec. 4a.)

Sec. 85.53. TRACTS, LOTS, BLOCKS. The board may cause the lands to be surveyed or subdivided into tracts, lots, or blocks that will, in its judgment, be most conducive and convenient to facilitate the advantageous sale of lease for oil, gas, sulphur, mineral ore, and other minerals, and may make maps and plats that

may be thought necessary to carry out the purposes of this subchapter. The board may obtain authentic abstracts of title to all the lands as it deems necessary from time to time, and may take any steps necessary to perfect a merchantable title to the lands in the State of Texas. (V.A.C.S. Art. 2613a-3, Sec. 2.)

Sec. 85.54. PLACING LEASES ON MARKET; ADVERTISING. (a) Whenever, in the opinion of the board, there is a demand for the purchase of oil, gas, sulphur, mineral ore, or other mineral leases on any tract or part of any tract of land that will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, mineral ore, or other mineral leases on the land on the market in any tract or tracts, or any part thereof, that the board may designate.

(b) The board shall cause to be advertised a brief description of the land from which the oil, gas, sulphur, mineral ore, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state; and in addition the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state, mail copies of the proposals to the county judge of the county where the lands are located, and mail copies of the proposals to other persons the board thinks would be interested. (V.A.C.S. Art. 2613a-3, Sec. 3 (part).)

Sec. 85.55. PUBLIC AUCTION; BIDS; ACCEPTANCE; REJECTION; PAYMENTS. (a) The board may sell the lease or leases to the highest bidder at public auction, at Texas A & M University, in College Station, at any hour between 10 a.m. and 5 p.m.

(b) The board may reject all bids. However, the highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid to the board within 24 hours after notification that the bid has been accepted. Payments shall be in cash, certified check, or cashier's check, as the board may direct. Failure to pay the balance of the amount bid will forfeit to the board the 25 percent paid.

(c) A separate bid shall be made for each tract or subdivision thereof. No bids shall be accepted which offer less than the fair market price per ton for the mineral ore or a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board. Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement and shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is re-leased by the lessee. (V.A.C.S. Art. 2613a-3, Sec. 3 (part), 4.)

Sec. 85.56. SUBSEQUENT PROCEDURE IF NO BIDS ACCEPTED. If no bid is accepted by the board at the public auction, any subsequent procedure for the sale of oil, gas, sulphur, mineral ore,

and other mineral leases shall be in the manner prescribed by this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 5 (part).)

Sec. 85.57. WITHDRAWAL OF LAND ADVERTISED. The board may withdraw any lands advertised for lease or for the sale of mineral ore in place. (V.A.C.S. Art. 2613a-3, Sec. 14 (part).)

Sec. 85.58. ACCEPTANCE OF BIDS; AWARD OF LEASE. (a) If in the opinion of the board any one of the bidders has offered a reasonable and proper price for any tract and not less than the price fixed by the board, the lands advertised may be leased for oil, gas, sulphur, mineral ore, and other mineral purposes under the provisions of this subchapter and any regulations the board may prescribe which are not inconsistent with the provisions of this subchapter.

(b) On acceptance of a bid, the board shall prepare a lease contract. The bid and a copy of the lease contract shall be filed in the general land office. (V.A.C.S. Art. 2613a-3, Sec. 5 (part), 6 (part), 7(a).)

Sec. 85.59. EXPLORATORY TERM; EXTENSION; OTHER PROVISIONS OF LEASE. (a) The exploratory term of the lease as determined by the board prior to the promulgation of the advertisement shall in no case exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of members of the board the lease may be extended for a period of three years. The lease may be extended if the board finds that there is likelihood of oil, gas, sulphur, mineral ore, and other minerals being discovered by lessees, and that the lessees have proceeded with diligence to protect the interest of the state. However, if oil, gas, sulphur, mineral ore, and other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, mineral ore, and other minerals are being so produced. No extension under this subsection may be made by the board until the last 30 days of the original term of the lease.

(b) When, in the discretion of the board, it is deemed for the best interest of the state to extend a lease issued by the board, the board by unanimous vote may extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and any additional terms the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement.

(c) The lease shall include any additional provisions and regulations the board may prescribe to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 7(b), (c).)

Sec. 85.60. DISCONTINUANCE OF YEARLY PAYMENTS; TERMINATION FOR NONPRODUCTION. When the royalties amount to as much as the yearly payments as fixed by the board, the yearly payments may be discontinued. If before the expiration of five years oil, gas, sulphur, mineral ore, and other minerals have not been produced

in paying quantities, the lease shall terminate unless extended as provided by this subchapter. (V.A.C.S Art. 2613a-3, Sec. 6 (part).)

Sec. 85.61. OPERATIONS UNDER LEASE: EFFECT ON RENTAL PAYMENTS, TERM OF LEASE. If, during the term of any lease issued under the provisions of this subchapter, the lessee is engaged in actual drilling and mining operations for the discovery of oil, gas, sulphur, mineral ore, and other minerals on land covered by any such lease, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith; and if oil, gas, sulphur, mineral ore, and other minerals are discovered in paying quantities on any tract of land covered by any lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, mineral ore, and other minerals are produced in paying quantities from the tract. (V.A.C.S. Art. 2613a-3, Sec. 8 (part).)

Sec. 85.62. PRORATION OR REDUCTION OF PRODUCTION. When, in the discretion of the board, it is for the best interest of the state to prorate or reduce production of any land, the board may execute the necessary contract to carry out that purpose. (V.A.C.S. Art. 2613a-3, Sec. 7(d).)

Sec. 85.63. INTERFERENCE WITH SURFACE USES. No lease for oil, gas, sulphur, mineral ore, and other minerals shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, mineral ore, and other minerals within 300 feet of any building on the land without the consent of the board. A lease on any experimental station or farm shall provide that the operations for oil, gas, sulphur, mineral ore, and other minerals shall not in any way interfere with use of the land as an experimental station and shall not cause the abandonment of the property or its use for experimental farm purposes; and the lessee shall drill, mine, and carry on his operations in such a way as not to cause the abandonment of the property for experimental farm purposes, and any such leased property shall be subject to the use by the State of Texas for all experimental purposes and the board shall continue to operate the experimental station. (V.A.C.S. Art. 2613a-3, Sec. 5 (part).)

Sec. 85.64. PROTECTION FROM DRAINAGE. In every case where the area in which oil, gas, sulphur, mineral ore, and other minerals sold shall be contiguous or adjacent to lands which are not lands belonging to and held by the university system, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances. In cases where the area in which the oil, gas, sulphur, mineral ore, and other minerals are sold is contiguous to other lands belonging to and held by the university system which have been leased or sold at a lesser royalty, the owner shall likewise protect the land from drainage from the lands so leased or sold

for a lesser royalty. On failure to protect the land from drainage as herein provided, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures. (V.A.C.S. Art. 2613a-3, Sec. 11.)

Sec. 85.65. RIGHTS OF PURCHASER; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, mineral ore, and other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned; and if not so filed and payment made, the assignment shall not be effective.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed with the chairman of the board, accompanied by $1 for each area assigned; but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon.

(d) The board shall authorize the laying of pipeline, telephone line, and the opening of roads as deemed reasonably necessary for and incident to the purpose of this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 9.)

Sec. 85.66. ROYALTY PAYMENTS; INSPECTION OF RECORDS; REPORT OF LAND COMMISSIONER. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty or money as stipulated in the sale shall be paid to the general land office at Austin on or before the last day of each month for the preceding month during the life of the rights purchased, and shall be set aside in the state treasury as specified in Section 85.70 of this code. The royalty or money paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, mineral ore, and other minerals produced and saved since the last report, the amount of oil, gas, sulphur, mineral ore, and other minerals produced and sold off the premises, and the market value of the oil, gas, sulphur, mineral ore, and other minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts and other checks and memoranda of the amounts produced and put into pipelines, tanks, vats, or pool and gas lines, gas storage, other places of storage, and other means of transportation.

(b) The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of oil, gas, sulphur, mineral ore, and other minerals shall at all times be subject to inspection and examination of any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of

all receipts from the lease or sale of oil, gas, sulphur, mineral ore, and other minerals turned into the special fund in the state treasury of the preceding month. (V.A.C.S. Art. 2613a-3, Sec. 10.)

Sec. 85.67. FORFEITURE; OTHER REMEDIES; LIEN. (a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental, royalty on production, or other payment, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, drilling, or mining, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil, gas, sulphur, mineral ore, and other minerals produced upon the leased area and upon all rigs, tanks, vats, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, mineral ore, and other minerals produced thereon, to secure any amount due from the owner of the lease. (V.A.C.S. Art. 2613a-3, Sec. 12.)

Sec. 85.68. FILING OF RECORDS. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the general land office and constitute archives thereof. (V.A.C.S. Art. 2613a-3, Sec. 13 (part).)

Sec. 85.69. PAYMENTS; DISPOSITION. Payments under this subchapter shall be made to the commissioner of the general land office at Austin, who shall transmit to the state treasurer all royalties, lease fees, rentals for delay in drilling or mining, and all other payments, including all filing assignments and relinquishment fees, to be deposited in the special fund in the state treasury as provided by Section 85.70 of this code. (V.A.C.S. Art. 2613a-3, Sec. 13 (part).)

Sec. 85.70. DISPOSITION OF MONEY; SPECIAL FUNDS; INVESTMENT. (a) All money received under and by virtue of this subchapter shall be deposited in the state treasury to the credit of a special fund to be known as The Texas A & M University System Special Mineral Investment Fund. In the judgment of the board, this special fund may be invested so as to produce an income which may be expended under the direction of the board in erecting permanent improvements for the university system and in payment of expenses incurred in connection with the administration of this subchapter. The unexpended income likewise may be invested as herein provided.

(b) The income from the investment of the special mineral investment fund shall be deposited to the credit of a fund to be known as The Texas A & M University System Special Mineral Income Fund, and shall be appropriated by the legislature exclusively for the university system for the purposes herein provided. (V.A.C.S. Art. 2613a-3, Sec. 1(b), (c).)

Sec. 85.71. FORMS; CONTRACTS; REGULATIONS. The board shall adopt forms and contracts and shall promulgate rules and regulations that in its best judgment will protect the income from lands leased under this subchapter. A majority of the board may act in all cases, except where otherwise provided by this subchapter. (V.A.C.S. Art. 2613a-3, Sec. 14 (part).)

Sec. 85.72. EXPENSES OF EXECUTING THIS SUBCHAPTER. The expenses of executing the provisions of this subchapter shall be paid by warrants drawn by the comptroller on the state treasury against the income from the special fund accumulated from leases, rentals, royalties, and other payments. (V.A.C.S. Art. 2613a-3, Sec. 15.)

CHAPTER 86. TEXAS A & M UNIVERSITY

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CHAPTER 86. TEXAS A & M UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 86.01. DEFINITIONS. In this chapter:
(1) "University" means Texas A & M University.
(2) "Board" means the board of directors of The Texas A & M University System. (New.)

Sec. 86.02. TEXAS A & M UNIVERSITY. Texas A & M University is an institution of higher education located in the city of College Station. It is under the management and control of the board of directors of The Texas A & M University System. (R.S. Art. 2607; V.A.C.S. Art. 2607a, Sec. 1.)

Sec. 86.03. LEADING OBJECT. The leading object of the university shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts, in such manner as the legislature may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. (R.S. Art. 2608.)

[Sections 86.04-86.10 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 86.11. APPOINTMENT OF PRESIDENT, OFFICERS, PROFESSORS. The board shall appoint the president, the professors, and other officers it deems proper to keep the university in successful operation. It may abolish any office it deems unnecessary. (R.S. Art. 2613, subd. 1.)

Sec. 86.12. ENTOMOLOGIST. The president and board shall employ an expert entomologist, one or more, as may be deemed necessary, whose duty it shall be to devise, if possible, means of destroying the Mexican boll weevil, boll worm, caterpillar, sharpshooter, chinch bug, peach bug, fly and worm and other insect pests and to perform the duties of professor of entomology in the university. (R.S. Art. 2613, subd. 2.)

Sec. 86.13. CIVIL ENGINEER; SOIL CONSERVATION DEMONSTRATIONS. The board shall employ a graduate civil engineer of the university who has a practical and scientific knowledge of the conservation of moisture and soil fertility, who understands the practical art of terracing farmland to preserve the moisture and soil fertility and to prevent the washing away and the destruction of the properties of the soil, and who has had five years' actual experience in terracing farmlands in some southern state. He shall make his headquarters at the university, where he shall instruct the students by lecture and practical demonstration in the best method of such conservation and terracing so as to enable them to do the work successfully. He shall devote one-half of his time to such instruction, and the other half shall be spent in

field work, giving practical demonstrations in terracing to farmers' institutes and other farmers' organizations; and the president of the university shall require him to go over the state on the application of farmers desiring expert instruction in terracing farmlands and in conserving the moisture and soil fertility. He shall be furnished with the necessary instruments and equipment for the demonstration and instruction. (R.S. Art. 2613, subd. 8.)

Sec. 86.14. SPECIAL SUMMER SCHOOL. The board shall provide for a special summer school of at least two months each year for the training of special students who shall be admitted without an entrance examination, and may make provisions for the summer school, purchase the necessary equipment, and generally do and perform all acts necessary to establish and maintain the summer school. (R.S. Art. 2613, subd. 4.)

Sec. 86.15. SUMMER SESSIONS; ELEMENTARY AGRICULTURE FOR TEACHERS. The board shall require the teaching of elementary agriculture for teachers in the summer sessions. (R.S. Art. 2613, subd. 7.)

Sec. 86.16. FIREMEN'S TRAINING SCHOOL. (a) The university shall conduct and maintain a firemen's training school as a unit of the university in the manner deemed expedient and advisable by the board.

(b) The firemen's training school advisory board is composed of:

(1) three members of the teaching staff of the university appointed by the chairman of the board of directors; and

(2) four members or representatives of the State Firemen's Association of Texas or its successor, appointed by the president or other managing officer of that association.

(c) The advisory board shall confer with and advise the board of directors with reference to the organization of the school, the purchasing of equipment, the curriculum and program, and the conduct and management of the school.

(d) Expenditures for the per diem expenses of members of the advisory board and all other necessary expenses of the school shall be made only on the order of the board of directors, and no warrants shall be paid unless also approved in writing by the president of the university, who shall be advised with respect to the conduct of the school. (V.A.C.S. Art. 2615a.)

Sec. 86.17. ADJUNCT IN KIMBLE COUNTY. The board may establish in Kimble County an adjunct of the university to be located on land furnished without cost to the state. The board may provide at the adjunct any services which conform to the leading object of the university as prescribed by Section 86.03 of this code, including research, subject to the exception that not more than $300,000 may be expended from available plant funds for buildings and improvements without the specific authorization of the legislature. (V.A.C.S. Art. 2615d.)

Sec. 86.18. GRADUATE PROGRAMS; CONTRACTS WITH BAYLOR UNIVERSITY. The university may enter into contracts and agreements with Baylor University for joint participation in graduate programs that may be designed to benefit the state. (V.A.C.S. Art. 2615f-1, Sec. 2, subd. b.)

Sec. 86.19. EMINENT DOMAIN. The board is vested with the power of eminent domain to acquire for the use of the university any land that may be necessary and proper for carrying out its purposes. The power of eminent domain shall be exercised in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended, except that the board shall not be required to deposit a bond or the amount equal to the award of the commissioners. (V.A.C.S. Art. 2613a-5.)

Sec. 86.20. AIRPORT. The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner. (V.A.C.S. Art. 2919c.)

Sec. 86.21. PERPETUAL FUND. The money arising from the sale of the 180,000 acres of land donated to this state by the United States under the provisions of an Act of Congress passed on the second day of July, 1862, and an amended Act of Congress of July 23, 1866, shall constitute a perpetual fund, under the conditions and restrictions imposed by the above recited Acts, for the benefit of Texas A&M University; and the investment of the money, heretofore made in the bonds of the state, when those bonds are redeemed, may be made by the board in United States government securities in furtherance of the interests of the university and in accordance with the terms on which it was received. (R.S. Art. 2614.)

Sec. 86.22. ACCRUED INTEREST. The interest heretofore collected by the State Board of Education in accordance with the provisions of the act of August 21, 1876, due at the end of the fiscal year of 1876, on the bonds belonging to the Agricultural and Mechanical College and invested in six percent state bonds, shall also constitute a part of the perpetual fund of the university until the legislature shall otherwise provide. The state board shall collect the semiannual interest on the bonds as it becomes due, and place the money in the state treasury to the credit of the fund. The interest on all such bonds is set apart exclusively for the use of the university and shall be drawn from the treasury by the board of directors on vouchers audited by the board, or approved by the governor and attested by the secretary of the board. On the vouchers being filed with the comptroller, he shall draw his warrant on the state treasurer as necessary to pay the directors, professors and officers of the university. (R.S. Art. 2615.)

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CHAPTER 87. OTHER ACADEMIC INSTITUTIONS IN THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. TARLETON STATE COLLEGE

Sec. 87.001. TARLETON STATE COLLEGE. Tarleton State College is a coeducational institution of higher education located in the city of Stephenville. It is under the management and control of the board of directors of The Texas A & M University System. (R.S. Art. 2616; V.A.C.S. Art. 2616a.)

Sec. 87.002. STUDENT LOAN FUND. The sum of $75,000 donated by the citizenship of Stephenville and Erath County shall be used by the board of directors as a student loan fund to be loaned to students who cannot otherwise attend the college, at a rate of interest not to exceed five percent per year, on any terms and conditions the board may deem advisable. (R.S. Art. 2617.)

Sec. 87.003. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the college any land that may be necessary or proper for carrying out its purposes. (R.S. Art. 2619.)

[Sections 87.004-87.100 reserved for expansion]

SUBCHAPTER B. THE PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS

Sec. 87.101. THE PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS. The Prairie View Agricultural and Mechanical College of Texas is a coeducational institution of higher education located at Prairie View, in Waller County. (V.A.C.S. Art. 2643b, Sec. 2, (part).)

Sec. 87.102. GOVERNING BOARD. The college is under the control and supervision of the board of directors of The Texas A & M University System. The board has the same powers and duties with respect to this college as are conferred on it by statute with respect to Texas A & M University. (R.S. Art. 2638; V.A.C.S. Art. 2643b, Sec. 2 (part).)

[Sections 87.103-87.200 reserved for expansion]

SUBCHAPTER C. THE TEXAS MARITIME ACADEMY

Sec. 87.201. TEXAS MARITIME ACADEMY. 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. (V.A.C.S. Art. 2615b, Sec. 1, 2 (part).)

Sec. 87.202. GENERAL POWERS AND DUTIES. The board shall:

(1) employ a superintendent of the academy, who shall also be commander;

(2) employ instructors and the necessary employees and determine their number, duties, and compensation;

(3) fix the terms and conditions under which pupils shall be received, instructed, and graduated;

(4) arrange cruises to and from the harbors of Houston, Galveston, Beaumont, Port Arthur, and Corpus Christi; and

(5) establish rules and regulations for the proper management of the academy. (V.A.C.S. Art. 2615b, Sec. 3.)

Sec. 87.203. ADMISSION, DISCIPLINE, INSTRUCTION. The board shall prescribe the standards of admission and admit the applicants who meet the requirements. Students shall be subject to the regulations of conduct and discipline prescribed by the board. The board shall make provision for the proper instruction, for courses of study, and for the care, supervision, and management of the school; and the board is vested with all powers necessary for the proper discharge of these duties. (V.A.C.S. Art. 2615b, Sec. 2 (part).)

Sec. 87.204. FUNDS, PROPERTIES, AGREEMENTS. The board may receive any funds or property that may be subscribed, loaned, or bequeathed for the organization or maintenance of the academy and shall execute all necessary agreements for the faithful application of the funds or property. (V.A.C.S. Art. 2615b, Sec. 2 (part).)

Sec. 87.205. FEES AND CHARGES. The fact that provision for the establishment of this academy is for the primary purpose of giving students practical and technical instruction in the arts and sciences relating to the foregoing subjects, and the further fact that training in these fields will lead to immediate and remunerative employment for those who have finished the prescribed courses, make it necessary that larger fees be charged those students who enter the academy than is now paid by students enrolled in state-supported institutions of higher education. Therefore, the provisions of Subchapter E, Chapter 54 of this code, do not apply to the students enrolled in the academy. The board is specifically charged with the duty of assessing such fees and charges against the students who enter the academy as may be necessary to provide for the maintenance and support of the academy. (V.A.C.S. Art. 2615b, Sec. 4.)

CHAPTER 88. AGENCIES AND SERVICES OF THE TEXAS A & M UNIVERSITY SYSTEM

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CHAPTER 88. AGENCIES AND SERVICES OF THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 88.001. AGENCIES AND SERVICES. The agencies and services of the Texas A & M University System are:

(1) the Texas Forest Service (see Subchapter B of this chapter);

(2) the Texas Agricultural Experiment Station (see Subchapter C of this chapter);

(3) the Texas Agricultural Extension Service, established by action of the board of directors;

(4) the Texas Engineering Experiment Station, established by action of the board of directors;

(5) the Texas Engineering Extension Service, established by action of the board of directors; and

(6) other agencies and services that may be established by law or by action of the board of directors. (New.)

[Sections 88.002-88.100 reserved for expansion]

SUBCHAPTER B. THE TEXAS FOREST SERVICE

Sec. 88.101. STATE FORESTER: APPOINTMENT, QUALIFICATIONS. The board of directors shall appoint a state forester, who shall be a technically trained forester with not less than two years of experience in professional forestry work. The state forester is the director of the Texas Forest Service. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.102. GENERAL DUTIES. Under the general supervision of the board, the state forester shall:

(1) assume direction of all forest interests and all matters pertaining to forestry within the jurisdiction of this state;

(2) subject to the approval and confirmation of the board, appoint the assistants and employees necessary in executing the duties of his office and the purposes of the board, their compensation to be fixed by the board;

(3) take any action deemed necessary by the board to prevent and extinguish forest fires;

(4) enforce all laws pertaining to the protection of forests and woodlands and prosecute violations of those laws;

(5) collect data relating to forest conditions; and

(6) prepare for the board an annual report stating the progress and condition of state forestry work and recommending plans for improving the state system of forest protection, management, and replacement. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.103. ENFORCEMENT; APPOINTMENT OF PEACE OFFICERS. When necessary to execute his enforcement duties, the state forester may appoint as peace officers two district foresters, four division patrolmen, and four patrolmen, whose powers shall not exceed the enforcement powers of the state forester. The

necessity of these appointments shall be certified to and approved by the board. (R.S. Art. 2613, subd. 10a.)

Sec. 88.104. AUTHORITY TO ENTER PRIVATE LAND. Authority is hereby granted to every employee of the Texas Forest Service and any outside labor or assistance the employee deems necessary to enter upon any privately-owned land in the performance of fire suppression duties which are by state law under the direction of the state forester. These entries on privately-owned land may be made whenever it is necessary to investigate forest and grass fires and to ascertain whether they are burning uncontrolled, and whenever it is necessary to suppress forest and grass fires that are known to be burning uncontrolled. (V.A.C.S. Art. 2613b-1.)

Sec. 88.105. COOPERATION WITH PERSONS AND AGENCIES. On request, under the sanction of the board, and whenever he deems it essential to the best interests of the people of the state, the state forester shall cooperate with counties, towns, corporations, or individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, under an agreement that the parties obtaining the assistance pay at least the field expenses of the men employed in preparing the plans. The board may cooperate with the National Forest Service under terms it deems desirable. (R.S. Art. 2613, subd. 10 (part).)

Sec. 88.106. COOPERATION WITH FEDERAL AGENCIES. The state forester, under the general supervision of the board, may cooperate on forestry projects with the National Forest Service and other federal agencies; and, subject to the authorization of the board, he may execute agreements relating to forest protection projects in cooperation with federal agencies and timberland owners and also agreements with timberland owners involving supervision of forest protection and forest development projects when the projects are developed with the aid of loans from a federal agency and when the supervision by the state is required by federal statute or is deemed necessary by the federal agency. (V.A.C.S. 2613b.)

Sec. 88.107. FOREST LAND: ACQUISITION BY GIFT OR PURCHASE. (a) On the recommendation of the board, the governor may accept gifts of land to the state to be held, protected, and administered by the board as state forests and to be used to demonstrate the practical utility of timber culture and water conservation and for game preserves. The gifts may be on terms and conditions agreed upon between the grantors of the property and the board.

(b) The board may purchase lands in the name of the state suitable chiefly for the production of timber as state forests, using for that purpose any special appropriation.

(c) All conveyances of property, by gift or otherwise, shall be submitted to the attorney general for approval as to form. (R.S. Art. 2613, subd. 11.)

Sec. 88.108. ACQUISITION OF LAND FOR FORESTRY PURPOSES; DISPOSITION. (a) The board may accept gifts, donations, or

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contributions of land suitable for forestry purposes and may enter into agreements with the federal government or other agencies for acquiring by lease, purchase, or otherwise any land that in the judgment of the board is desirable for state forests.

(b) When land is acquired or leased under this section, the board may make expenditures, from any funds not otherwise obligated, for its management, development, and utilization. The board may sell or otherwise dispose of products from the land and may make rules and regulations that may be necessary to carry out the purposes of this section.

(c) All revenue derived from land now owned or later acquired under the provisions of this section shall be segregated by the board for use in the acquisition, management, development, and use of the land until all obligations incurred have been paid in full. Thereafter, net profits accruing from the administration of the land shall be applicable for the purposes that the legislature may prescribe.

(d) Obligations for the acquisition of land incurred by the board under the authority of this section shall be paid solely and exclusively from revenue derived from the land and shall not impose any liability on the general credit and taxing power of the state.

(e) The board may sell, exchange, or lease state forest land under its jurisdiction when in its judgment it is advantageous to the state to do so in the highest orderly development and management of state forests. However, no sale or exchange of any such land belonging to the state or the university shall be made until the sale or exchange is authorized by the legislature. The sale, lease or exchange shall not be contrary to the terms of any contract into which it has entered. (V.A.C.S. Art. 2613a-2.)

Sec. 88.109. USE OF CERTAIN DEPARTMENT OF CORRECTIONS LAND FOR REFORESTATION. The several tracts of land in Cherokee County near Maydelle, consisting of approximately 2,150 acres, owned by the Texas Department of Corrections, is set aside for reforestation purposes to be used by Texas A & M University to demonstrate reforestation work. (V.A.C.S. Art. 2613a.)

Sec. 88.110. PURCHASE OF LAND FOR SEEDLING NURSERY. The board may acquire by purchase in the name of the State of Texas for the use and benefit of the Texas Forest Service, and may improve, a sufficient quantity of land suitable for the operation of a forest tree seedling nursery in the reforestation program of the Texas Forest Service and for the production of other forest products. However, not more than 400 acres of land may be purchased under this section; and the selling price of seedlings produced on the land, as far as practical, shall represent the cost of production plus at least 10 percent. (V.A.C.S. Art. 2613a-8.)

Sec. 88.111. FOREST LAND ACQUIRED BY STATE UNDER TAX SALE. When pine forest land is sold to the state for the payment of taxes, interest, penalty, and costs adjudged against the land, as provided in Article 7328, Revised Civil Statutes of Texas, 1925,

as amended, and not redeemed or resold as provided in Article 7328, the land shall be withdrawn from the market and shall be held, protected, and administered by the board as state forest; and the board may manage, use, and improve the pine forest land as fully and to the same extent as in the case of other forest land held by it in accordance with the law. Forest land, as used in this section, includes all land on which is growing pine timber of any material value and all cutover pine timberland which may reasonably be expected to produce, by reason of natural or other methods of reforestation, another growth of pine timber of any material value. (R.S. Art. 2613, subd. 12.)

Sec. 88.112. SOUTH CENTRAL INTERSTATE FOREST FIRE PROTECTION COMPACT. The South Central Interstate Forest Fire Protection Compact has been ratified by the states of Texas, Arkansas, Louisiana, Mississippi, and Oklahoma. The text of the compact is set out in Section 88.116 of this code, and an authenticated copy is on file in the office of the secretary of state. (V.A.C.S. Art. 2613c, Sec. 1 (part), Sec. 2. See also Arkansas--Ark. Stats. 1947 (1953 Supp.) Sec. 9-734 to 9-736; Louisiana--LSA-R.S. 56:1496; Mississippi--Code 1942 (1954 Supp.) Sec. 6046-41 to 6046-45; Oklahoma--74 Okl.St.Ann. Sec. 354.1 to 354.5.)

Sec. 88.113. COMPACT ADMINISTRATOR. The director of the Texas Forest Service shall act as compact administrator for the State of Texas and represent Texas in the South Central Interstate Forest Fire Protection Compact. (V.A.C.S. Art. 2613c, Sec. 3.)

Sec. 88.114. ADVISORY COMMITTEE. The advisory committee referred to in Article III of the compact shall be composed of four members selected as follows: One member shall be named from the membership of the Senate of the State of Texas by the Lieutenant Governor; one member shall be named from the membership of the House of Representatives of the State of Texas by the Speaker; and two members shall be appointed by the governor, one of whom shall be selected from among the persons who comprise the board of directors of The Texas A & M University System, and one of whom shall be a person associated with forestry or a forest products industry. (V.A.C.S. Art. 2613c, Sec. 4.)

Sec. 88.115. LEGISLATIVE INTENT. It is the intent of the Legislature of the State of Texas, in ratifying the South Central Interstate Forest Fire Protection Compact, that this compact is and shall be a joint program of the member states and that representatives of the United States government shall participate in compact meetings or in other activities under the compact only in the manner and to the extent authorized by the representatives of the member states, appointed pursuant to the terms of this compact. (V.A.C.S. Art. 2613c, Sec. 4a.)

Sec. 88.116. TEXT OF COMPACT. The South Central Interstate Forest Fire Protection Compact reads as follows:

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SOUTH CENTRAL INTERSTATE FOREST FIRE
PROTECTION COMPACT

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the South Central region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member States, by providing for mutual aid in fighting forest fires among the compacting States of the region and with States which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest development.

Article II.

This compact shall become operative immediately as to those States ratifying it whenever any two or more of the States of Arkansas, Louisiana, Mississippi, Oklahoma, and Texas which are contiguous have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member State may become a party to this compact, subject to approval by the legislature of each of the member States.

Article III.

In each State, the State Forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that State and shall consult with like officials of the other member States and shall implement cooperation between such States in forest fire prevention and control.

The compact administrators of the member States shall organize to coordinate the services of the member States and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, representatives of the Board of Directors of the Texas Agricultural and Mechanical College System, and forestry or forest products industries representatives, which shall meet from time to time with the compact administrators. Each member State shall name one member of the Senate and one member of the House of Representatives, and the Governor of each member State shall appoint one representative who shall be associated with forestry or forest products industries, and a member of the Board of Directors of the Texas Agricultural and Mechanical College System, to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting States, and each State shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member States.

It shall be the duty of each member State to formulate and put in effect a forest fire plan for that State and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

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Article IV.

Whenever the State forest fire control agency of a member State requests aid from the State forest fire control agency of any other member State in combating, controlling or preventing forest fires, it shall be the duty of the State forest fire control agency of that State to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member State are rendering outside aid pursuant to the request of another member State under this compact, the employees of such State shall, under the direction of the officers of the State to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the State to which they are rendering aid.

No member State or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith; provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any State.

All liability, except as otherwise provided herein, that may arise either under the laws of the requesting State or under the laws of the aiding State or under the laws of a third State on account of or in connection with a request for aid, shall be assumed and borne by the requesting State.

Any member State rendering outside aid pursuant to this compact shall be reimbursed by the member State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of employees and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member State from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member State without charge or cost.

Each member State shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

For the purposes of this compact the term "employee" shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding State under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member States.

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Article VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member State.

Nothing in this compact shall be construed to limit or restrict the powers of any State ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of State laws, rules or regulations intended to aid in such prevention, control and extinguishment in such State.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member State or States.

Article VII.

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the South Central Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each State, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

Article VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any State party to this compact and any other State which is party to a regional forest fire protection compact in another region; provided, that the Legislature of such other State shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each State ratifying it until the legislature or the Governor of such State takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the State desiring to withdraw to the chief executives of all States then parties to the compact. (V.A.C.S. Art. 2613c, Sec. 1 (part).)

[Sections 88.117-88.200 reserved for expansion]

SUBCHAPTER C. THE TEXAS AGRICULTURAL EXPERIMENT STATION

Sec. 88.201. PURPOSES. There shall be established, at places in the state the board of directors deems proper, experiment stations for the purpose of making experiments and conducting investigations in the planting and growing of agricultural and horticultural crops and soils, and the breeding, feeding and fattening of livestock for slaughter. (R.S. Art. 136 (part).)

Sec. 88.202. MAIN STATE EXPERIMENT STATION. The experiment station located at College Station, which is in part supported by the federal government, shall remain there as a permanent institution. It shall be known as the Main State Experiment Station and shall be under the supervision of the board of directors. The board may accept from the federal government any aid in its support that may be provided by Congress. (R.S. Art. 137 (part).)

Sec. 88.203. SUBSTATIONS. (a) The board may:

(1) establish experiment substations at places in this state it deems proper;

(2) abandon or discontinue any substation which may become undesirable for experiment purposes, and if deemed necessary establish others in their stead at places it deems advisable; and

(3) sell any land or other state property used in the operation of an experiment station when abandoned and apply the proceeds of the sale to the purchase of other land and property for the establishment of experiment stations.

(b) The board shall exercise a general supervision and direction over substations established under this subchapter. (R.S. Arts. 137 (part), 138, 139.)

Sec. 88.204. SALE OF STATIONS. If property used in the operation of a station is sold, the title to the property shall not pass from this state until a deed of conveyance is made to the purchaser, duly signed by the governor and attested by the secretary of state under his official seal. All funds received from the sale of station lands or property shall be deposited in the state treasury and shall be paid out in accordance with the provisions of this subchapter. (R.S. Art. 140.)

Sec. 88.205. SALE OF CROPS. Proceeds from the sale, barter, or exchange of crops raised on any experiment station shall be applied to defray the expenses of operating the station. (R.S. Art. 136 (part).)

Sec. 88.206. DONATIONS; LEASES. (a) The board may accept and receive donations of money and property when given to be used in connection with any experiment work authorized by this subchapter.

(b) In the location of any experiment station, the board may take into consideration and receive any donation of money, land, or other property to be used in the operation, equipment, or management of the station; and for experiment work may lease any land that in its judgment may be necessary for any of the purposes named in this subchapter. (R.S. Arts. 142, 143.)

Sec. 88.207. EXPENSES; PER DIEM. The necessary traveling expenses of the members of the board and those of the director and his assistants shall be paid out of the funds appropriated by this state for the maintenance and support of the experiment stations. In addition to actual traveling expenses, each member

of the board, when traveling on the official business of the stations, shall be paid $5 per day while actually engaged in the discharge of his duties. (R.S. Art. 145.)

Sec. 88.208. INSPECTIONS. The board shall visit the stations once a year and shall make criticisms to the director and his assistants that it deems expedient and necessary. (R.S. Art. 144.)

Sec. 88.209. DIRECTOR. (a) The main station and the substations are under the supervision, control, management, and direction of the director of the Texas Agricultural Experiment Station at College Station. The director shall reside at College Station.

(b) The board may pay a part of the director's salary from money appropriated by the Legislature for the maintenance and support of the experiment stations in the proportion that in its judgment is just and proper, taking into consideration the division of his time between the main station and the substations and the sum appropriated for the purpose by the federal government.

(c) The director may employ the assistants and labor and may purchase the livestock, farming implements, tools, seed, and other materials and supplies that he deems necessary for the successful management of any or all of the experiment stations, subject to the approval of the board. (R.S. Art. 146.)

Sec. 88.210. REPORTS. On the first day of each month, the director shall make a complete report to the board showing receipts and disbursments, the source of the receipts, and for what purpose they were disbursed; and on or before January 1, of each year, he shall make a full and detailed report to the board of the operation of the stations, including a statement of receipts and expenditures for the entire year. The annual report shall be transmitted to the governor with any additional report that the board deems proper. (R.S. Art. 147.)

Sec. 88.211. BULLETIN. The director shall periodically issue and circulate among the farmers and livestock raisers of Texas printed bulletins showing the results of the experiments and the results accomplished and the progress made in the improvement of the agricultural and livestock interests of this state. The bulletins shall be mailed to all persons who desire them. The director shall invite the cooperation of persons engaged in those industries and shall give them advice when requested with reference to the management and cultivation of their farms and the care, management, and feeding of their stock. (R.S. Art. 148.)

Sec. 88.212. DISBURSEMENTS. Before warrants are issued by the comptroller in payment of state experiment station accounts, vouchers covering them shall be audited and signed by the director or an assistant designated by him, in writing, for that purpose, and also by a member of the board. (R.S. Art. 149.)

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SUBTITLE E. THE STATE SENIOR COLLEGE SYSTEM
CHAPTER 95. ADMINISTRATION OF THE STATE SENIOR COLLEGE SYSTEM
SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

Sec. 95.01. BOARD OF REGENTS. The organization, control, and management of the state senior college system is vested in the Board of Regents, State Senior Colleges. (R.S. Art. 2644; V.A.C.S. Art. 2644a, Sec. 1.)

Sec. 95.02. BOARD MEMBERS: APPOINTMENT, QUALIFICATIONS, TERMS. The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring every two years. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. (R.S. Art. 2647 (part), 2907 (part).)

Sec. 95.03. BOARD MEETINGS. The board shall meet each year at Austin, on the first Monday in May, or as soon thereafter as practicable, for the transaction of business pertaining to the affairs of the state senior colleges. The board shall also meet at other times and places deemed necessary for the welfare of the colleges by a majority of the members. (R.S. Art. 2647 (part).)

Sec. 95.04. PER DIEM; EXPENSES. Each member of the board shall receive $10 per day for the time spent attending the meetings of the board, in addition to reimbursement for traveling expenses. Payment shall be made out of the appropriation for the support and maintenance of the state senior colleges as the board may direct. (R.S. Art. 2647 (part).)

[Sections 95.05-95.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 95.21. GENERAL RESPONSIBILITIES OF BOARD. The board is responsible for the general control and management of the state senior colleges and may erect, equip, and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge presidents or principals, teachers, treasurers, and other employees; and fix the salaries of the persons employed. The president of each state senior college shall nominate annually to the board the professors, teachers, officials, and assistants who, in his opinion, will promote the best interests of the institution. (R.S. Art. 2647 (part).)

Sec. 95.22. INSPECTION OF SENIOR COLLEGES. The board shall visit each college under its control and management at least once during each scholastic year, inspect its work, and gather information which will enable the board to perform its duties intelligently and effectively. (R.S. Art. 2647 (part).)

Sec. 95.23. LOCAL COMMITTEES OF BOARD. At least once a year each local committee of the board shall meet on the campus of the institution for which the local committee is responsible for reporting to the board. At the meeting, the local committee shall confer with the institution's officials and carefully examine all phases of the operations of the institution. (V.A.C.S. Art. 2644a, Sec. 2.)

Sec. 95.24. ADMISSION; DIPLOMAS AND CERTIFICATES. The board may determine the conditions on which students may be admitted to the colleges, the grades of certificates issued, the conditions for the award of certificates and diplomas, and the authority by which certificates and diplomas are signed. (R.S. Art. 2647 (part).)

Sec. 95.25. TEACHING CERTIFICATES. Diplomas and teachers certificates of each of the state senior colleges authorize the holders to teach in the public schools. (R.S. Art. 2646.)

Sec. 95.26. INCIDENTAL FEES. The board may fix the rate of incidental fees to be paid by students attending the colleges and may make rules for the collection of the fees and for the disbursement of the funds collected. (R.S. Art. 2647 (part).)

Sec. 95.27. ANNUAL REPORT TO GOVERNOR. The board shall make an annual report to the governor showing the general condition of the affairs of each senior college and making recommendations for its future management and welfare. (R.S. Art. 2647 (part).)

Sec. 95.28. DISBURSEMENT OF FUNDS. All appropriations made by the legislature for the support and maintenance of the state senior colleges, for the purchase of land or buildings for the colleges, for the erection or repair of buildings, for the purchase of apparatus, libraries, or equipment of any kind, or for any other improvement of any kind shall be disbursed under the direction and authority of the board. The board may formulate rules for the general control and management of the schools, for the auditing and approving of accounts, and for the issuance of vouchers and warrants which are necessary for the efficient administration of the schools. (R.S. Art. 2647 (part).)

Sec. 95.29. FINANCIAL STATEMENTS AND RECOMMENDATIONS. The board shall file in each house of the legislature at each of its regular biennial sessions a statement of the receipts and expenditures of each of the senior colleges, showing the amount of salaries paid to the various teachers, contingent expenses, expenditures for improvements, and other items of expense. The board shall also file its recommendations for appropriations for the senior colleges. (R.S. Art. 2647 (part).)

Sec. 95.30. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the state senior colleges the lands necessary and proper for carrying out their purposes,

in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended. The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. (V.A.C.S. Art. 2647b.)

Sec. 95.31. ACQUISITION OF LAND; PROCEDURES. (a) The board may acquire land needed for the proper operation of a senior college in the county in which the senior college is located. The acquisition may be by purchase or by condemnation.

(b) If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. In lieu of a suit, the parties may select by agreement three persons to ascertain the value of the land under their oaths and the direction of the court. The finding and decision of the jury, court, or persons selected is in all cases final, except that the parties may appeal as in other civil cases.

(c) When the value of the land has been ascertained and the court is satisfied with the valuation, the court shall enter a decree vesting the title of the land in the state for the use and benefit of the senior college for whose benefit the land is needed. No decree shall be entered until the value of the land as ascertained, together with all reasonable cost and expense of the owner in attending the proceeding, is paid to him or into court for his benefit and subject to his order. The costs and expenses, including reasonable attorneys' fees, shall be ascertained by the court in which the proceeding is held. (R.S. Art. 2647 (part).)

Sec. 95.32. DORMITORIES. (a) The board may enter into contracts with persons, firms, or corporations for the erection of dormitories at any senior college, and may purchase or lease lands and other appurtenances for the construction of the dormitories, provided that the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems reasonable requiring any class or classes of students to reside in the dormitories or other buildings. Absolute management and control of the dormitories constructed is vested in the board. (V.A.C.S. Art. 2647a.)

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CHAPTER 96. INSTITUTIONS OF THE STATE SENIOR COLLEGE SYSTEM

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CHAPTER 96. INSTITUTIONS OF THE STATE
SENIOR COLLEGE SYSTEM
SUBCHAPTER A. SUL ROSS STATE UNIVERSITY

Sec. 96.01. SUL ROSS STATE UNIVERSITY. Sul Ross State University is a coeducational institution of higher education located in the city of Alpine. It is under the management and control of the Board of Regents, State Senior Colleges. (New.)

[Sections 96.02-96.20 reserved for expansion]

SUBCHAPTER B. ANGELO STATE UNIVERSITY

Sec. 96.21. ANGELO STATE UNIVERSITY. Angelo State University is a coeducational institution of higher education located in the city of San Angelo. It is under the management and control of the Board of Regents, State Senior Colleges. (V.A.C.S. Art. 2654.2, Sec. 1; Art. 2654.3.)

Sec. 96.22. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university, to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the university. (V.A.C.S. Art. 2654.2, Sec. 5.)

Sec. 96.23. MANAGEMENT AND CONTROL OF LANDS; CONVEYANCES AND LEASES. (a) The board is vested with the sole and exclusive management and control of all the lands, including lands with oil and gas and other minerals, transferred to the university by the Junior College District of Tom Green County.

(b) The board may sell, lease, explore, and develop the lands, may make and enter into unitization agreements, and may execute division orders and other contracts necessary in the management and development of the lands, all on terms and conditions which the board deems to be in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the general land office in the sale of oil, gas, and other mineral leases of the public lands of the state.

(c) All money received shall be deposited in the state treasury to the credit of a special fund which, in the judgment of the board, may be invested and the principal and income of which may be expended on appropriation by the legislature for the administration of the university. (V.A.C.S. Art. 2654.2, Sec. 6.)

Sec. 96.24. MILITARY TRAINING. No student shall ever be required to take any military training as a condition for entrance into or graduation from the university. (V.A.C.S. Art. 2654.2, Sec. 9.)

Sec. 96.25. OBLIGATIONS AND BENEFITS OF GENERAL LAWS. The university is subject to the obligations and entitled to the

benefits of all general laws of Texas applicable to all other state institutions of higher education, except that where the general laws are in conflict with this subchapter, the provisions of this subchapter prevail to the extent of the conflict. (V.A.C.S. Art. 2654.2, Sec. 8.)

[Sections 96.27-96.40 reserved for expansion]

SUBCHAPTER C. SOUTHWEST TEXAS STATE UNIVERSITY

Sec. 96.41. SOUTHWEST TEXAS STATE UNIVERSITY. Southwest Texas State University is a coeducational institution of higher education located in the city of San Marcos. It is under the management and control of the Board of Regents, State Senior Colleges. (R.S. Art. 2654; V.A.C.S. Art. 2654.1.)

[Sections 96.42-96.60 reserved for expansion]

SUBCHAPTER D. SAM HOUSTON STATE UNIVERSITY

Sec. 96.61. SAM HOUSTON STATE UNIVERSITY. Sam Houston State University is a coeducational institution of higher education located in the city of Huntsville. It is under the management and control of the Board of Regents, State Senior Colleges. (New.)

Sec. 96.62. UNIVERSITY AIRPORT. (a) The board may construct or otherwise acquire without cost to the state or the university an airport for purposes of cooperation with the national defense program and for instruction in aeronautics.

(b) The board may acquire by purchase, lease, gift, or by any other means, and may maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest in property, necessary or convenient to the exercise of the powers conferred by this section. The board has the power of eminent domain for the purpose of acquiring by condemnation any real property, or any interest in real property, necessary or convenient to the exercise of the powers conferred by this section. The board shall exercise the power of eminent domain in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, except that it shall not be required to give bond for appeal or bond for costs. (V.A.C.S. Art. 2650a.)

Sec. 96.63. JOSEY SCHOOL OF VOCATIONAL EDUCATION. (a) The Josey School of Vocational Education is a division of Sam Houston State University and is under the direction and control of the Board of Regents, State Senior Colleges.

(b) The administration of the school is under the direction of the president of Sam Houston State University.

(c) The school shall provide vocational training for individuals over the age of 18 who cannot qualify scholastically for college entrance and for other persons who desire to avail themselves of short intensive courses in vocational education in the following fields: agriculture, home management, distributive education, photography, plumbing, sheet metal work, machine shop,

auto mechanics, furniture, electrical appliances, air conditioning and refrigeration, printing, radio, garment making, interior decorating, light construction contracting, photoengraving, watchmaking, and other trades of like nature. The training in these subjects shall be organized so that the courses may be completed in from 9 to 24 months. Courses may also be offered in English and mathematics and other subjects which will contribute to the vocational training of the student. Vocational courses in government, designed to prepare workers in various county, city, and state offices, may also be offered.

(d) The rate of tuition charged students shall be the actual cost of teaching service, not to exceed $500 per scholastic year of nine months. Scholarships may be awarded by the board to worthy indigent students who might greatly benefit from the training offered. The amount of the scholarships may vary according to the needs of the individuals, but in no case may it reduce the tuition payment by the student to a point less than the tuition fee regularly charged students at the state senior colleges. (V.A.C.S. Art. 2650b.)

SUBTITLE F. OTHER COLLEGES AND UNIVERSITIES

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SUBTITLE F. OTHER COLLEGES AND UNIVERSITIES
CHAPTER 100. EAST TEXAS STATE UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 100.01. EAST TEXAS STATE UNIVERSITY. East Texas State University is a coeducational institution of higher education located in the city of Commerce. (V.A.C.S. Art. 2647h.)

[Sections 100.02-100.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 100.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. Not more than two members of the board shall be appointed from or be a resident of any one state senatorial district, and no member may be appointed from or be a resident of the county in which the university is located. (V.A.C.S. Art. 2647h-1, Sec. 1, 2 (part).)

Sec. 100.12. TERMS OF OFFICE; VACANCIES. Members of the board hold office for staggered terms of six years, with the terms of three regents expiring on February 15 of each odd-numbered year. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member shall serve until his successor is appointed and has qualified. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.13. REMOVAL. The members of the board are removable by the governor for inefficiency or malfeasance of office. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.14. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.15. OFFICERS. The board shall organize by electing a chairman and any other officers it deems necessary. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

Sec. 100.16. MEETINGS. The chairman shall convene the board to consider any business connected with the university whenever he deems it expedient. (V.A.C.S. Art. 2647h-1, Sec. 2 (part).)

[Sections 100.17-100.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 100.31. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents,

State Senior Colleges, with respect to colleges in that system. (V.A.C.S. Art. 2647h-1, Sec. 3, 6.)

Sec. 100.32. DEGREES. The board may award bachelor's, master's, and doctor's degrees and their equivalents, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2647h-1, Sec. 7.)

Sec. 100.33. DONATIONS, GIFTS, GRANTS, ENDOWMENTS. The board may accept donations, gifts, grants, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the university. (V.A.C.S. Art. 2647h-1, Sec. 4.)

Sec. 100.34. LEASE OF UNIVERSITY PROPERTY. The board may lease any part of the university's property to any person, partnership, special partnership, business association, or institution, including governmental entities, for the purpose of permitting the university to develop its resources to the greatest extent feasible while realizing a maximum economic benefit. (V.A.C.S. Art. 2647h-1, Sec. 5.)

Sec. 100.35. CONTRACTS FOR WATER AND SEWAGE. The board shall contract with the city of Commerce for the furnishing of water and sewage to the university. The rates to be charged the university shall be those regularly established, published, and declared for similar users or customers, or if there are no similar users or customers, the rates to be charged shall be those established by the city for commercial users. The city may make any special adjustments, discounts, and rates that the governing body of the city may see fit to provide for the university. (Acts 52 Legis., Ch. 376, Sec. 1, 2.)

CHAPTER 101. STEPHEN F. AUSTIN STATE UNIVERSITY

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CHAPTER 101. STEPHEN F. AUSTIN STATE UNIVERSITY
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Sec. 101.01. STEPHEN F. AUSTIN STATE UNIVERSITY. Stephen F. Austin State University is a coeducational institution of higher education located in the city of Nacogdoches. (New.)

[Sections 101.02-101.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 101.11. BOARD OF REGENTS. The control and management of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2647f-1, Sec. 1(a).)

Sec. 101.12. TERM OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. Any vacancy shall be filled by appointment for the unexpired portion of the term. (V.A.C.S. Art. 2647f-1, Sec. 1(b).)

Sec. 101.13. QUALIFICATIONS; OATH. Each member of the board must be a citizen of the State of Texas and shall take the constitutional oath of office. (V.A.C.S. Art. 2647f-1, Sec. 2.)

Sec. 101.14. OFFICERS. The board shall elect a chairman and any other officer deemed necessary. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.15. BYLAWS, RULES, REGULATIONS. The board shall enact bylaws, rules, and regulations necessary for the successful management and operation of the university. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.16. UNIVERSITY PRESIDENT. The board shall select the president of the university. (V.A.C.S. Art. 2647f-1, Sec. 3 (part).)

Sec. 101.17. MINUTES. The board shall cause accurate and complete minutes of its meetings to be maintained. The minutes are open to the public for inspection at the university during regular business hours, and certified copies of the minutes shall be furnished to anyone on payment of a fee set by the board. (V.A.C.S. Art. 2647f-1, Sec. 4.)

Sec. 101.18. SUITS AFFECTING UNIVERSITY. The board may sue and be sued in the name of the university. Venue is in either Nacogdoches County or Travis County. The university may be impleaded by service of citation on its president, and legislative consent to suits against the university is granted. (V.A.C.S. Art. 2647f-1, Sec. 5.)

Sec. 101.19. EXPENSES. Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman of the board. (V.A.C.S. Art. 2647f-1, Sec. 6.)

Sec. 101.20. MEETINGS. The board shall hold an annual meeting on the campus of the university during the month of April, and at other times and places as scheduled by the board or designated by its chairman. (V.A.C.S. Art. 2647f-1, Sec. 7.)

Sec. 101.21. REPORTS. The board shall make reports to the coordinating board as required in Section 61.066 of this code. (V.A.C.S. Art. 2647f-1, Sec. 8.)

[Sections 101.22-101.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 101.41. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2647f-1, Sec. 9.)

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Sec. 102.01. WEST TEXAS STATE UNIVERSITY. West Texas State University is a coeducational institution of higher education located in the city of Canyon. (V.A.C.S. Art. 2647d, Sec. 1.)

[Sections 102.02-102.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 102.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. Not more than two members of the board may be appointed from or be residents of any one state senatorial district, and not more than one member may be a resident of the county in which the university is located. (V.A.C.S. Art. 2647d-3, Sec. 1, 2 (part).)

Sec. 102.12. TERMS; VACANCIES. The members of the board hold office for staggered terms of six years, with the terms of three members expiring each two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.13. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.14. REMOVAL. The members of the board are removable by the governor for inefficiency or malfeasance of office. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.15. OFFICERS. The board shall elect a chairman and any other officers it deems necessary. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

Sec. 102.16. MEETINGS. The chairman of the board may convene the board to consider any business connected with the university whenever he deems it expedient. (V.A.C.S. Art. 2647d-3, Sec. 2 (part).)

[Sections 102.17-102.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 102.31. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2647d-3, Sec. 3, 4.)

Sec. 102.32. LEASE OF LANDS TO FRATERNITIES AND SORORITIES. (a) The board may lease portions of the state-owned land held for the use and benefit of the university in the city of Canyon to fraternities and sororities for the purpose of constructing chapter houses.

(b) A lease may be for any term of years less than 100, and the consideration and terms may be determined by the board, consistent with the best interests of the university. The chairman of the board, with approval of a majority of the board, may execute all documents necessary to consummate the leasing. (V.A.C.S. Art. 2647d-2.)

Sec. 102.33. AIRPORT. The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner. (V.A.C.S. Art. 2919c.)

[Sections 102.34-102.50 reserved for expansion]

SUBCHAPTER D. KILLGORE RESEARCH CENTER

Sec. 102.51. GIFTS AND DONATIONS; LOCATION OF CENTER. The board may accept gifts and donations of money and other personal property from the Killgore Foundation and from any other private organization or individual to establish, construct, maintain, and operate a regional center to be known as the Killgore Research Center, on any land held by the board for the use of the university. (V.A.C.S. Art. 2647d-1, Sec. 1.)

Sec. 102.52. TRANSFER OF MONEY; DISBURSEMENTS. All money so received shall be transferred as soon as available to the West Texas State University Foundation or to any other fund or foundation chosen by agreement between the donors and the administration of the university. The disbursement of all this money is under the supervision of the business manager of the university, subject to accounting procedures approved by the state auditor. (V.A.C.S. Art. 2647d-1, Sec. 2.)

Sec. 102.53. MAINTENANCE AND ADMINISTRATION. The maintenance and administration of the research center is the responsibility of the State of Texas acting through the administration of the university, with the advice and assistance of an advisory council on research selected by the administration and the donors. (V.A.C.S. Art. 2647d-1, Sec. 3.)

Sec. 102.54. PERMANENT RESEARCH PROGRAM. In order to provide for a permanent research program, the administration of the university may:

(1) establish formalized working relationships with established research programs similar to the relationship already developed between the university and The University of Texas M.D. Anderson Hospital and Tumor Institute at Houston;

(2) integrate the research program being developed in the graduate school of the university with the research program at the research center;

(3) employ project directors who are recognized researchers and who have had experience in applying for and using research grants from governmental agencies and private foundations;

(4) assign a person from the administrative staff of the university as administrator of the research center; and

(5) perform any other acts and make any agreements which will implement and further the research programs of the research center and the university, consistent with the purposes of this subchapter. (V.A.C.S. Art. 2647d-1, Sec. 4.)

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CHAPTER 103. MIDWESTERN UNIVERSITY

Sec. 103.01. MIDWESTERN UNIVERSITY. Midwestern University is a coeducational institution of higher learning located in the city of Wichita Falls. (V.A.C.S. Art. 2623c-1.)

Sec. 103.02. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.03. BOARD MEMBERS: APPOINTMENT, TERMS, OATH. Members of the board shall be appointed by the governor and confirmed by the senate. Members hold office for staggered terms of six years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member of the board shall take the constitutional oath of office. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.04. REIMBURSEMENT OF BOARD MEMBERS. The board shall receive reimbursement only for the actual cost of attendance at board meetings. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.05. BOARD OFFICERS. The board shall organize by electing a chairman and other officers they desire. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.06. PRESIDENT OF UNIVERSITY: SELECTION; DUTIES. The board shall select a president for the university and shall fix his term of office, name his salary, and define his duties. The president shall be the executive officer for the board and shall work under its directions. He shall recommend a plan of organization and the appointment of employees of the university. He shall have the cooperation of the board and shall be responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2623c-2 (part).)

Sec. 103.07. GENERAL RESPONSIBILITIES. The board shall build and operate a state college of the first rank that will compare favorably with the other splendid colleges in Texas in the preparation of youth for the varied interests and industries in the section in which the university is located, and this college shall be equipped adequately to do its work as well as other state colleges. (V.A.C.S. Art. 2623c-4 (part).)

Sec. 103.08. DONATIONS, GIFTS, AND ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, not inconsistent with the objects and proper management of the university. (V.A.C.S. Art. 2623c-6.)

Sec. 103.09. LEASE OF LANDS. The board may lease the surface rights of land under its control and management for any term of years less than 100. (V.A.C.S. Art. 2623c-9.)

CHAPTER 104. TEXAS A & I UNIVERSITY

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CHAPTER 104. TEXAS A & I UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 104.01. TEXAS A & I UNIVERSITY. Texas A & I University is a coeducational institution of higher education located in the city of Kingsville. (V.A.C.S. Art. 2628a-1; Art. 2628a-1a.)

[Sections 104.02-104.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 104.11. BOARD OF DIRECTORS. The university is under the management and control of a board of nine directors appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2628a-2 (part).)

Sec. 104.12. TERM OF OFFICE; VACANCY; OATH; REMOVAL. (a) The members of the board of directors hold office for staggered terms of six years, with the terms of three expiring every two years.

(b) Any vacancy on the board shall be filled for the unexpired portion of the term by appointment of the governor.

(c) Each member of the board shall take the constitutional oath of office.

(d) Each member of the board is removable by the governor for inefficiency or inattention to the duties of his office. (V.A.C.S. Art. 2628a-2 (part).)

Sec. 104.13. BOARD OFFICERS. (a) The board shall elect a president of the board and any other officers it may desire.

(b) The board may select from its members a secretary-treasurer and compensate him in an amount not to exceed $50 a month from the institutional funds normally expended under its authority. (V.A.C.S. Art. 2628a-2 (part); Art. 2628a-2a.)

Sec. 104.14. PRESIDENT OF UNIVERSITY. The board shall appoint a president of the university, fix his term of office, set his salary, and define his duties. The president is the executive officer for the board and shall work under its direction. He shall recommend a plan for the organization of the university and the appointment of employees of the university. He is responsible to the board for the general management and success of the university; and he shall have the cooperation of the board. (V.A.C.S. Art. 2628a-2 (part).)

[Sections 104.15-104.20 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 104.21. GENERAL POWERS AND DUTIES. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents,

State Senior Colleges, with respect to institutions in that system, except as otherwise provided by this chapter. (V.A.C.S. Art. 2628a-7.)

Sec. 104.22. EMINENT DOMAIN. The board has the power of eminent domain to acquire land needed for the accomplishment of the purposes of the university. In this regard it may operate under condemnation procedures applicable to railroad companies under the laws of this state. (V.A.C.S. Art 2628a-5 (part).)

Sec. 104.23. ACQUISITION OF LAND FOR FIELD CLASSROOMS. (a) The board may acquire land in Hidalgo County, without cost to the State of Texas, to provide field classrooms to further the work of the university in agriculture and animal husbandry.

(b) The board may pledge any future revenue from any land acquired under this section to secure any lien given and retained to secure the purchase price of the land.

(c) The board may pledge collaterally and additionally any unencumbered future net revenue from the bookstore of the university to secure any lien given and retained to secure the purchase price of any land acquired under this section. The board may direct that any revenue from the land acquired under this section remaining after payment of the monthly or yearly installments or after discharge of the lien retained on the land shall be used to reimburse the bookstore to the extent that any of its revenue has been expended in payment of the purchase price of the land. (V.A.C.S. Art. 2628a-10.)

Sec. 104.24. DORMITORIES. (a) The board may enter into contracts with persons, firms, or corporations for the construction of dormitories at the university and may purchase or lease land and appurtenances for the construction. However, the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems desirable requiring any class or classes of students to reside in the dormitories or other buildings. The board has absolute management and control of the dormitories constructed under the provisions of this section. (V.A.C.S. Art. 2628a-8.)

[Sections 104.25-104.40 reserved for expansion]

SUBCHAPTER D. TEXAS A & I UNIVERSITY AT LAREDO

Sec. 104.41. ESTABLISHMENT; SCOPE; DISCONTINUATION. The board may establish an upper-level educational center of Texas A & I University in the city of Laredo, to be known as Texas A & I University at Laredo, to accept junior- and senior-level students only. This upper-level educational center may be discontinued by the Coordinating Board, Texas College and University System, at its discretion. (V.A.C.S. Art. 2628e, Sec. 1.)

Sec. 104.42. FACILITIES; GIFTS AND GRANTS. The board shall make provision for adequate physical facilities for use by the university at Laredo, and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property which are tendered by any person for the use and benefit of the school. (V.A.C.S. Art. 2628e, Sec. 2.)

Sec. 104.43. COURSES AND DEGREES; RULES AND REGULATIONS. The board, with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control, and management of the university at Laredo as necessary for the school to be a first-class upper division institution of higher learning. In prescribing the courses, the board shall give special emphasis to those courses leading to baccalaureate degrees in teacher education and business administration. (V.A.C.S. Art. 2628e, Sec. 3.)

Sec. 104.44. EFFECT OF SUBCHAPTER. Nothing in this subchapter shall be construed to limit the powers of the board as conferred by law. (V.A.C.S. Art. 2628e, Sec. 4.)

[Sections 104.45-104.50 reserved for expansion]

SUBCHAPTER E. PURCHASE OF FARMLAND, EQUIPMENT, CROPS, ETC.

Sec. 104.51. AUTHORIZATION. The board for the benefit of the university may purchase, use, lease as lessor, and operate farmland, may purchase crops and other horticultural and agricultural products growing on or produced or to be produced and harvested from the land, and may purchase any farming machinery, apparatus, and equipment used or useful in connection with it, from any person, firm, or corporation and for the price or prices the board considers reasonable and proper. (V.A.C.S. Art. 2628a-11, Sec. 1.)

Sec. 104.52. REVENUE BONDS. For the purpose of purchasing the items permitted to be purchased under Section 104.51 of this code, the board may issue its negotiable revenue bonds from time to time in the amounts it considers necessary or appropriate for the purpose of paying the purchase price or prices. The bonds may be made redeemable before maturity, at the option of the board, at the price or prices and under the terms and conditions that may be fixed by the board prior to the issuance of the bonds. The bonds shall be sold for not less than par and accrued interest. (V.A.C.S. Art. 2628a-11, Sec. 2.)

Sec. 104.53. PLEDGE OF REVENUE; MORTGAGES. The board may pledge to the payment of the interest on and the principal of the bonds all or any part of the revenue derived or anticipated to be derived in any manner from the land, including any revenue received from rendering scientific or experimental services on

the land purchased and all or any part of the revenue of the university derived or anticipated to be derived from the sale, handling, or disposal of the crops, agricultural and horticultural products acquired or to be grown and harvested from the land; and the board may enter into any agreements regarding the pledging thereof that it may deem appropriate. The board may also mortgage the farming equipment, machinery, apparatus, and land thus purchased and any growing fruits, products, and crops, or those to be grown, on any terms the board may determine to be appropriate. (V.A.C.S. Art. 2628a-11, Sec. 3.)

Sec. 104.54. BONDS AS SPECIAL OBLIGATIONS. The bonds authorized to be issued under this subchapter are special obligations of the board, payable only from the revenue pledged, and none of the bonds shall ever be an indebtedness of the State of Texas. (V.A.C.S. Art. 2628a-11, Sec. 4.)

Sec. 104.55. BONDS AS AUTHORIZED INVESTMENTS, SECURITY FOR DEPOSITS. The bonds are declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. The bonds are eligible to secure the deposit of public funds of the State of Texas and of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas; and the bonds are lawful and sufficient security for those deposits to the extent of the principal amount, or their value on the market, whichever is less, when accompanied by all unmatured coupons appurtenant to them. (V.A.C.S. Art. 2628a-11, Sec. 5.)

Sec. 104.56. PRIOR LIENS, PLEDGES, MORTGAGES. Any pledge of revenue or mortgage of property made under the terms of this subchapter shall be subject to any prior lien, pledge, or mortgage thereof, but the existence of any such prior lien, pledge, or mortgage shall not prevent (a) the making of a subsequent and inferior lien, pledge, or mortgage, unless that action is prohibited under the resolution, order, or indenture authorizing the prior obligations, or (b) the issuing of additional parity lien revenue bonds which are hereby authorized, if and to the extent permitted by the order or indenture authorizing the prior obligations. (V.A.C.S. Art. 2628a-11, Sec. 6.)

Sec. 104.57. FORM, CONDITIONS, DETAILS, REFINANCING. Subject to the restrictions contained in this subchapter, the board is given complete discretion in fixing the form, conditions, and details of the bonds, pledge, and mortgage, and the bonds may be refunded or otherwise refinanced whenever the board deems that action to be appropriate or necessary. (V.A.C.S. Art. 2628a-11, Sec. 7.)

Sec. 104.58. APPROVAL AND REGISTRATION. Prior to delivery, all bonds authorized to be issued under this subchapter and the records relating to their issuance shall be submitted to the attorney general for examination; and if he finds that they have

been issued in accordance with the constitution and this subchapter and that they will be binding special obligations of the board, he shall approve them. They shall then be registered by the comptroller of public accounts. After the approval and registration, the bonds shall be incontestable. (V.A.C.S. Art. 2628a-11, Sec. 8.)

Sec. 104.59. CUMULATIVE EFFECT. This subchapter does not repeal any statute now in effect, but is cumulative of all other statutes pertaining to the university, and does not modify or abridge any powers held by the university to control or pledge its funds. However, to the extent that the provisions of this subchapter may be in conflict with the provisions of any other law, the provisions of this subchapter take precedence and prevail. (V.A.C.S. Art. 2628a-11, Sec. 10.)

[Sections 104.60-104.70 reserved for expansion]

SUBCHAPTER F. MINERAL DEVELOPMENT IN UNIVERSITY LAND

Sec. 104.71. MINERAL LEASES; DISPOSITION OF PROCEEDS. (a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas A & I University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas A & I University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act. (V.A.C.S. Art. 2628a-9, Sec. 1.)

Sec. 104.72. MAJORITY OF BOARD TO ACT. A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 104.73. SUBDIVISION OF LAND; TITLES. (a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands. (V.A.C.S. Art. 2628a-9, Sec. 2.)

Sec. 104.74. SALE OF LEASES; ADVERTISEMENTS; PAYMENTS. (a) Whenever in the opinion of the board there is a demand for

the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Kingsville at any hour between 10 a.m. and 5 p.m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid. (V.A.C.S. Art. 2628a-9, Sec. 3.)

Sec. 104.75. SEPARATE BIDS; MINIMUM ROYALTY; DELAY RENTAL. (a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee. (V.A.C.S. Art. 2628a-9, Sec. 4.)

Sec. 104.76. REJECTION OF BIDS; WITHDRAWAL OF LAND. The board may reject any and all bids and may withdraw any land advertised for lease. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 104.77. ACCEPTANCE; CONDITIONS AND PROVISIONS OF LEASE. (a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public

auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university. (V.A.C.S. Art. 2628a-9, Sec. 5.)

Sec. 104.78. ACCEPTANCE AND FILING OF BIDS; YEARLY PAYMENTS; TERMINATION OF LEASE. (a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 104.80 and 104.81 of this code. (V.A.C.S. Art. 2628a-9, Sec. 6.)

Sec. 104.79. AWARD AND FILING OF LEASE. If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office. (V.A.C.S. Art. 2628a-9, Sec. 7(a).)

Sec. 104.80. EXPLORATORY TERM OF LEASE; EXTENSION; OTHER PROVISIONS. (a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 7(b).)

Sec. 104.81. EXTENSION OF LEASES. When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement. (V.A.C.S. Art. 2628a-9, Sec. 7(c).)

Sec. 104.82. CONTROL OF DRILLING AND PRODUCTION. The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state. (V.A.C.S. Art. 2628a-9, Sec. 7(d).)

Sec. 104.83. DRILLING OPERATIONS: SUSPENSION OF RENT; CONTINUANCE OF LEASE; DUTY TO PREVENT DRAINAGE. (a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances. (V.A.C.S. Art. 2628a-9, Sec. 8.)

Sec. 104.84. TITLE TO RIGHTS PURCHASED; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by

having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by $1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 9.)

Sec. 104.85. PAYMENT OF ROYALTIES; RECORDS; REPORT OF RECEIPTS. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be set aside in the state treasury as specified in Section 104.71 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month. (V.A.C.S. Art. 2628a-9, Sec. 10.)

Sec. 104.86. PROTECTION FROM DRAINAGE; FORFEITURE OF RIGHTS. (a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

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(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 104.87 of this code for forfeitures. (V.A.C.S. Art. 2628a-9, Sec. 11.)

Sec. 104.87. FORFEITURE AND OTHER REMEDIES; LIENS. (a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(c) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(d) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(e) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(f) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease. (V.A.C.S. Art. 2628a-9, Sec. 12.)

Sec. 104.88. FILING OF DOCUMENTS AND PAYMENT OF ROYALTIES, FEES, AND RENTALS. (a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

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(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas A & I University special mineral fund. (V.A.C.S. Art. 2628a-9, Sec. 13.)

Sec. 104.89. FORMS, REGULATIONS, RULES, AND CONTRACTS. The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

CHAPTER 105. NORTH TEXAS STATE UNIVERSITY

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CHAPTER 105. NORTH TEXAS STATE UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 105.01. NORTH TEXAS STATE UNIVERSITY. North Texas State University is a coeducational institution of higher education located in the city of Denton. (R.S. Art. 2651; V.A.C.S. Art. 2651a, Sec. 1.)

[Sections 105.02-105.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 105.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.12. TERM OF OFFICE; REMOVAL; VACANCY. The term of office of each regent is six years, with the term of three regents expiring every two years. Members of the board may be removed from office for inefficiency or malfeasance of office. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.13. RESIDENCE. Not more than one member of the board may be appointed from or be a resident of any one state senatorial district, and no member of the board may be appointed from or be a resident of the county in which the university is located. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.14. OATH. Each member of the board shall take the constitutional oath of office before assuming the duties of his office. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

Sec. 105.15. OFFICERS; MEETINGS. The board shall elect a chairman and any other officers it deems necessary. The chairman may convene the board when he deems it expedient to consider any business related to the university. (V.A.C.S. Art. 2651a, Sec. 2 (part).)

[Sections 105.16-105.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 105.41. EXTENT OF POWERS. With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system. (V.A.C.S. Art. 2651a, Sec. 3 (part).)

Sec. 105.42. CONTRACTS WITH CITY FOR UTILITY SERVICES. The board may contract with the city of Denton for the furnishing of water and other utility services to the university. The rates

to be charged the university shall not exceed those regularly established, published, and declared rates for similar customers; and if there are no similar customers, the rates to be charged shall be those established by the city of Denton for commercial users. The city may make any adjustments, discounts, and special rates that the governing authorities of the city may see fit to provide for the university. (V.A.C.S. Art. 2647e.)

[Sections 105.43-105.60 reserved for expansion]

SUBCHAPTER D. STATE HISTORICAL COLLECTION

Sec. 105.61. DESIGNATION. The historical collection of the university, consisting of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and other items of historical importance, is designated a State Historical Collection, to be known as "The State Historical Collection of North Texas State University." (V.A.C.S. Art. 2653a, Sec. 1.)

Sec. 105.62. GIFTS AND DONATIONS. The board may accept and receive gifts, donations, and collections of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and collections of all kinds having historical importance and value, to be used in teaching the youth of this state. (V.A.C.S. Art. 2653a, Sec. 2.)

Sec. 105.63. RULES AND REGULATIONS. The board may make any rules and regulations regarding the receiving and holding of these gifts, donations, and collections, that it considers necessary and advisable. (V.A.C.S. Art. 2653a, Sec. 3.)

CHAPTER 106. TEXAS SOUTHERN UNIVERSITY

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CHAPTER 106. TEXAS SOUTHERN UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 106.01. TEXAS SOUTHERN UNIVERSITY. Texas Southern University is a coeducational institution of higher education located in the city of Houston. (V.A.C.S. Art. 2643b, Sec. 2 (part); Art. 2643f, Secs. 1-4.)

[Sections 106.02-106.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 106.11. BOARD OF DIRECTORS. The government of the university is vested in a board of nine directors appointed by the governor with the advice and consent of the Senate. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.12. TERMS OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three directors expiring on February 1 of odd-numbered years. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.13. QUALIFICATIONS; OATH. Each member of the board shall be a qualified voter of the state. The members shall be selected from different portions of the state. Each member shall take the constitutional oath of office. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.14. OFFICERS. The board shall elect a chairman and a vice chairman from its members to serve at the will of the board. The board shall appoint a secretary. The state treasurer shall be the treasurer of the university. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

Sec. 106.15. EXPENSES. The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from any available funds of the university. (V.A.C.S. Art. 2643b, Sec. 4 (part).)

Sec. 106.16. SEAL. The board may make, use, and alter a common seal. (V.A.C.S. Art. 2643b, Sec. 3 (part).)

[Sections 106.17-106.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 106.31. ADMINISTRATIVE POWERS. The board shall establish the several departments in the university, determine the offices, professorships, and other positions at the institution, appoint a president, appoint the professors and other officers and employees and prescribe their duties, and fix their respective salaries. The board shall enact bylaws, rules, and regulations deemed necessary for the successful management and government of

the institution. The board may remove any professor, instructor, tutor, or other officer or employee connected with the institution when, in its judgment, the best interests and proper operation of the institution requires it. (V.A.C.S. Art. 2643b, Sec. 7.)

Sec. 106.32. EXPENDITURES. All expenditures shall be made by order of the board and shall be paid on warrants issued by the comptroller based on vouchers approved by the chairman of the board or some other officer of the university designated by him in writing to the comptroller, and countersigned by the secretary of the board or some other officer of the university designated by the secretary in writing to the comptroller. (V.A.C.S. Art. 2643b, Sec. 4 (part).)

Sec. 106.33. CONTRACTS WITH OTHER INSTITUTIONS. The board may make proper arrangements by contract with other educational institutions, hospitals, and clinics in Houston for the use of any facilities and services it considers necessary and expedient for the proper training and education of students in professional courses. (V.A.C.S. Art. 2643b, Sec. 6 (part).)

Sec. 106.34. GIFTS, GRANTS. The board may accept from other than state sources gifts and grants of money and property for the benefit of the university. (V.A.C.S. Art. 2643b, Sec. 8.)

Sec. 106.35. ACQUISITION OF LAND. The board on behalf of the university may acquire by purchase, exchange, or otherwise any tract or parcel of land in Harris County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion. (V.A.C.S. Art. 2643d-1.)

Sec. 106.36. MILITARY TRAINING. No student shall ever be required to take any military training as a condition for entrance into or graduation from the university. (V.A.C.S. Art. 2643f-1.)

[Sections 106.37-106.50 reserved for expansion]

SUBCHAPTER D. CONTROL OF UNIVERSITY FUNDS

Sec. 106.51. CONTROL OF MONEY COLLECTED. The board may retain control of:

(1) money derived from student fees of all kinds;
(2) charges for use of rooms and dormitories;
(3) receipts from meals, cafes, and cafeterias;
(4) fees on deposit refundable to students under certain conditions;
(5) receipts from school athletic activities;
(6) income from student publications and other student activities;
(7) receipts from the sale of publication products and miscellaneous supplies and equipment;
(8) students' voluntary deposits of money for safekeeping;

(9) funds, revenue, and accounts received from the University of Houston and other institutions;

(10) gifts and grants to the university; and

(11) all other fees and local institutional income of a strictly local nature arising out of, or incident to, the university's educational activities. (V.A.C.S. Art. 2643e, Sec. 1, 5.)

Sec. 106.52. DEPOSITORIES. The board may select depository banks as places of deposit of all funds of the kind and character named in Section 106.51 of this code, which are collected by the university, and the board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time the board deems any deposit inadequately secured. All funds of the character named in Section 106.51 of this code, which are so collected, shall be deposited in the depository bank or banks within five days from the date of collection. Depository banks so selected are authorized to pledge their securities to protect the funds. Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office; and venue of suit to recover any amount claimed by the state to be due on any of these bonds is fixed in Travis County. (V.A.C.S. Art. 2643e, Sec. 2.)

Sec. 106.53. ACCOUNTS; TRUST FUNDS. Separate accounts shall be kept on the books of the university, showing the sources of all sums collected and the purposes for which expended. All trust funds handled by the board shall be deposited in separate accounts and shall not be commingled with the general income from student fees or other local institutional income, and all trust funds shall be secured by separate bonds or securities. (V.A.C.S. Art. 2643e, Sec. 3.)

Sec. 106.54. BIENNIAL REPORT. True and full accounts shall be kept by the board and by the employees of the university of all funds collected from all sources by the university, all the sums paid out by it, and the persons to whom and the purposes for which the sums are paid. The board shall print biennially a complete report of all sums collected, all expenditures, and the sums remaining on hand. The report shall be printed in even-numbered years between September 1 and January 1. It shall show the true condition of all funds as of the preceding August 1, and shall show all collections and expenditures for the preceding two years. The board shall furnish copies of the report to the governor, state treasurer, comptroller, state auditor, and attorney general, and not less than three copies to the State Board of Control. The board shall furnish a copy to each member of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate committees on education of each regular session of the legislature within one week after the committees are appointed. (V.A.C.S. Art. 2643e, Sec. 4.)

Sec. 106.55. LEGISLATIVE INTENT. The authority granted the board under this subchapter is intended to be the same as the

authority granted to the governing boards of The University of Texas System, Texas A&M University System, and similar institutions with regard to the control and use of local funds. (V.A.C.S. Art. 2643e, Sec. 7.)

CHAPTER 107. TEXAS WOMAN'S UNIVERSITY

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CHAPTER 107. TEXAS WOMAN'S UNIVERSITY
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Sec. 107.01. LOCATION AND PURPOSE OF UNIVERSITY. Texas Woman's University is an institution of higher education for women with its main campus at Denton. (R.S. Art. 2624.)

[Sections 107.02-107.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 107.21. BOARD OF REGENTS. The board of regents of the university is composed of nine persons, four of whom shall be women, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring every two years. (R.S. Art. 2625 (part); Art. 2907 (part).)

Sec. 107.22. OFFICERS. The board shall biennially elect a chairman, a vice chairman, and other officers it deems necessary from among its members. (R.S. Art. 2625 (part).)

Sec. 107.23. BOARD MEETINGS; MINUTES. The chairman shall convene the board to consider any business connected with the university whenever he deems it expedient. A full record shall be kept of all the board's proceedings. (R.S. Art. 2625 (part).)

Sec. 107.24. COMPENSATION OF BOARD. Members of the board shall receive the same compensation conferred by law on the board of regents of The University of Texas System. (R.S. Art. 2625 (part).)

[Sections 107.25-107.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 107.41. EXTENT OF POWERS. The board has the power incident to its position and to the same extent, as far as applicable, as is conferred on the board of regents of The University of Texas System. (R.S. Art. 2625 (part).)

Sec. 107.42. STAFF. The board shall appoint a president of the university and other officers and employees it deems proper and shall fix their salaries. The board shall make rules and regulations for the government of the university's staff as it deems advisable. (R.S. Art. 2627 (part).)

Sec. 107.43. DEPARTMENTS. The board shall divide the course of instruction into departments and shall select careful and efficient professors in each department, in order to secure the best possible instruction in all areas of study. (R.S. Art. 2627 (part).)

Sec. 107.44. RULES AND REGULATIONS. The board shall adopt rules and regulations it deems necessary to carry out the purposes of the institution and to enforce the faithful discharge of the duties of all officers, professors, and students. (R.S. Art. 2627 (part).)

[Sections 107.45-107.60 reserved for expansion]

SUBCHAPTER D. DORMITORIES AND IMPROVEMENTS

Sec. 107.61. CONSTRUCTION OF DORMITORIES AND IMPROVEMENTS. The board may erect and equip, or may contract with any person, firm, or corporation for the erecting and equipping of dormitories and other improvements, which shall be located either on the campus or on land purchased or leased for the purpose by the board. The board may purchase or lease additional real estate for the purpose, or exchange or sell real estate for the purpose. (V.A.C.S. Art. 2628a, Sec. 2.)

Sec. 107.62. OBLIGATIONS; PLEDGE OF REVENUE. In payment for the erecting and equipping of dormitories and improvements, the board may issue its obligations in the amount and on the terms deemed advisable by the board. As security the board may pledge the income from the dormitories and improvements erected or from other dormitories owned by the university, as well as all other revenue derived by the university from other sources, except revenue derived by means of appropriations made for a specific purpose by the legislature. (V.A.C.S. Art. 2628a, Sec. 3.)

Sec. 107.63. SALE OF REAL ESTATE. The board may sell or encumber any part of the campus or real estate owned by the university for the purpose of obtaining funds with which to erect and equip these improvements or for the purpose of securing the payment of its obligations issued to any person, firm, or corporation for the erecting or equipping of these improvements. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.64. REQUIRED DORMITORY RESIDENCE. The board may adopt regulations it deems reasonable requiring any class or classes of students to reside in university dormitories or other buildings. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.65. MANAGEMENT OF DORMITORIES. The board has absolute and sole management and control of university dormitories and other improvements. (V.A.C.S. Art. 2628a, Sec. 4 (part).)

Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC. The board may make requisition to the State Board of Control for furniture, furnishings, equipment, and appointments required for the proper use and enjoyment of improvements erected by the board, and the State Board of Control may purchase and pay for the furnishings, equipment, and appointments. (V.A.C.S. Art. 2628a, Sec. 5.)

Sec. 107.67. LIMITATION ON OBLIGATIONS. In the erecting, or in contracts for the erecting, of dormitories and improvements, the board may not in any manner incur any indebtedness against the university except as provided in Sections 107.62 and 107.63 of this code. The obligations incurred in the erecting of dormitories and improvements may never be personal obligations of the university but shall be discharged solely from the revenue or property authorized to be pledged for that purpose. (V.A.C.S. Art. 2628a, Sec. 6.)

Sec. 107.68. GENERAL POWERS. The board may do any and all things necessary or convenient to carry out the purpose and intent of this subchapter. (V.A.C.S. Art. 2628a, Sec. 7.)

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CHAPTER 108. LAMAR UNIVERSITY

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CHAPTER 108. LAMAR UNIVERSITY
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Sec. 108.01. LAMAR UNIVERSITY. Lamar University is a coeducational institution of higher education located in the city of Beaumont. (V.A.C.S. Art. 2637a, Sec. 1, 1a.)

[Sections 108.02-108.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 108.11. BOARD OF REGENTS. The organization, control, and management of the university is vested in a board of nine regents, who shall be appointed by the governor and confirmed by the senate. The term of office of each regent shall be six years. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term. The members of the board are removable by the governor for inefficiency or inattention to the duties of the office. Each member of the board shall take the constitutional oath of office. (V.A.C.S. Art. 2637b (part).)

Sec. 108.12. OFFICERS. The board shall elect a chairman and any other officers they consider necessary. (V.A.C.S. Art. 2637b (part).)

Sec. 108.13. COMPENSATION OF BOARD. The members of the board shall serve without compensation, but shall receive actual expenses incurred in attending the meetings of the board, or in the transaction of any business of the university imposed by the board. (V.A.C.S. Art. 2637j, Sec. 4.)

Sec. 108.14. PRESIDENT. The board shall select a president for the university and shall fix his term of office, set his salary, and define his duties. The president shall be the executive officer for the board and shall work under its direction. He shall recommend the plan of organization and the appointment of employees of the university, and shall have the cooperation of the board and shall be responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2637b (part).)

Sec. 108.15. SEAL. The board may adopt an official seal. (V.A.C.S. Art. 2637a, Sec. 1b.)

[Sections 108.16-108.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 108.31. GENERAL RESPONSIBILITIES. The board shall build and operate a state university of the first rank that compares favorably with the splendid colleges of Texas in the preparation of its youth for the varied interests and industries possible in the section of the state in which the university is located. The university shall be equipped adequately to do its work as well as other state colleges perform their functions. (V.A.C.S. Art. 2637d (part).)

Sec. 108.32. SCOPE OF POWERS. The university and the board have all the powers and authority conferred by law on state senior colleges in Texas and the Board of Regents, State Senior Colleges, to the extent that that law is applicable. (V.A.C.S. Art. 2637j, Sec. 1.)

Sec. 108.33. EMINENT DOMAIN. The university has the power of eminent domain and shall proceed under condemnation proceedings applicable to railroad companies under the laws of the state. (V.A.C.S. Art. 2637f.)

Sec. 108.34. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions declared in writing in the donation, gift, or endowment, to the extent that the directions, limitations, and provisions are not inconsistent with the objects and proper management of the university. (V.A.C.S. Art. 2637g.)

Sec. 108.35. SPINDLETOP MEMORIAL MUSEUM. The board may create the Spindletop Memorial Museum and may administer it in accordance with the rules and regulations of the university. (V.A.C.S. Art. 2637j, Sec. 3.)

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CHAPTER 109. TEXAS TECH UNIVERSITY

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CHAPTER 109. TEXAS TECH UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 109.01. TEXAS TECH UNIVERSITY. Texas Tech University is a coeducational institution of higher education located in the city of Lubbock. (R.S. Art. 2629 (part); V.A.C.S. Art. 2629a.)

[Sections 109.02-109.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 109.21. BOARD OF REGENTS. The government, control, and direction of the policies of the university are vested in a board of nine regents, who shall be appointed by the governor with the advice and consent of the senate. (R.S. Art. 2630, Sec. (a).)

Sec. 109.22. BOARD MEMBERS: TERMS, VACANCIES. Except for the initial appointees, members hold office of terms of six years expiring on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate three for terms expiring in 1971, three for terms expiring in 1973, and three for terms expiring in 1975. Any vacancy shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the senate. (R.S. Art. 2630, Sec. (b).)

Sec. 109.23. CHIEF EXECUTIVE OFFICER: SELECTION, DUTIES. The board shall provide a chief executive officer, who shall devote his attention to the executive management of the university and who shall be directly accountable to the board for the conduct of the university. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that other institution or facility. (R.S. Art. 2630, Sec. (c).)

[Sections 109.24-109.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 109.41. EMINENT DOMAIN. The board of regents has the power of eminent domain to acquire land needed to carry out the purposes of the university. (R.S. Art. 2632.)

Sec. 109.42. RESIDENCE FOR PRESIDENT. The board may purchase a house or may purchase land and construct a house suitable for the residence of the president of the university. (V.A.C.S. Art. 2632g.)

Sec. 109.43. DORMITORIES: RULES AND REGULATIONS. The board may adopt rules and regulations it deems advisable requiring any class or classes of students to reside in university dormitories or other buildings. (V.A.C.S. Art. 2632a, Sec. 4.)

Sec. 109.44. RESEARCH PARK. (a) The board may plan, develop, and maintain a research park on a portion of the campus of the university. For this purpose, the board may select and set aside on the campus a tract of land of approximately 150 acres.

(b) The board may subdivide the tract into lots and lease the lots to persons, firms, foundations, associations, corporations, and government agencies for the purpose of conducting research. Each lessee may construct buildings and facilities appropriate for research, subject to rules of the board.

(c) The board may execute any lease deemed favorable to the university, and the board shall establish standards of admission for tenant organizations, rental rates, and architectural and landscaping standards.

(d) Money received from the rental of sites in the research park shall be used to offset the expenses involved in developing the sites and providing utilities and services. Any excess of receipts over expenses shall be applied toward research activities undertaken in behalf of the university. The support and maintenance of the park shall never become a charge against or obligation of the State of Texas.

(e) The research park shall be used for research only, and the board shall prohibit manufacturing, social, political, religious, fraternal, and other uses. (V.A.C.S. Art. 2632h.)

Sec. 109.45. CITY MUSEUM. (a) The board may rent, lease, or convey, for a sum of money to be determined by the board, a part of the campus, not to exceed four acres, to the city of Lubbock for the sole purpose of building, with bonds or current city taxes, and maintaining with city tax money, a history, science, and art museum.

(b) The board may rent or lease a building or any part of a building on the parcel of land to the city of Lubbock for the sole purpose of maintaining a history and art museum for a sum of money to be determined by the board.

(c) The board may dedicate for public use a street or streets leading to and connecting the parcel of land and building and to provide ingress and egress to and from a public highway and to and from adjacent parking lots.

(d) The board, at its discretion, may contract with the city of Lubbock for the staffing, operation, and maintenance of a history and art museum with funds provided by the city of Lubbock.

(e) The board may enter into contracts and agreements which are necessary and proper for carrying out the provisions of this section, provided that no expenditure of money by the board shall be made except as may be appropriated by the legislature. (V.A.C.S. Art. 2632e.)

Sec. 109.46. LEASE OF LAND FOR ARMORY. (a) The board may lease to a suitable agency of the United States a portion of the campus, not to exceed five and one-half acres, for a period not to exceed 99 years, to be used as a site for the erection and maintenance of an armory building or other suitable building or buildings for the instruction of students in military and naval sciences and other subjects.

(b) The board may enter into lease contracts and other contracts and agreements which are necessary and proper in carrying out the provisions of this section. (V.A.C.S. Art. 2632c.)

Sec. 109.47. LEASE OF LAND FOR NATIONAL GUARD ARMORY. (a) The board may select and lease a portion of the campus to the Texas National Guard for the purpose of erecting an armory and other buildings suitable for use by the Texas National Guard. The board may enter into a lease contract with the Texas National Guard Armory Board on terms which are suitable and satisfactory to the board for a term of not more than 99 years.

(b) The board may select and set aside a tract of campus land, not in excess of 10 acres, to be used by the Texas National Guard as a drill ground.

(c) The board may permit the Texas National Guard Armory Board and the Texas National Guard and any of its subdivisions ingress upon and egress from the campus for the purpose of going to and from the armory and other buildings and the drill ground. (V.A.C.S. Art. 2632b.)

[Sections 109.48-109.60 reserved for expansion]

SUBCHAPTER D. MINERAL DEVELOPMENT IN UNIVERSITY LAND

Sec. 109.61. MINERAL LEASES; DISPOSITION OF PROCEEDS. (a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas Tech University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas Tech University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act. (V.A.C.S. Art. 2628a-9, Sec. 1.)

Sec. 109.62. MAJORITY OF BOARD TO ACT. A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 109.63. SUBDIVISION OF LAND; TITLES. (a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands. (V.A.C.S. Art. 2628a-9, Sec. 2.)

Sec. 109.64. SALE OF LEASES; ADVERTISEMENTS; PAYMENTS. (a) Whenever in the opinion of the board there is a demand for the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Lubbock at any hour between 10 a.m. and 5 p.m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid. (V.A.C.S. Art. 2628a-9, Sec. 3.)

Sec. 109.65. SEPARATE BIDS; MINIMUM ROYALTY; DELAY RENTAL. (a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than $1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee. (V.A.C.S. Art. 2628a-9, Sec. 4.)

Sec. 109.66. REJECTION OF BIDS; WITHDRAWAL OF LAND. The board may reject any and all bids and may withdraw any land advertised for lease. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

Sec. 109.67. ACCEPTANCE; CONDITIONS AND PROVISIONS OF LEASE. (a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the

board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university. (V.A.C.S. Art. 2628a-9, Sec. 5.)

Sec. 109.68. ACCEPTANCE AND FILING OF BIDS; YEARLY PAYMENTS; TERMINATION OF LEASE. (a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 109.70 and 109.71 of this code. (V.A.C.S. Art. 2628a-9, Sec. 6.)

Sec. 109.69. AWARD AND FILING OF LEASE. If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office. (V.A.C.S. Art. 2628a-9, Sec. 7(a).)

Sec. 109.70. EXPLORATORY TERM OF LEASE; EXTENSION; OTHER PROVISIONS. (a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 7(b).)

Sec. 109.71. EXTENSION OF LEASES. When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement. (V.A.C.S. Art. 2628a-9, Sec. 7(c).)

Sec. 109.72. CONTROL OF DRILLING AND PRODUCTION. The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state. (V.A.C.S. Art. 2628a-9, Sec. 7(d).)

Sec. 109.73. DRILLING OPERATIONS: SUSPENSION OF RENT; CONTINUANCE OF LEASE; DUTY TO PREVENT DRAINAGE. (a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances. (V.A.C.S. Art. 2628a-9, Sec. 8.)

Sec. 109.74. TITLE TO RIGHTS PURCHASED; ASSIGNMENT; RELINQUISHMENT. (a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by

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having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by $1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 9.)

Sec. 109.75. PAYMENT OF ROYALTIES; RECORDS; REPORT OF RECEIPTS. (a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be
* set aside in the state treasury as specified in Section 109.61 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month. (V.A.C.S. Art. 2628a-9, Sec. 10.)

Sec. 109.76. PROTECTION FROM DRAINAGE; FORFEITURE OF RIGHTS. (a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

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(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 109.77 of this code for forfeitures. (V.A.C.S. Art. 2628a-9, Sec. 11.)

Sec. 109.77. FORFEITURE AND OTHER REMEDIES; LIENS. (a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(b) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(c) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(d) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(e) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease. (V.A.C.S. Art. 2628a-9, Sec. 12.)

Sec. 109.78. FILING OF DOCUMENTS AND PAYMENT OF ROYALTIES, FEES, AND RENTALS. (a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas Tech University special mineral fund. (V.A.C.S. Art. 2628a-9, Sec. 13.)

Sec. 109.79. FORMS, REGULATIONS, RULES, AND CONTRACTS. The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter. (V.A.C.S. Art. 2628a-9, Sec. 14 (part).)

CHAPTER 110. TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE AT LUBBOCK

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CHAPTER 110. TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE AT LUBBOCK

Sec. 110.01. SEPARATE INSTITUTION. Texas Tech University School of Medicine at Lubbock is a separate institution and not a department, school, or branch of Texas Tech University but is under the direction, management, and control of the Texas Tech University Board of Regents. (V.A.C.S. Art. 2632i, Sec. 1.)

Sec. 110.02. CONCURRENT AND SEPARATE POWERS. The board of regents has the same powers of direction, management, and control over the medical school as they exercise over Texas Tech University. However, the board shall act separately and independently on all matters affecting the medical school as a separate institution. (V.A.C.S. Art. 2632i, Sec. 2.)

Sec. 110.03. GENERAL POWERS. The board may make rules and regulations for the direction, control, and management of Texas Tech University School of Medicine as necessary for the school to be a medical school of the first class. (V.A.C.S. Art. 2632i, Sec. 3 (part).)

Sec. 110.04. CHIEF EXECUTIVE OFFICER. The chief executive officer of Texas Tech University is also the chief executive officer of the medical school under the authority of Section 109.23 of this code. (New.)

Sec. 110.05. COURSES OFFERED. The board may prescribe courses leading to customary degrees. (V.A.C.S. Art. 2632i, Sec. 3 (part).)

Sec. 110.06. AGREEMENTS WITH OTHER SCHOOLS. The board may, when in the best interests of medical education at the medical school, execute and carry out affiliation or coordinating agreements with any other entity or institution in the Lubbock area, Amarillo area, El Paso area, and the Odessa-Midland area to provide clinical, postgraduate, including internship and residency, or other levels of medical educational work for the medical school. Additionally, the board may execute and carry out affiliation or coordinating agreements with any other entity or institution necessary to conduct and operate the medical school as a first-class medical school. The board may utilize the facilities and staffs of other state biomedical units. (V.A.C.S. Art. 2632i, Sec. 4.)

Sec. 110.07. PHYSICAL FACILITIES. The board shall make provision for adequate physical facilities for the medical school, including library, auditorium, and animal facilities, for use by the medical school in its teaching and research programs. (V.A.C.S. Art. 2632i, Sec. 5.)

Sec. 110.08. GRANTS; GIFTS. The board, in its discretion, may accept and administer grants and gifts from the federal government, any foundation, trust fund, corporation, or individual

for the use and benefit of the medical school. (V.A.C.S. Art. 2632i, Sec. 6.)

Sec. 110.09. TEACHING HOSPITAL. A complete teaching hospital for the medical school shall be furnished at no cost or expense to the state. The state may never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the medical school. (V.A.C.S. Art. 2632i, Sec. 7.)

Sec. 110.10. SUPERVISION BY COORDINATING BOARD. The medical school is subject to the continuing supervision of and to the rules and regulations of the Coordinating Board, Texas College and University System, as provided by Chapter 61 of this code. (V.A.C.S. Art. 2632i, Sec. 8.)

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CHAPTER 111. THE UNIVERSITY OF HOUSTON
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 111.01. UNIVERSITY OF HOUSTON. The University of Houston is a coeducational institution of higher education located in the city of Houston. (V.A.C.S. Art. 2615g, Sec. 1.)

Sec. 111.02. APPLICABILITY OF GENERAL LAWS. The University of Houston is subject to the obligations and entitled to the benefits of all general laws of Texas applicable to all other state institutions of higher education, except where the general laws are in conflict with this chapter, and in the event of conflict this chapter prevails to the extent of the conflict. (V.A.C.S. Art. 2615g, Sec. 15.)

[Sections 111.03-111.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 111.11. BOARD OF REGENTS. The organization and control of the university is vested in a board of nine regents. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.12. APPOINTMENTS TO BOARD; TERMS. Members of the board are appointed by the governor with the advice and consent of the senate. The term of office of each regent shall be six years, except that in making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.13. QUALIFICATIONS OF MEMBERS; OATH. Each member of the board shall be a citizen of the State of Texas, and each member shall take the constitutional oath of office. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.14. OFFICERS. The board shall elect one of the members chairman. They shall elect any other officers they deem necessary. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.15. COMPENSATION. Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2615g, Sec. 4.)

Sec. 111.16. MEETINGS. The board shall hold a regular meeting at the campus of the university during the month of April annually, and at other times and places scheduled by the board or designated by the chairman. (V.A.C.S. Art. 2615g, Sec. 5.)

Sec. 111.17. MINUTES. Full, accurate, and complete minutes of the board shall be kept and shall be open to inspection by the public at the university during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee assessed by the board, which shall not exceed 25 cents per 100 words or fractional part thereof. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.18. PRESIDENT. The board shall select a president for the university, who shall be the executive officer for the board and shall work under its direction. The president shall recommend the plan or organization of the university and shall be responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.19. PERSONNEL: APPOINTMENTS, SALARIES, ETC. The board may appoint and remove the president, any faculty member, or other officer or employee of the university when, in its judgment, the interest of the university requires it. The board shall fix the respective salaries and duties of the officers and employees. (V.A.C.S. Art. 2615g, Sec. 6.)

[Sections 111.20-111.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 111.31. COURSES AND DEGREES. The board shall prescribe courses leading to customary degrees offered in American universities of the first rank. However, the role and scope of the university, including its autnorized departments and offerings of degree and certificate programs, are subject to the determination and approval of the Coordinating Board, Texas College and University System. All work done and all courses, degrees, certificates, and diplomas awarded shall conform to standard college requirements as promulgated by the accrediting associations that supervise matters of accreditation of universities and colleges in the State of Texas. (V.A.C.S. Art. 2615g, Sec. 7.)

Sec. 111.32. REPORTS. The board shall report in detail to the governor and to the Coordinating Board, Texas College and University System, annually, and to the legislature at the beginning of each regular session, on the following matters:

(1) the receipts and disbursements of the university and the expenses incurred;

(2) the number of teachers and the salary of each member of the faculty;

(3) the number of employees and the salary and duties of each person;

(4) the number of students, classified by grades and departments; and

(5) a summary of the proceedings of the board and of the faculty. (V.A.C.S. Art. 2615g, Sec. 5a.)

Sec. 111.33. SUITS. The board has the power to sue and be sued in the name of the University of Houston. Venue shall be in either Harris County or Travis County. The university shall be impleaded by service of citation on the president or any of its vice presidents. (V.A.C.S. Art. 2615g, Sec. 3 (part).)

Sec. 111.34. CONTRACTS. All contracts of the university shall be approved by a majority of the board. (V.A.C.S. Art. 2615g, Sec. 3 (part).)

Sec. 111.35. BYLAWS; RULES; REGULATIONS. The board shall enact bylaws, rules, and regulations necessary for the successful management and government of the university. (V.A.C.S. Art. 2615g, Sec. 2 (part).)

Sec. 111.36. DONATIONS, GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, provided that the purposes and directions, limitations, and provisions are not inconsistent with the laws of the State of Texas or with the objectives and proper management of the university. (V.A.C.S. Art. 2615g, Sec. 9.)

Sec. 111.37. LEASE AND MANAGEMENT OF LAND. (a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its exclusive control for the use of the university. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas.

(b) All money received under and by virtue of the leases and contracts executed for the management and development of the land, except revenue pledged to the payment of revenue bonds or notes, shall be deposited to the credit of a special fund created by the board. The board shall designate a depository for the special fund and shall accord the money deposited in it the same protection by the pledging of assets of the depository as is required for the protection of public funds. Money deposited in the special fund may be used by the board for the administration of the university, for payment of principal of and interest on any revenue bonds or notes issued by the board, and for any other use or purpose which in the judgment of the board may be for the good of the university. (V.A.C.S. Art. 2615g, Sec. 10.)

Sec. 111.38. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the university any land

necessary and proper for carrying out its purposes as a state-supported institution of higher education. However, the power of eminent domain is restricted to the area within Harris County and any county whose boundaries are contiguous to Harris County. The board shall not be required to deposit a bond or the amount equal to the award of the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. (V.A.C.S. Art. 2615g, Sec. 10a.)

Sec. 111.39. ACQUISITION AND DISPOSITION OF LAND. The board may acquire by purchase, donation, or otherwise for the use of the university any land and other real property necessary or convenient for carrying out its purposes as a state-supported institution of higher education, and may sell, exchange, lease, or otherwise dispose of any land or other real property owned by or acquired for the university. However, the power of acquisition and disposition is restricted to the area within Harris County and the counties whose boundaries are contiguous to Harris County. The proceeds from any sale of land or other real property shall be added to the capital funds of the university. No new institutions, branches, or other operations of any kind shall be developed without specific authorization by the legislature. (V.A.C.S. Art. 2615g, Sec. 10b.)

Sec. 111.40. CHARGES FOR SERVICES TO THE PUBLIC; REPORTS. (a) A schedule of minimum fees and charges shall be established by the board for services performed by any department of the university for students and the public. The schedule shall conform to the fees and charges customarily made for like services in the community. By way of example, but not as a limitation, are services of the hearing clinic, optometry clinic, reading clinic, and data processing and computing center.

(b) All fees and compensation derived from performing services shall be reported to the governor and to the Coordinating Board, Texas College and University System, annually, to the legislature at the beginning of each regular session, and to the board as required by it. A brief statement of the firm, society, organization, or association using the facilities and the use made shall be included in each report. (V.A.C.S. Art. 2615g, Sec. 13.)

Sec. 111.41. MILITARY TRAINING. (a) Within its authority to contract with the Department of Defense for military training under Section 51.304 of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university. (V.A.C.S. Art. 2615g, Sec. 14.)

[Sections 111.42-111.60 reserved for expansion]

SUBCHAPTER D. INSTITUTE FOR URBAN STUDIES

Sec. 111.61. CREATION OF INSTITUTE; LOCATION. The board of regents of the University of Houston shall establish and maintain an institute for urban studies in the Houston metropolitan area. (V.A.C.S. Art. 2606d, Sec. 1.)

Sec. 111.62. ADMINISTRATION. The administration of the institute for urban studies shall be under the direction of the president and board of regents of the University of Houston. The administrative officer of the institute shall be appointed by the president with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board. (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 111.63. ROLE AND SCOPE OF INSTITUTE. The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 111.64. CORRELATION OF PROGRAMS. In order to correlate the programs offered by the institute and the institute established by The University of Texas System under Subchapter B, Chapter 75, of this code, there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2606d, Sec. 2 (part).)

Sec. 111.65. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the president and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

CHAPTER 112. PAN AMERICAN UNIVERSITY

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CHAPTER 112. PAN AMERICAN UNIVERSITY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 112.01. PAN AMERICAN UNIVERSITY. Pan American University is a coeducational institution of higher education located in the city of Edinburg. (V.A.C.S. Art. 2619a, Sec. 1; Art. 2619b, Sec. 1.)

[Sections 112.02-112.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 112.11. BOARD OF REGENTS. The organization and control of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.12. TERM OF OFFICE. Members of the board hold office for staggered terms of six years, with the terms of three members expiring every two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.13. OFFICERS. The board shall elect one member to be chairman and may elect any other officers it deems necessary. Each member shall take the constitutional oath of office. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.14. EXPENSES. Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2619a, Sec. 4.)

Sec. 112.15. MEETINGS. The board shall hold a regular meeting each year during the month of April on the campus of the university, and may meet at other times and places as scheduled by the board or called by the chairman. (V.A.C.S. Art. 2619a, Sec. 5.)

Sec. 112.16. MINUTES. Accurate and complete minutes of the board shall be maintained and shall be open to public inspection at the university during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee to be assessed by the board, not to exceed 25 cents per 100 words or fractional part of 100 words. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.17. PRESIDENT. The board of regents shall select a president, who shall be chief executive officer for the board and shall work under the board's direction. The president shall recommend the plan of organization of the university and is responsible to the board for the general management and success of the university. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.18. PERSONNEL: APPOINTMENTS, SALARIES, ETC. The board may appoint or remove the president, any faculty member, or any other officer or employee of the university when, in the judgment of the board, the best interests of the university require it. The board shall fix the salaries and duties of the officers and employees of the university. (V.A.C.S. Art. 2619a, Sec. 7.)

[Sections 112.19-112.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 112.31. RULES AND REGULATIONS. The board may adopt bylaws, rules and regulations necessary for the successful management and operation of the university. (V.A.C.S. Art. 2619a, Sec. 2 (part).)

Sec. 112.32. SUITS. The board may sue or be sued in the name of Pan American University. Venue is in either Hidalgo County or Travis County. The university shall be impleaded by service of citation on the president, and legislative consent to these suits is granted. (V.A.C.S. Art. 2619a, Sec. 3 (part).)

Sec. 112.33. CONTRACTS. All contracts of the university must be approved by a majority of the board of regents. (V.A.C.S. Art. 2619a, Sec. 3 (part).)

Sec. 112.34. GIFTS, ENDOWMENTS. The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions that may be declared in writing in the donation, gift, or endowment, consistent with the laws of the state and the objectives and proper management of the university. (V.A.C.S. Art. 2619a, Sec. 15.)

Sec. 112.35. EMINENT DOMAIN. The board has the power of eminent domain, restricted to the boundaries of Hidalgo County, to acquire land for the use of the university which is necessary and proper for carrying out the purposes of the university. The board may not be required to deposit a bond or the amount equal to the award of the commissioners as required by Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. If the power is exercised, the board shall determine the amount and character of interests in land and easements to be acquired. As against persons, firms, and corporations, or receivers or trustees of them, having the power of eminent domain, the board may condemn only an easement. (V.A.C.S. Art. 2619a, Sec. 3a.)

Sec. 112.36. MILITARY TRAINING. (a) Within its authority to contract with the Department of Defense for military training under Section 51.173 of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into or graduation from the university. (V.A.C.S. Art. 2619a, Sec. 18.)

Sec. 112.37. REPORTS. The board shall report the condition of the university annually to the governor, to the Coordinating Board, Texas College and University System, and to the legislature at the beginning of each regular session. The report shall set forth, in detail, receipts and disbursements; an itemized statement of all expenses for each year; the number of teachers and the salary of each member of the faculty; the number of employees and the general duties and salary received by each; the number of students, classified by grades and departments; and a summary of the proceedings of the board and faculty. (V.A.C.S. Art. 2619a, Sec. 6.)

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SUBTITLE G. NON-BACCALAUREATE SYSTEM
CHAPTER 130. JUNIOR COLLEGE DISTRICTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 130.001. SUPERVISION BY COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM. (a) The Coordinating Board, Texas College and University System, referred to as the coordinating board, shall exercise general control of the public junior colleges of Texas.

(b) The coordinating board shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges as prescribed by the legislature, and with the advice and assistance of the commissioner of higher education, shall have authority to:

(1) authorize the creation of public junior college districts as provided in the statutes, giving particular attention to the need for a public junior college in the proposed district and the ability of the district to provide adequate local financial support;

(2) dissolve any public junior college district which has failed to establish and maintain a junior college within three years from the date of its authorization;

(3) adopt standards for the operation of public junior colleges and prescribe the rules and regulations for such colleges;

(4) require of each public junior college such reports as deemed necessary in accordance with the coordinating board's rules and regulations; and

(5) establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the coordinating board with respect to public junior colleges. (Originally Sec. 51.001.)

Sec. 130.002. EXTENT OF STATE AND LOCAL CONTROL. All authority not vested by this chapter or by other laws of the state in the coordinating board or in the Central Education Agency is reserved and retained locally in each of the respective public junior college districts or in the governing boards of such junior colleges as provided in the laws applicable. (Originally Sec. 51.002.)

Sec. 130.003. STATE APPROPRIATION FOR PUBLIC JUNIOR COLLEGES. (a) There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by this chapter. The sum shall be allocated on a basis and in a manner provided in Subsection (b) of this section.

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 130.002(a)(2) of this code;

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(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education; and

(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code.

(c) All funds allocated under the provisions of this code, with the exception of those necessary for paying the costs of audits as provided, shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several institutions and the purchase of supplies and materials for instructional purposes.

(d) Only those colleges which have been certified as prescribed in Section 61.063 of this code shall be eligible for and may receive any appropriation made by the legislature to public junior colleges. (Originally Sec. 51.003.)

Sec. 130.004. AUTHORIZED TYPES OF PUBLIC JUNIOR COLLEGES. (a) By complying with the provisions of the appropriate following sections of this chapter a public junior college and/or district of any one of the following classifications may be established:

(1) an independent school district junior college;

(2) a city junior college;

(3) a union junior college;

(4) a county junior college;

(5) a joint-county junior college; and

(6) a public junior college as a part or division of a regional college district.

(b) As used in this chapter, the two general authorized types of junior colleges are:

(1) public junior colleges, which must consist of freshman and sophomore college work taught separately or in conjunction with the junior and senior years of high school and the course of study of such work must be submitted to and approved before being offered by the Coordinating Board, Texas College and University System; and

(2) a junior college division of a regional college, as that type of institution is defined in Subchapter F of this chapter, which operates under the laws applicable to public junior colleges in Texas.

(c) All junior college districts, whether established, organized, and/or created, or attempted to be established, organized, and/or created, by vote of the people residing in those districts, or by action of the county school boards, or by action of the county judge, or by action of the commissioners courts, or by action of state educational officers or agencies, or by a combination of any two or more of the same, which districts have previously been recognized by either state or county authorities

as junior college districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. Without in any way limiting the generalization of the provisions above,

(1) all additions of territory to or detachments of territory from such junior college districts are hereby in all things validated, whether the same were accomplished or attempted to be accomplished by action of the county school boards, or by action of the county judge, or by action of the commissioners court, or by action of state educational officers or agencies, or by vote of the people residing in such territory, or by a combination of any two or more of the same;

(2) the boundary lines of all such junior college districts are hereby in all things validated; and

(3) all acts of the governing boards of such junior college districts ordering an election or elections, declaring the results of such elections, levying, attempting, or purporting to levy taxes for and on behalf of such districts, and all bonds issued and now outstanding, and all bonds previously voted but not issued, and all tax elections, bond elections, and bond assumption elections are hereby in all things validated; all revenue bonds issued and outstanding and all revenue bonds authorized but not yet issued for and on behalf of such districts are hereby in all things validated.

(d) Subsection (c) of this section shall not apply to any district which has previously been declared invalid by a court of competent jurisdiction of Texas, nor shall it apply to any district which is now involved in litigation in any district court of Texas, the court of civil appeals, or the Supreme Court of Texas, in which litigation the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such districts is attacked, or to any district involved in proceedings now pending before the coordinating board in which proceedings the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such district is attacked. (Originally Sec. 51.004.)

[Sections 130.005-130.010 reserved for expansion]

SUBCHAPTER B. INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE

Sec. 130.011. ESTABLISHMENT OF INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE. (a) An independent school district junior college may be established in either of the following types of units:

(1) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of not less than $12 million or having an income provided by endowment or otherwise that will meet the needs of the proposed junior college district as determined by the Coordinating Board, Texas College and University System; and

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(B) an average daily attendance of the next preceding school year of not fewer than 400 students in the last four grades in the classified high schools within the district or city; or

(2) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of $20 million or more and the coordinating board finds that such district or city is in a growing section and that there is a public convenience and necessity for such junior college; and

(B) an average daily attendance of the next preceding school year of fewer than 400 but not fewer than 300 students in the last four grades of classified high schools.

(b) Any such college district established and maintained as provided in this chapter shall be known as a junior college district. (Originally Sec. 51.011.)

Sec. 130.012. PETITION TO ESTABLISH. Whenever it is proposed to establish a junior college district in any type of unit
* authorized by Section 130.011 of this code, a petition praying for an election, signed by not less than five percent of the qualified taxpaying electors of the proposed district shall be presented to the school board of trustees of the district or city, which shall:

(1) pass upon the legality and genuineness of the petition; and

(2) forward the petition, if approved, to the coordinating board. (Originally Sec. 51.012.)

Sec. 130.013. ORDER TO ESTABLISH. It shall be the duty of the coordinating board with the advice of the commissioner of higher education to determine whether or not the conditions set
* forth in Sections 130.011 and 130.012 of this code have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish the proposed junior college district. It shall be the duty of the coordinating board to consider the needs and the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be final and shall be transmitted through the commissioner of higher education to the local school board, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district, if the coordinating board endorses its establishment. (Originally Sec. 51.013.)

Sec. 130.014. ELECTION. (a) If the coordinating board approves of the establishment of the junior college district, it shall then be the duty of the local school board to enter an order for an election to be held in the proposed territory within a time not less than 20 days and not more than 30 days after such order is issued, to determine whether or not such junior college district shall be created and formed. Such order shall:

(1) contain a description of the metes and bounds of the junior college district to be formed; and

(2) fix the date for the election.

(b) If a majority of the electors voting at the election shall be in favor of the creation of a junior college district, the district shall be deemed to be formed and created. The local school board shall make a canvass of the returns and declare the result of the election within 10 days after holding the election, and enter an order on the minutes of the board as to the result of the election. (Originally Sec. 51.014.)

Sec. 130.015. CONTROL OF INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE. A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of the board of trustees of that independent or city school district. (Originally Sec. 51.015.)

Sec. 130.016. SEPARATE BOARD OF TRUSTEES IN CERTAIN INSTANCES. A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of a separate board of trustees, which may be placed in authority by either of the following procedures:

(1) the board of trustees of an independent school district or city school district which has the management, control, and operation of a junior college may divest itself of the management, control, and operation of that junior college so maintained and operated by the school board by appointing for the junior college district a separate board of trustees of nine members; or

(2) the board of trustees of any independent school district or city school district which has the control and management of a junior college may be divested of its control and management of that junior college by the procedure prescribed in Section 130.017 of this code. (Originally Sec. 51.016.)

Sec. 130.017. PETITION TO DIVEST SCHOOL BOARD OF AUTHORITY. (a) On a petition signed by 10 percent of the qualified electors of the independent school district or city school district, the board of trustees shall call an election within 30 days after the petition has been duly presented for the purpose of determining whether the school board of trustees shall be divested of its authority as governing board of such junior college district.

(b) If a majority of the votes cast in the election are in favor of divesting the board of trustees of the independent school district or city school district of its authority as the governing board of the junior college district, the board of trustees shall, within 30 days after the official canvass of the election, appoint for the junior college district a separate board of trustees of nine members to serve as the governing board of the junior college district. (Originally Sec. 51.017.)

Sec. 130.018. SEPARATE BOARD OF TRUSTEES--TERMS, ETC. In the event a separate board of trustees for the junior college district is appointed under either procedure set out in Section 130.016 or Section 130.017 of this code, the board of

trustees, consisting of nine members, shall be organized and constituted pursuant to the provisions of Section 130.082 of this code, and be governed by the provisions thereof. (Originally Sec. 51.018.)

[Sections 130.019-130.030 reserved for expansion]

SUBCHAPTER C. UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGES

Sec. 130.031. ESTABLISHMENT OF UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGE. The following types of junior colleges may be established in the following units:

(1) a union junior college district may be established by two or more contiguous independent school districts or two or more contiguous common school districts or a combination composed of one or more independent school districts with one or more common school districts of contiguous territory meeting the requirements set out in Section 130.032 of this code;

(2) a county junior college district may be established by any county meeting the requirements set out in Section 130.032 of this code; and

(3) a joint-county junior college district may be established by any combination of contiguous counties in the state meeting the requirements set out in Section 130.032 of this code. (Originally Sec. 51.031.)

Sec. 130.032. RESTRICTIONS. In order for any territorial unit set out in Section 130.031 of this code to establish the applicable type of junior college, the proposed district must have a taxable property valuation of not less than $30 million in the next preceding year and a total scholastic population of not less than 3,000 in the next preceding school year, provided a proposed district may have less than 3,000 scholastics but not less than 2,000 scholastics in the next preceding school year:

(1) if the proposed district includes a county which

(A) has a population of not less than 8,000 nor more than 8,500 inhabitants according to the last preceding federal census;

(B) has an assessed valuation of at least $60 million; and

(C) does not have within its boundaries any state-supported senior college or university or all or part of a junior college district; and

(2) if the Coordinating Board, Texas College and University System, finds that the proposed junior college district is in a growing section of the state and that there is a public convenience and necessity for the junior college. (Originally Sec. 51.032.)

Sec. 130.033. PETITION TO ESTABLISH. (a) Whenever it is proposed to establish a junior college of any type specified in Section 130.031 of this code a petition praying for an election therefor shall be presented in the applicable manner as prescribed in Subsections (b)-(d) of this section.

(b) In the case of a union junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the school districts within the territory of the proposed junior college district and shall be presented to the county school board or county school boards of the respective counties if the territory encompasses more than one county; but if there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

(c) In the case of a county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of the proposed college district and shall be presented to the county school board of the county; but if there is no county school board, the petition shall be presented to the commissioners court of the county.

(d) In case of a joint-county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the proposed counties and shall be presented to the respective county school boards of the counties to be included in the proposed district; in case there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved. (Originally Sec. 51.033.)

Sec. 130.034. TAX LEVY. Any petition authorized by Section 130.033 of this code may also incorporate therein a request for the proper authorities, in the event an election is ordered for the creation of such district, to submit at the same election the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 130.122 of this code. (Originally Sec. 51.034.)

Sec. 130.035. LEGALITY OF PETITION. It shall be the duty of the county school board or boards or the commissioners court or courts petitioned in compliance with Section 130.033 of this code to:

(1) pass upon the legality of the petition and the genuineness of the same; and

(2) forward the petition, so approved, to the Coordinating Board, Texas College and University System. (Originally Sec. 51.035.)

Sec. 130.036. ORDER TO ESTABLISH. It shall be the duty of the coordinating board, with the advice of the commissioners of higher education to determine whether or not the conditions set forth in the preceding sections of this chapter have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish a junior college district. It shall be the duty of the coordinating board in making its decision to consider the needs approving of the state, the welfare of the state as a whole, as well as the welfare of the community involved. The decision of

the coordinating board shall be transmitted through the commissioner of higher education to the county school board or boards or the commissioners court or courts, as the case may be, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district. (Originally Sec. 51.036.)

Sec. 130.037. CALLING ELECTION; SUBMISSION OF QUESTIONS. If the coordinating board approves the establishment of the junior college district, it shall then be the duty of the commissioners court or courts to enter an order for an election to be held in the proposed territory within a period of not less than 20 days and not more than 30 days after the order is issued, to determine whether or not such junior college district be created and formed; and in the event the petition for the creation of the junior college is accompanied by a request to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, then the election order shall also submit such questions in accordance with the petition; and except for the body that calls the election, the election as to bonds and taxes shall be held as provided in Section 130.101(b). The order shall contain a description of the metes and bounds of the junior college district to be formed and fix the date of the election. (Originally Sec. 51.037.)

Sec. 130.038. ELECTION. A majority of the electors in the proposed district, voting in the election, shall determine the question of creation of the junior college district submitted in the order and the election of the original trustees. If the order also submits questions of issuing bonds and levying taxes, a majority of the electors voting in such election shall determine such question submitted in the order. In the case of a joint-county junior college district, or a union junior college district, the election shall, by mutual agreement of the court or courts, be held on the same day throughout the proposed district. (Originally Sec. 51.038.)

Sec. 130.039. ELECTION RETURNS, CANVASS, AND RESULT. (a) The commissioners court or courts within 10 days after holding of an election shall make a canvass of the returns and declare the results of the election.

(b) The court or courts shall enter an order on the minutes of the court or courts as to the results. (Originally Sec. 51.039.)

Sec. 130.040. BOARD OF TRUSTEES: UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGE. A union junior college, a county junior college, or a joint-county junior college shall be governed, administered, and controlled by and under the direction of a board of trustees of seven members. (Originally Sec. 51.040.)

Sec. 130.041. ELECTION OF TRUSTEES OF UNION, COUNTY, AND JOINT-COUNTY JUNIOR COLLEGE. The original trustees of a union or a county junior college shall be elected at large from the junior

college district by the qualified voters of the district under the rules and regulations provided for in Section 130.042 of this code. (Originally Sec. 51.041.)

Sec. 130.042. ORIGINAL BOARD. (a) The original trustees shall be elected at the same election at which the creation of the district is determined.

(b) Any candidate desiring to be voted upon as a first trustee shall present a petition to the commissioners court or courts within three days before the order authorizing the election is issued by the commissioners court or courts, and shall accompany his petition with a petition signed by not less than two percent of the qualified voters in the district, requesting that his name be placed on the ticket as a candidate for trustee.

(c) The seven candidates for junior college trustee receiving the highest number of votes at the election shall be declared trustees of the district. (Originally Sec. 51.042.)

Sec. 130.043. ORGANIZATION. After the election of the original trustees, the board of trustees shall be organized and constituted, pursuant to the provisions of Section 130.082 of this code and be governed by the provisions thereof. (Originally Sec. 51.043.)

Sec. 130.044. ELECTION OF TRUSTEES BY THE POSITION METHOD. (a) The board of trustees of a district may, by a majority vote of the trustees, if a quorum is present and voting, adopt a numbered position system of electing members to the board.

(b) If the board adopts a numbered position system, candidates are voted on and elected separately for positions on the board according to the number of the position to which they seek election. The official ballots shall contain:

(1) the phrase "Official Ballot for the Purpose of Electing Trustees";

(2) the name of the junior college district;

(3) the number of each position to be filled; and

(4) the list of candidates under the position to which they seek election.

(c) Within 10 days from the date of adoption of the numbered position system, the trustees shall determine by lot which position each will hold on the board. The members in Class 1 shall draw for positions one and two; the members in Class 2 shall draw for positions three and four; and the members in Class 3 shall draw for positions five, six, and seven.

(d) A person desiring election to a numbered position on the board must, at least 30 days before the election, file with the board of trustees a written notice of his candidacy, designating the number of the position on the board of trustees for which he desires to become a candidate, and requesting that his name be placed on the ballot. Each candidate who files notice is entitled to have his name printed on the official ballot beneath the number of the position designated in his notice. A person who fails to file the notice required by this section may not have his name printed on the official ballot. A candidate is eligible to have

his name printed on the ballot under only one position to be filled at the election.

(e) In the election each voter may vote for only one candidate for each numbered position. The candidate receiving the most votes for each numbered position voted on in the election is entitled to serve as a trustee on the board, in the position to which he is elected.

(f) Notice of an election in a district must be given in the manner and for the time required under the law authorizing the creation of the district, except where there is a conflict with the provisions of this section, then this section is controlling. (V.A.C.S. Art. 2815m, Sec. 1a.)

[Sections 130.045-130.060 reserved for expansion]

SUBCHAPTER D. CHANGES IN DISTRICT BOUNDARIES

Sec. 130.061. EXTENSION OF BOUNDARIES OF A JUNIOR COLLEGE DISTRICT COEXTENSIVE WITH AN INDEPENDENT SCHOOL DISTRICT. The district boundaries of an independent school district junior college shall automatically be extended so that the boundary lines of the two districts, independent school district and junior college district, shall remain identical when:

(1) the junior college district was created with the same boundary lines as an independent school district;

(2) the boundaries of the independent school district are extended by consolidation, attachment of territory, or otherwise; and

(3) the board of trustees of the independent school district is also the governing board of the junior college. (Originally Sec. 51.061.)

Sec. 130.062. ENLARGED DISTRICT: CREATION; RESOLUTION; ORDER. (a) If the creation of the junior college district and the extension of the boundaries of the independent school district both occurred prior to March 17, 1950, the added territory of the independent school district may be brought into the junior college district in the manner prescribed by this section.

(b) A petition requesting that such territory be added to the junior college district signed by a majority of the qualified property taxpaying voters of the territory may be presented to the governing board of the junior college district.

(c) The board shall determine whether the petition is signed by the required majority, based upon the latest approved tax rolls of the independent school district, and if such determination is affirmative and if the board shall also determine that the facilities of the junior college district may be extended to cover adequately the scholastics of the added territory, the board shall pass an order admitting such territory. The order shall describe by metes and bounds the junior college district as extended; and a copy of the order shall be filed with the county superintendent. Thereafter, the territory shall be a part of the junior college district for all intents and purposes. (Originally Sec. 51.062.)

Sec. 130.063. EXTENSION OF JUNIOR COLLEGE DISTRICT BOUNDARIES FOR JUNIOR COLLEGE PURPOSES ONLY. Territory consisting of school districts or parts of school districts adjoining or lying adjacent to any junior college district may be annexed to the junior college district for junior college purposes only, by either contract or election. (Originally Sec. 51.063.)

Sec. 130.064. ANNEXATION BY CONTRACT. If the annexation is by contract, a petition shall be presented to the governing board of any junior college district, executed by all property owners of all property situated in the territory proposed for annexation. The petition shall contain a legally sufficient description of the territory proposed for annexation. The governing board of the junior college district, if it deems the annexation to be in the best interest of the district, may effect the annexation by:

(1) entering its order authorizing the annexation of the territory by contract; and

(2) then entering into a written agreement duly executed and acknowledged by all persons, corporations, and entities owning property within the territory. (Originally Sec. 51.064.)

Sec. 130.065. ANNEXATION BY ELECTION. (a) If the annexation is by election, a petition signed by five percent of the property taxpaying electors in the territory seeking to be annexed shall be presented to the county school board of the county, or to the commissioners court of the county in case there is no county school board.

(b) The petition shall contain a legally sufficient description of the territory proposed for annexation, and shall be accompanied by a certified copy of an order by the governing board of the junior college district affected approving the proposed annexation of the territory to the junior college district for junior college purposes only.

(c) The county school board, or the commissioners court, shall issue an order for an election to be held in the territory proposed for annexation, not less than 20 nor more than 30 days from the date of the order, and shall give notice of the date of the election by posting notices of such election in three public places within the territory proposed for annexation.

(d) Only those legally qualified electors residing in the territory proposed for annexation shall be permitted to vote.

(e) The county school board, or the commissioners court shall canvass the returns at a meeting held not more than five days after the election. If the votes cast in the election show a majority in favor of annexation, the territory shall be declared annexed to the junior college district for junior college purposes only.

(f) The county school board or commissioners court shall cause a certified copy of the order to be transmitted to the governing board of the junior college district.

(g) At the next regular or special meeting of the governing board of the junior college district, the board shall, in the event of annexation by election, enter its order concurring in

the order of the county school board or the commissioners court and shall enter an order redefining the boundary lines of the junior college district as enlarged and extended, and shall cause the order to be recorded on the minutes of the board of the junior college district. (Originally Sec. 51.065.)

Sec. 130.066. ADDING CONTIGUOUS TERRITORY TO A JUNIOR COLLEGE DISTRICT. (a) Any territory may be included within the boundaries of a junior college district, herein called "district," for junior college purposes, in the manner hereinafter specified; provided, the territory to be included is contiguous to the district in which such territory is to be included and has been laid out by the Coordinating Board, Texas College and University System, as a service area for assisting junior colleges.

(b) Upon presentation of a petition, signed by 50, or a majority, whichever number is smaller, of the qualified electors residing in the territory proposed for inclusion in a district, to the governing body of the district requesting that the boundaries of the district be changed to include the territory described in said petition, such governing body may, in its discretion, order an election to be held within the boundaries of the entire district as proposed to be changed on the question of whether the boundaries of the district shall be changed to include the proposed territory. The ballots for such election shall have printed thereon "For" and "Against" boundary change. All qualified electors residing within the boundaries of the entire district as proposed to be changed shall be qualified to vote at such an election.

(c) The governing body of the district calling an election hereunder shall give notice of any such election by causing a substantial copy of its order calling the election to be posted in at least three public places within the boundaries of the district as proposed to be changed and published at least one time in a newspaper of general circulation within such boundaries. Provided, however, if any railroad right-of-way or other property is located within such territory, additional notice shall be given by certified mail, to the railroad company, at the address shown on the latest county tax roll. Such posting, such publication, and such certified mail notice shall be done at least 30 days prior to the date on which the election is to be held.

(d) Except as otherwise provided herein, all elections held hereunder shall be governed by the provisions relating to bond elections held by independent school districts. The order calling the election may provide that the entire district as proposed to be changed shall constitute one election precinct or such order may provide for more than one election precinct.

(e) The returns of any such election shall be canvassed by the governing body of the district and if a majority of persons residing in the district and voting at the election and a majority of the persons residing in the territory proposed to be annexed and voting at the election vote for the boundary change, the governing body of the district shall, in its order canvassing such returns, declare the boundaries of the district changed to include the territory described in the petition theretofore presented to

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them. Such order may also include the name by which the district as changed shall be known.

(f) At the next regular election held in the junior college district after territory is added to the district under this section, the qualified electors shall elect a new board of trustees. To continue in office, members of the present board of trustees must be reelected at this election.

(g) This section is cumulative of all other laws on the subject, but this section is wholly sufficient authority within itself for the inclusion of territory in the boundaries of a district and the performance of the other acts and procedures authorized hereby, without reference to any other laws or any restrictions or limitations contained therein, except as herein specifically provided in this section. However, the governing body of any district may use the provisions of any other laws, not in conflict with the provisions of this section, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this section. (V.A.C.S., Art. 2815h-1b.)

Sec. 130.067. ANNEXATION OF COUNTY-LINE DISTRICTS FOR JUNIOR COLLEGE PURPOSES. (a) Parts of county-line school districts may be annexed to adjacent county or joint-county junior college districts for junior college purposes only, as provided in this section.

(b) The county or joint-county junior college district as originally created and organized must have included in its boundaries a part of a county-line school district, and the part of the county-line school district to be annexed is not included in any other junior college district.

(c) The county or joint-county junior college districts to which this section is applicable are those where the junior college district as originally created and organized had the same boundaries as a county or as a group of contiguous counties and included all of the territory in a county or group of counties and did not include a part of any county without including the entire territory of such county in such junior college district.

(d) A "county-line school district" as used in this section is any type of public school district created or organized under general or special laws of Texas, which includes within its boundaries territory that extends into or is located in two or more counties of Texas. (Originally Sec. 51.066.)

Sec. 130.068. ANNEXATION OF NON-INCLUDED PARTS OF COUNTIES. (a) The non-included portion or portions of such county-line districts may be annexed to the county or joint-county junior college district by either of two methods as provided by Subsections (b) and (c) of this section.

(b) On the petition of 20 or a majority of the legally qualified voters residing in that part of a county-line district not a part of a junior college district as described in Section 130.067 of this code praying for the annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of

the county-line district is a part, the county judge of that county which has jurisdiction of the county-line school district shall issue an order for an election to be held in the non-included portion of the county-line school district praying to be annexed to the county or joint-county junior college district. The county judge shall give notice of the date of the election by posting notices at three public places in the part of the county-line school district wherein the election is to be held. Only those legally qualified voters residing in that part of the county-line school district shall be permitted to vote. The commissioners court shall at its next meeting canvass the returns of the election, and if the votes cast in the election show a majority in favor of annexation, then the court shall declare that part of the county-line school district annexed to the junior college district for junior college purposes only. The court shall cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory, and each court shall make orders concurring in the order and shall cause them to be entered on the minutes of each commissioners court.

(c) Where a petition, signed by a majority of the legally qualified voters residing in that part of a county-line school district praying for annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of the county-line district is a part, is presented to the county judge of that county which has jurisdiction of the county-line school district together with a certified copy of an order by the governing board of the junior college district approving the proposed annexation to the junior college district for junior college purposes only; instead of ordering an election to be held as provided in Subsection (b) of this section, the county judge shall certify the filing of the petition and order to the commissioners court. The court at its next meeting shall pass an order declaring such non-included part of the county-line school district annexed to the junior college district for junior college purposes only and cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory. Each such court shall make orders concurring in the order and cause same to be entered on the minutes of each commissioners court. (Originally Sec. 51.067.)

Sec. 130.069. DISANNEXATION OF OVERLAPPED TERRITORY. (a) All junior college districts whose boundaries have or may hereafter become established so that they include territory which prior to such establishment lay, and shall continue to lie, within the boundaries of another junior college district shall have the power to disannex such overlapped territory.

(b) Upon certification by the governing board of such a junior college district to the county board of school trustees of

the county in which its college is located that such an overlapping condition exists, the county board may by resolution disannex the overlapped territory from the district, describing such territory by metes and bounds. (Originally Sec. 51.068.)

[Sections 130.070-130.080 reserved for expansion]

SUBCHAPTER E. BOARDS OF TRUSTEES OF JUNIOR COLLEGE DISTRICTS

Sec. 130.081. GOVERNING BOARD OF JUNIOR COLLEGE OF INDEPENDENT SCHOOL DISTRICT. In each junior college district which is controlled and managed by, and under the jurisdiction of, the governing board of an independent school district or a city school district, such governing board shall be constituted and chosen in accordance with the laws of this state applicable to the governing board of such independent school district or city school district. (Originally Sec. 51.071.)

Sec. 130.082. GOVERNING BOARD OF JUNIOR COLLEGE OF OTHER THAN INDEPENDENT SCHOOL DISTRICT. (a) Except as provided by Section 130.081 or another section of this subchapter, the governing boards of all junior college districts shall be constituted and chosen as described in the provisions of this section.

(b) The official name of the governing board of the junior college district shall be the board of trustees.

(c) The official name of a junior college district shall be the "_____ Junior College District" and the board shall designate an appropriate and locally pertinent descriptive word or words to be filled in the aforesaid blank (and may change such designation when deemed advisable) by resolution or order; provided that no two districts shall have the same or substantially similar names. All resolutions or orders designating or changing names shall be filed immediately with the Coordinating Board, Texas College and University System, and the first name filed shall have priority, and the district shall be advised of any previous filing of any identical or substantially similar name. The name of any junior college district existing on the effective date of this code shall remain the same until and unless it is changed pursuant hereto, and no other district shall use the name of any such existing district.

(d) The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of this code or on the date of the creation of a new district or a new board. Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Subsection (e) of this section. Any vacancy occurring on the board through death, resignation, or otherwise, shall be filled by appointment by resolution or order of the board, and any person so appointed shall serve until the expiration of the term of office for which the vacating member of the board had been elected

or appointed. Each member of the board shall be a resident, qualified voter of the district and shall take the proper oath of office before taking up the duties thereof. Members of a board shall not receive any remuneration or emolument of office, but they shall be entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent authorized and permitted by the board. The board shall elect one of its members as president of the board, and the president shall preside at meetings of said board and perform such other duties and functions as are prescribed by the board. The president of the board shall have a vote the same as the other members. The board shall elect a secretary of the board who may or may not be a member of the board, and who shall be the official custodian of the minutes, books, records, and seal of said board, and who shall perform such other duties and functions as are prescribed by the board. The board shall be authorized to elect any other officers as deemed necessary or advisable. Officers of the board shall be elected at the first regular meeting of the board following the regular election of members of the board in even-numbered years, or at any time thereafter in order to fill a vacancy. Said board shall be authorized to appoint or employ such agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of said board; and to employ a president, dean, or other administrative officer, and upon the president's recommendation to employ faculty and other employees of the junior college. Said board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with this section.

(e) The basic term of office of a member of the board shall be six years, and one-third of the members of the board shall be elected at large in the district at regular elections to be held on the first Saturday in April in each even-numbered year; provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. The members of each board in office at the effective date of this act, and all subsequent members of the board, shall remain in office until the expiration of the terms for which they were elected or appointed, and until their successors shall have been elected and qualified; provided that where any existing board has held its regular elections for members of the board in odd-numbered years prior to the effective date of this act, the board shall nevertheless hold its next regular election on the first Saturday in April of the next even-numbered year following the effective date of this act, and the term of office of each incumbent member of the board shall, in effect, be lengthened by one year so as to comply with the foregoing provisions of this act. Upon the creation of a new board, or in any other situation where necessary, the members of the board shall choose by lot the terms for which they shall serve, so as to comply with the foregoing provisions. If a board is increased from seven to nine members, one of the members shall

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be appointed to serve until the first election at which two members otherwise would have been elected, and the other shall be appointed to serve until the second election at which two members otherwise would have been elected, and three members shall be elected for six-year terms at each election.

(f) Members of a board shall be elected at large from each junior college district at regular elections to be called and held by the board for such purpose, at the expense of the district, on the first Saturday in April in each even-numbered year. Said elections shall be held in accordance with the Texas Election Code except as hereinafter provided, and all resident, qualified electors of the district shall be permitted to vote. Each such election shall be called by resolution or order of the board, and notice of each such election shall be given by publishing an appropriate notice, in a newspaper of general circulation in the district, at least 10 days prior to the date of the election, setting forth the date of the election, the polling place or places, the numbers of the positions to be filled, the candidates for each position and any other matters deemed necessary or advisable.

(g) The board shall designate a number for the position held by each member of the board, from one upward in consecutive numerical order in such manner that the lowest numbers shall be assigned to the members whose terms of office expire in the shortest length of time, provided that any such position number designations on existing boards under existing law at the effective date of this act shall remain in effect. At each election candidates shall be voted upon and be elected separately for each position on the board, and the name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. A candidate receiving a majority of the votes cast for all candidates for a position shall be declared elected. If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The run-off election for all positions shall be held on the last Saturday in April and shall be ordered, notice thereof given, and held, as provided herein for regular elections. Any resident, qualified elector of the district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing with the secretary of the board a written application therefor signed by the applicant, not less than 30 nor more than 60 days prior to the date of the election. Such application must state the number of the position for which he or she is a candidate, or the name of the incumbent member of the board holding the position for which he or she desires to run. The location on the ballot of the names of candidates for each position shall be chosen by lot by the board. A candidate shall be eligible to run for only one position at each election.

(h) Notwithstanding anything in this code to the contrary, the provisions of all or any part of the laws of this state in effect immediately prior to the effective date of this act and relating to the name of any junior college district or the name of its governing board, or to the number of members of its governing board, or the procedures and times of electing or choosing

said members, shall remain in effect under the following conditions. If, at any time before the effective date of this act (but not thereafter), the governing board of any junior college district shall specify by resolution or order the particular provisions of the aforesaid laws applicable to it which it desires to remain in effect, then such particular provisions shall continue to apply to said board and its district; provided that at any time thereafter the governing board may make this section in its entirety applicable to it and its district by appropriate resolution or order, and thereby permanently cancel the effect of the aforesaid particular provisions of other laws. All resolutions and orders permitted by this section shall be filed immediately with the Coordinating Board, Texas College and University System. (Originally Sec. 51.072.)

Sec. 130.083. GOVERNING BOARD IN ENLARGED JUNIOR COLLEGE DISTRICT. (a) From and after May 22, 1969, those junior college districts which were on May 22, 1969, operating under Chapter 15, Acts of the 58th Legislature, 1963 (Article 2815o-1b, Vernon's Texas Civil Statutes), and to which one, or more, school districts has been annexed for junior college purposes only, may, by a majority vote of the board of regents of the junior college district, choose to operate and be governed by a board of regents.

(b) Each school district which has been annexed to the junior college district for junior colleges purposes only shall be represented by at least one member of the board of regents. If the assessed tax rolls exceed $67,500,000, the school district shall be represented by one member of the board of regents for each $67,500,000 of assessed value, or a major fraction thereof, on the junior college tax roll, located within the school district. The original junior college district shall be represented on the board of regents by a number of regents arrived at according to the same formula.

(c) The total number of members of the board of regents of the junior college district shall never exceed 14. When the valuation of the enlarged district increases to the point that the number of regents exceeds 14 under the formula described in Subsection (b) of this section then the board of regents of the junior college district shall set a formula, based on proportional tax values, of representation, which will produce a total of 14 members of the board of regents.

(d) The terms of office of the regents authorized by this act shall be six years. Those regents serving as regents on May 22, 1969, shall continue in office for the remainder of their respective terms and then until such time as their successors shall have been elected and qualified, and thereafter in each even-numbered year three regents shall be elected from the area originally forming the junior college district to succeed those regents whose terms are expiring, but if the number of regents becomes more or less than nine, the formula set out in Subsection (e) of this section shall be followed. All new regents added to the board of regents under the provisions of this section shall be appointed by the board of regents which orders the enlargement of the membership of such board, and shall serve

until election specified in Subsection (e) of this section. All vacancies on the board of regents shall be filled at once for the unexpired term only by appointments made by the remaining members of such board.

(e) Where additional regent positions are provided under the terms of this section, the board of regents at the time of such authorization shall designate by resolution duly recorded in the minutes of such board the term to be served by each such additional regent, provided that the first regent authorized and appointed shall serve only until the next regular regent election, the second such regent shall serve until the regent election two years after the next regular regent election, and the third regent shall serve until the regent election four years after the next regular regent election, with additional regents which may be authorized to follow the same rotation of terms until all terms of additional regents provided under the terms of this section have been fixed to expire at the next regular regent election, or at the regent election two years after the next regular regent election, or at the regent election four years after the next regular election. Additional regents appointed to such terms and until such times as their successors shall have been elected and qualified, and thereafter the terms of such regents shall be for six years.

(f) Regent elections in all parts of the districts affected by the provisions of this section shall be held at the times and in the manner now provided for public junior colleges by general law. The qualified voters residing in the school district represented shall be entitled to vote in such elections. Each regent to be elected shall be a resident of the school district he is to represent and each regent to represent the original college district shall be a resident of the original college district.

(g) The provisions of this section shall be cumulative of existing laws governing elections of regents in public junior college districts. (V.A.C.S., Art. 2815o-1c.)

Sec. 130.084. POWERS AND DUTIES. The board of trustees of junior college districts shall be governed in the establishment, management and control of the junior college by the general law governing the establishment, management and control of independent school districts insofar as the general law is applicable. (Originally Sec. 51.073.)

[Section 130.085-130.090 reserved for expansion]

SUBCHAPTER F. REGIONAL COLLEGE DISTRICTS

Sec. 130.091. CREATION AND REGULATION OF REGIONAL COLLEGE DISTRICTS. (a) A regional college district may be established according to the method outlined herein by a county which contains a public junior college district, or by a combination of counties if one of such counties contains a public junior college district, and if the county seat of said county, or if the proposed regional college district is composed of a combination of counties, the respective county seats of such counties, is located

at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, provided that the assessed property valuation of the proposed regional college district, for state and county purposes according to the most recent tax rolls is at least $52,000,000 and that the scholastic population of such proposed district is not less than 20,000 scholastics according to the most recent scholastic census thereof, as approved by the appropriate state authority, and provided that the population of such county containing a public junior college district is not less than 80,000 according to the last preceding federal census.

(b) Any college created under the authority of this subchapter shall be subject to all provisions of Chapter 61 of this code, and it is further provided that the Coordinating Board, Texas College and University System, shall determine the date upon which any college of any grade or level created hereunder shall begin courses of instruction, such date to be determined only if a feasibility study by the Coordinating Board, Texas College and University System, shall establish a need for any such college. (Originally Sec. 51.081.)

Sec. 130.092. PETITION FOR ELECTION. Whenever it is proposed to establish a regional college district, a petition signed by not fewer than 100 of the qualified property taxpaying voters of said public junior college district and not fewer than 100 of the qualified property taxpaying voters of each of the counties in the territory of such proposed regional college district shall be addressed and presented to the commissioners court of the county or the commissioners courts of the respective counties of such proposed regional college district, praying that an election shall be held upon a stated date in such county or counties which date shall be not less than 30 nor more than 60 days after the date of such petitions for the purpose of determining whether or not such a regional college district shall be formed and such regional college shall be established and whether or not such junior college district shall be merged into said regional college district and whether or not such regional college district shall assume the bonded indebtedness of such junior college district and whether or not such proposed district shall have the power to levy taxes for the payment of such bonded indebtedness and for the maintenance and operation of said regional college and for providing buildings and facilities therefor, all of which questions shall be submitted as parts of one proposition to be printed on the ballots at such election. The signatures for such petition shall be segregated according to the county in which the signers reside and the signatures of the petitioners residing in such public junior college district shall also be segregated, under appropriate headings indicating the county or district of residence. Such petition may be in two or more counterparts according to the number of counties proposed to be included in such regional college district and respective counterparts of said petition may be filed with and presented to the commissioners courts of said respective counties. The name of such proposed regional college

district shall be set forth in said petition and shall include therein the words "regional college district." (Originally Sec. 51.082.)

Sec. 130.093. ELECTION. It shall be the duty of the said commissioners court or courts of said county or respective counties, promptly after receiving said petition or petitions to order an election to be held throughout their respective county or counties on the date fixed in said petition, and said order shall designate the polling places for said election in said county or counties and appoint officers thereof and provide the supplies therefor and shall set forth the name of such proposed district. The election precincts for said election shall conform as nearly as practicable to the regular election precincts of said county or respective counties, but the election precincts within the boundaries of such public junior college district shall not embrace any territory outside of said public junior college district. Each such commissioners court shall give notice of said election in its county by causing such notice to be published once each week for two alternate weeks before said election in some newspaper having general circulation in said county, the first publication being at least 21 days before said election. If there be no newspaper published having general circulation in such county, the notice of the election to be held in said county shall be published in some newspaper published outside of said county having general circulation in said county and such notice shall also be posted in a public place in each of the commissioner's precincts of said county, one of which shall be at the courthouse door of said county. If a regular session of any such commissioners court is not to be held in time to order such election and give such notice thereof, it shall be the duty of the county judge of such county, upon petition being called to his attention to timely call a special session of such court for this purpose.

The ballot at said election in each county shall provide for voting for or against the proposition: "The college merger, assumption of bonded indebtedness thereof, and the establishment of a regional college and the levying of taxes for the maintenance and operation thereof, and providing buildings and facilities therefor."

Except as otherwise herein provided, such election in each county shall be conducted in accordance with the general election laws of the state. (Originally Sec. 51.083.)

Sec. 130.094. CANVASS OF RETURNS AND DECLARATION OF RESULT; EFFECT OF VOTE. Such commissioners court or courts, as the case may be, shall within 10 days after holding such election, make a canvass of the returns and declare the results of the election. If a majority of those voting at said election within the boundaries of such public junior college district, and a majority of those voting at said election in each of such counties, vote for the proposition submitted, the merger of such public junior college district into and with such regional college district, and the assumption by such regional college district of the bonded indebtedness of such public junior college district shall be

deemed to have been effected, and a regional college shall be established in such regional college district, conformably to the further provisions hereof, but the failure of the proposition submitted in any county not containing a public junior college district shall in nowise affect the formation of the proposed regional college district in any other county in which such election is held wherein a majority of the voters voting in such election in such county vote for the proposition submitted in the election order; provided, that a majority of the voters voting in such election in the public junior college district and in the county in which such public junior college district is located, vote for the proposition submitted in the election order. If the regional college district is not created by virtue of such election, another election for such purpose may be held in said proposed regional college district, or portion thereof containing a public junior college district, not less than one year from the date of such previous election, provided it be initiated by the same procedure above prescribed for the first election. (Originally Sec. 51.084.)

Sec. 130.095. BOARD OF REGENTS. (a) If the merger herein provided for is effected by said election or any subsequent election held for said purposes, under the further provisions hereof, such regional college district shall thereafter be governed by a board of regents, constituted as herein provided. Said board of regents shall be made up in part of one regent at large, from each of the counties approving participation in the regional college district. In addition, there shall be one regent from each county for each 15,000 scholastics of the respective counties or a major fraction thereof, as determined by the proper state authority and provided further in addition there shall be one regent from each county for each $50 million of assessed property valuation, or major fraction thereof, as determined by the county tax assessor-collector of each approving county of said district. The first regents, constituting said board of regents, from each of such counties, shall be appointed by the commissioners court of said respective counties except as modified herein and shall be made within 30 days after the election at which said merger shall have been effected; however, in the event that only the county containing the junior college votes favorably for the proposed regional senior college district, the board of regents of the junior college district may decide:

(1) whether to activate the regional college district; or

(2) whether to continue the present junior college district and in the event that the decision is to activate the regional college district, the present junior college board will continue as the board of regents for the regional college and shall operate under all present and future junior college statutes as pertaining to junior colleges; that is to say, that in the event that more than one county votes to participate in the regional college, the board of regents shall be constituted as follows:

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(A) one regent at large from each approving county;

(B) one regent from each approving county for each 15,000 scholastics or major fraction thereof; and

(C) one regent from each approving county for each $50 million assessed property evaluation or major fraction thereof; and further, the first regents, constituting said board of regents, shall be appointed as follows:

(i) from the original junior college district, the board of regents of the junior college district shall appoint the members of the board from that county;

(ii) from each of several counties, the commissioners court shall appoint the members of the board of regents from that county. All appointments shall be made within 30 days from the date of the election. Each and every regent shall take the oath of office as prescribed for junior college board members.

(b) The board of regents thus appointed shall first meet within 21 days of the time the members are appointed at a time and place appointed by the then president of the board of regents of the junior college district and shall proceed to organize by electing from its members a president, a vice president, a secretary and an assistant secretary from members of the board. At the first meeting of said board of regents, the regents from each county shall draw lots for terms of office. The appointed regents from each county shall elect one of its members to draw for terms and all regents from the county drawing the lowest number shall serve a term of two years; all regents from the county drawing the second lowest number shall serve four years; all regents from the county drawing the third lowest number shall serve six years. In case there are more than three counties, there shall be two lowest lots; then two next lowest lots, etc.; that is to say that no board member shall serve longer than six years and all regents from any one county shall have the same term. If only the county in which the junior college is located forms the senior college district, the terms of office shall remain the same as under the statute under which the junior college district presently operates. The board of regents shall cause a permanent record to be made and preserved of the term of office of each appointed regent determined by lot as herein provided. At the expiration of the terms of office of each regent, a successor shall be elected at elections held within the respective counties at large, at the same time and in the same manner as is now presently prescribed for the existing junior college district, provided that such elections shall be called and conducted in the manner presently prescribed for junior colleges. Costs of such regent elections shall be paid for from college funds. The returns of such board elections shall be canvassed and certified by the board of regents as is now presently prescribed for junior colleges. All provisions hereof with reference to elections of regents in counties originally constituting said regional college district shall extend and apply to election of regents in entire counties that may hereafter be annexed to said college district under the further provisions hereof. (Originally Sec. 51.085.)

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Sec. 130.096. PROPERTY, FUNDS AND RESOURCES OF JUNIOR COLLEGE DISTRICT; CONTRACTS. Upon the merger of said public junior college district into and with the regional college district, all property, funds, and resources of the public junior college district are authorized and shall pass to and belong to said regional college district, and all contracts of such public junior college district shall extend to and be binding upon such regional college district; provided that the management and control of the property and affairs of the public junior college district shall continue in the board of trustees of such public junior college district until the appointment and organization of the board of regents of the regional college district, at which time the board of trustees of said public junior college district shall turn over all records, property, and affairs of the said public junior college district to the board of regents of said regional college district and shall cease to exist as a junior college board of trustees. (Originally Sec. 51.086.)

Sec. 130.097. ASSESSED TAX VALUES AND SCHOLASTIC CENSUS; NUMBER OF REGENTS; CONDUCT OF ELECTION; VACANCIES; ORGANIZATION OF BOARD; MEETINGS; OFFICE. The amount of assessed tax values of said counties, for the purposes herein provided, shall be determined in the first instance, and from time to time, according to the most recent figures available, by the county tax assessor-collector of each approving county in the district. Such assessed tax values for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the county tax assessor-collector of said county or respective counties. Such determination shall thereafter be made and certified before each biennial election of regents, by the board of regents. The number of scholastics of each of said counties, for the purposes herein provided, shall be determined in the first instance and from time to time, according to the most recent scholastic census of each of said respective counties, as approved by the state agency then authorized to approve such census. Such scholastic census of said respective counties for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the superintendent of schools of the prospective independent school districts located in the respective counties. Such determination shall thereafter be made and certified before each biennial election of regents at large, by the board of regents. All elections herein provided for shall be conducted according to the general election laws of the State of Texas, except as herein otherwise provided. All vacancies occurring in the board of regents shall be filled by appointment by the board of regents. After each election of regents the board of regents shall organize as herein provided. The board of regents shall select and maintain a regular office for their meetings and the transaction of their business, at such place as they determine, and shall hold regular meetings at such times as may be provided in the rules or bylaws of said board of regents, and may hold special meetings at the call of the president of the board. (Originally Sec. 51.087.)

Sec. 130.098. RULES OF PROCEDURE; QUORUM; SEAL; SUITS. (a) The board of regents may adopt its own rules of procedure, but a majority of said regents shall constitute a quorum, and a majority of those in attendance may transact any business.

(b) The board of regents of such regional college district shall adopt an official seal for the district, and said district may sue and be sued in its name. In any suit against said district, process may be served on the president or vice president. (Originally Sec. 51.088.)

Sec. 130.099. COMPENSATION AND EXPENSES OF BOARD. The board of regents of such regional college district may authorize the payment of a per diem of not to exceed $10 to each member of such board of regents in attendance at a regular or special meeting of such board of regents. In addition, members of said board of regents may be allowed such actual expenses as may be incurred by them in performing their duties as may be authorized and allowed by the board of regents, provided, that per diem payments may not be made in addition to payments for actual expenses. (Originally Sec. 51.089.)

Sec. 130.100. POWERS OF BOARD. The said board of regents shall have all the power and duties in respect of the business and affairs of the regional college district as provided by law in respect of the board of trustees of junior college districts, and such other powers as herein provided and as may be hereafter provided by law. (Originally Sec. 51.090.)

Sec. 130.101. ANNEXATION OF CONTIGUOUS COUNTY OR INDEPENDENT DISTRICTS. (a) The entire area of any county located in Texas, the county seat of which is located at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, or the area of any one or more independent school districts of a county in Texas who meets the requirements above, may be annexed to, and assume its pro rata part of the bonded indebtedness of said regional college district, in the manner herein provided. A petition of 100 of the property taxpaying voters of any such county or of any such independent school district, proposing that the entire area of such county, or of such independent school district, as the case may be, be annexed to, and that such countywide area or such district area assume its pro rata part of the bonded indebtedness of said regional college district, may be submitted to the board of regents of such regional college district. If the said board of regents determines that it would be to the interest of said regional college district and of the area proposed to be annexed, that such annexation be accomplished, said board of regents shall adopt a resolution so finding, and said petition and certified copy of said resolution shall be submitted to the commissioners court of said county, and it shall be the duty of said commissioners court, within 15 days after the presentation of such petition any copy of such resolution, to order an election to be held in said county at large, or in such school district, or

districts, as the case may be, for the purpose of determining if the area of said county, or the area of such school district, or districts, shall be annexed to said regional college district, and assume its pro rata part of the bonded indebtedness of said regional college district; said election to be held not earlier than 60 days nor later than 90 days after passage of such order. The ballots at said election shall be printed to provide for voting for or against the proposition: "Annexation to be the regional college district and assumption of pro rata part of its bonded indebtedness." The name of such district shall be inserted in the proposition.

(b) Said commissioners court shall designate the polling place of said election and appoint the officers thereof, and furnish the supplies therefor. Said election shall be conducted in accordance with the general election laws of Texas, insofar as applicable. Returns of said election shall be made to said commissioners court and canvassed by said court.

(c) If the majority of the votes cast at such election are in favor of said proposition, such fact shall be certified by the commissioners court to the board of regents of said regional college district, and the entire area of said county, or of said school district, or districts, as the case may be, shall be deemed to have been annexed to and shall be a part of said regional college district and shall be subject to taxation for the payment of the existing bonded indebtedness and the maintenance of said regional college district the same as other property in the area of said regional college district.

(d) In the event an entire county is so annexed, the commissioners court of such county shall forthwith appoint a regent or regents for said college from the county in accordance with the number of regents allowed as hereinabove provided. All such regents shall, before entering upon the duties of their offices, take the oath as herein prescribed for regents. Such appointment shall be certified by the clerk of the commissioners court to the board of regents of said college district. At the first meeting of the board of regents after the appointment and qualification of regents from such annexed county, the regents shall determine by lot in the manner provided by the board of regents, their term of office. Thereafter, successors to the regents from said annexed county shall be elected in the manner provided for other counties in said district.

(e) In the event the area of one or more independent school districts of a county, instead of the entire county, is annexed to said regional college district, said annexed territory shall be entitled to the number of regents as they may qualify for in terms of scholastics and tax values. Immediately after such annexation the commissioners court of the county in which such area is situated shall appoint from said area, the number of regents to which such area is entitled. This regent or regents as the case may be, so appointed, shall hold office until the expiration of the term of office of the regents of said county of which they are a part. At the expiration of the term of each regent from such annexed territory his successor shall be elected at an election to be held in the annexed area, to be called by

the board of regents, which shall designate the polling place or places, the officers of the election, provide the supplies therefor and pay the expenses thereof. (Originally Sec. 51.091.)

Sec. 130.102. TAXES. The tax assessors and collectors of the county or respective counties containing territory embraced within the boundaries of such regional college district shall assess and collect the taxes of said college district on the taxable property in the territory of said district located in said county or respective counties on levies made and rates fixed by the board of regents of said district. The assessed valuations of said property for state and county taxes shall be used as the valuations for said college district taxes. Such tax collectors shall collect the college district taxes at the same time that he collects the state and county taxes. All taxes collected for such regional college district shall be accounted for to and paid over to the treasurer of said college district by such tax collector, and he shall receive the same compensation for assessing and collecting such taxes as provided by law for like services rendered for junior college districts. (Originally Sec. 51.092.)

Sec. 130.103. PRESIDENT OF COLLEGE. The board of regents shall choose the president of the regional college, fix his term of office, designate his salary, and define his duties. The president shall be the executive officer of the board of regents and shall work under its direction. He shall recommend the plan of organization of the college and shall recommend the appointment of all employees. (Originally Sec. 51.093.)

Sec. 130.104. ESTABLISHMENT OF COLLEGE; DIVISIONS; SUPPORT. (a) The board of regents shall proceed as soon as practicable to establish a regional college in said regional college district, which shall consist of three divisions, as follows:

(1) a junior college division, which shall operate under all laws applicable to public junior colleges in Texas;

(2) an adult education division for adults regardless of age or former education for:

(A) basic education to emphasize citizenship, English, and training in elemental mathematics and science;

(B) terminal, vocational, and technological education and training in their generally accepted sense;

(C) work and study groups based on needs and interests as displayed by the residents of the area served by the regional college. The adult education division shall emphasize continuation of education of adults with emphasis upon democracy and citizenship;

(3) a senior college division which shall be guided by educational practices and principles applicable to upper division work in first-class colleges and universities; provided that any bachelor's degree shall be based on four years of college work and that any higher degree with appropriate courses may be offered when in the judgment of the board of regents, the educational welfare of the people served by the college demands

and justifies such work and such courses. All of which shall be organized and blended into an educational program by the president of the college and his staff.

(b) It is understood and provided that no funds shall ever be appropriated from the treasury of the State of Texas or public money of this state for the support or partial support by the Legislature of Texas of any adult and senior college divisions of such regional colleges created under the provisions of this act, provided, however, that nothing herein contained shall in any manner prevent or interfere with the provisions of law now or hereafter existing authorizing state aid to the junior college divisions of such regional college districts in the same manner and to the same extent as that granted to junior college districts. (Originally Sec. 51.094.)

Sec. 130.105. BUILDINGS, PROPERTY AND RESOURCES OF JUNIOR COLLEGE DISTRICT; FEES AND TUITION; TAX LEVY; BONDS. (a) All buildings, property, and other educational resources of the public junior college district at the time of said merger shall be available for all divisions of the regional college in accordance with the laws of Texas governing public junior college districts and as determined by the board of regents of the regional college district. The board of regents shall have the power to fix such fees and tuition rates as shall be deemed to be necessary. In addition, the board of regents shall have the power to levy taxes and make such distribution of such taxes as it may deem necessary for the adequate support of said college; provided that the total annual tax levy for all regional college purposes shall not exceed a rate of 50 cents on each $100 of assessed valuation of taxable property located in such regional college district. All powers relating to the issuance of bonds, the construction or acquisition of buildings and facilities, taxation, and otherwise, vested by law in public junior college districts shall be applicable to said regional college district, subject, however, to the limitation of 50 cents on each $100 of valuation above mentioned.

(b) All bonds and notes issued pursuant to the authority herein granted shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. Such bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and such bonds and notes shall be lawful and sufficient security for said deposits to the extent of the principal amount thereof, or their value on the market, whichever is the lesser, when accompanied by all unmatured coupons appurtenant thereto. (Originally Sec. 51.095.)

Sec. 130.106. DONATIONS, GIFTS, AND ENDOWMENTS. Said board of regents is authorized, in behalf of said regional college, to accept donations, gifts, and endowments for the college to be held in trust and administered by the board of regents for such

purpose and under writing by the donor, not inconsistent with the proper management and objects of the college. (Originally Sec. 51.096.)

Sec. 130.107. POWER OF EMINENT DOMAIN. (a) The power of eminent domain is hereby conferred on regional college districts, for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the boards of regents of such districts to be needed to carry out the authorized functions of such districts.

(b) Said power of eminent domain shall be exercised in the manner provided by Title 52 of the Revised Civil Statutes of Texas, 1925. (Originally Sec. 51.097.)

Sec. 130.108. DELINQUENT TAXES AFTER TRANSFER OF ASSETS. Any regional college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such regional college district and which regional college district has no outstanding bonded indebtedness is hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said regional college district shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The tax assessor and collector of the county in which said regional college district is located shall cause all delinquent and uncollected taxes of said regional college district to be collected in accordance with the general laws applicable to regional college districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this act may be used by it for any lawful purpose. (Originally Sec. 51.098.)

Sec. 130.109. TRANSFER OF ASSETS OF CERTAIN REGIONAL COLLEGE DISTRICTS. All regional college districts which have been converted to fully state-supported institutions of higher learning are hereby authorized to transfer all assets of such districts, real, personal, tangible, or intangible to the governing boards of such institutions provided that each such governing board shall continue the payment of all notes and bonds payable from revenues theretofore issued by such districts and each county in which any such regional college district is located continues to levy and collect taxes in support of all tax obligations theretofore authorized and issued by such district. (Originally Sec. 51.099.)

[Sections 130.110-130.120 reserved for expansion]

SUBCHAPTER G. FISCAL PROVISIONS

Sec. 130.121. TAX ASSESSMENT, EQUALIZATION, AND COLLECTION. (a) The governing board of each junior college district, and each regional college district, for and on behalf of its junior

college division, annually shall cause the taxable property in its district to be rendered and assessed for ad valorem taxation, and the value of such taxable property to be equalized, and the ad valorem taxes in the district to be collected, in accordance with any one of the methods set forth in this section, and any method adopted shall remain in effect until changed by the board.

(b) The laws of this state applicable to general law cities and towns may be adopted and shall be used to the extent pertinent and practicable.

(c) The laws of this state applicable to counties may be adopted and shall be used to the extent pertinent and practicable, provided that the board shall have the authority to act as its own board of equalization, or to appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization of the district, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(d) Each governing board shall be authorized to have the taxable property in its district assessed, its values equalized, and/or its taxes collected, in whole or in part, by the tax assessors, board of equalization, and/or tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the junior college district is located; and such property may be assessed and the values thereof equalized on the same basis or a different basis than that used by any such governmental subdivision. Such property shall be assessed, the values thereof equalized, and such taxes collected, in the manner and for such compensation as shall be agreed upon between the appropriate parties, and the functions thus assumed by the officials of any such governmental subdivision shall be additional duties pertaining to their offices, respectively. The ad valorem tax law applicable to each such governmental subdivision shall apply to its officials in carrying out such functions for the junior college district.

(e) It is specifically provided, however, that under any method used all taxable property within a district shall be assessed on the same basis and the values thereof shall be equalized by only one board of equalization, in an equal and uniform manner, as required by the Texas Constitution. If a governing board desires that taxable property shall be assessed and taxes collected by the tax assessors and/or collectors of more than one governmental subdivision, the governing board of the district shall either act as its own board of equalization, or appoint three resident, qualified voters of the district who own taxable property therein to act as the board of equalization, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(f) Any other method or procedure authorized or permitted by any other statute of the State of Texas may be adopted, in whole or in part, to the extent pertinent and practicable. (Originally Sec. 51.101.)

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Sec. 130.122. TAX BONDS AND MAINTENANCE TAX. (a) The governing board of each junior college district, and each regional college district for and on behalf of its junior college division, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, and to levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed 50 cents on the $100 valuation of taxable property in the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of $1 on the $100 valuation of taxable property in the district. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

(b) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the electors voting at an election held for such purpose in accordance with law, at the expense of the district. Each such election shall be called by resolution or order of the board, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by the board. Notice of said election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. The board shall canvass the returns and declare the results of such election.

(c) The governing board of each junior college district, and each regional college district, shall be authorized to refund or refinance all or any part of any of its outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable coupon refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said refunding bonds may be issued without an election in connection therewith, provided that in no event shall any series or issue of refunding bonds be issued in a principal amount greater than the face or par value of the obligations being refunded thereby, and provided that if a maximum interest rate was voted for the bonds being refunded, the refunding bonds shall not bear interest at a rate higher than such

voted maximum rate. Said refunding bonds, and the interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said refunding bonds. The refunding bonds shall be issued and delivered in lieu of, and upon surrender to the Comptroller of Public Accounts of the State of Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds. Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.

(d) All bonds issued pursuant to this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(e) All bonds issued pursuant to this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(f) Each junior college district, and each regional college district (with reference to the operation and maintenance of its junior college division) heretofore or hereafter created pursuant to the laws of this state, is hereby declared to be, and constituted as, a school district within the meaning of Article VII, Section 3, of the Texas Constitution.

(g) All tax bonds voted in any district in accordance with law but unissued at the effective date of this code may be issued in the manner provided in this section, without an additional

election; and all maintenance taxes heretofore voted in any district in accordance with law may be levied and collected in the manner provided in this act, without an additional election. (Originally Sec. 51.102.)

Sec. 130.123. REVENUE BONDS. (a) The governing board (hereinafter called the "board") of each junior college district and each regional college district shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, operations, or facilities, of any nature, for and on behalf of its institution or institutions.

(b) For the purpose of carrying out any one or more of the aforesaid powers each board shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, fees, or other resources of such board, in the manner hereinafter provided. Said bonds may be issued to mature serially or otherwise not more than 50 years from their date. In the authorization of any such bonds, each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board. Said bonds, and any interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rate or rates, as shall be determined and provided by the board in the resolution or order, authorizing the issuance of said bonds. If so permitted in the bond resolution, and required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

(c) Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board.

(d) Each board shall be authorized to pledge all or any part of any of its revenues from any of the aforesaid rentals, rates, charges, and/or fees to the payment of any bonds issued hereunder, including the payment of principal, interest, and any

other amounts required or permitted in connection with said bonds. When any of the revenues from any such rentals, rates, charges, and/or fees are pledged to the payment of bonds, they shall be fixed and collected in such amounts as will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses. Each board shall be authorized to establish and enforce such parietal rules for students and others, and to enter into such agreements regarding occupancy, use, and availability, and the amounts and collection of pledged revenues, fees, or other resources as will assure making all said required payments. Fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, may be pledged to the payment of said bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, in such amounts and in such manner as shall be determined and provided by the board in the resolution or order authorizing the issuance of the bonds, and said fees may be collected in the full amounts required or permitted herein, without regard to actual use or availability, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of any specifically described property, buildings, structures, activities, operations, or facilities, of any nature; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions. Such specific and/or general fees may be fixed and collected and pledged to the payment of any issue or series of bonds issued hereunder, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in the resolution or order authorizing the issuance of any bonds issued hereunder, and provided that no such additional specific fees shall be pledged if prohibited by any resolution or order which authorized the issuance of any then outstanding bonds issued pursuant to any Texas statute.

(e) In addition to the revenues, fees, and other resources authorized to be pledged to the payment of bonds issued hereunder, each board further shall be authorized to pledge irrevocably to such payment, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, an amount not exceeding $15 from each enrolled student for each regular semester and $7.50 from each enrolled student for each summer term, and each board also shall be authorized to pledge to such payment all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

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(f) Any revenue bonds issued by any such board under this act, and any revenue bonds or notes issued by any such board under any other Texas statute and payable from tuition fees and charges and/or any part of the use fees from or revenues of any property, buildings, structures, activities, operations, or facilities at the institution or institutions, may be refunded or otherwise refinanced by such governing board, and in such case all pertinent and appropriate provisions of this section shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds or notes the governing board may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this section and bonds or notes issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant to this section into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other type of bonds. All refunding bonds shall be issued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

(g) All bonds permitted to be issued under this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(h) All bonds issued under this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(i) All revenue bonds heretofore approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, use fees, tuition, or other resources of such board, are hereby validated in all respects, together

with all proceedings authorizing the issuance thereof, and said bonds and proceedings shall be valid as though they had been duly and legally issued and authorized originally. (Originally Sec. 51.103.)

[Sections 130.124-130.130 reserved for expansion]

SUBCHAPTER H. TRANSFER OF ASSETS ON DISSOLUTION OF DISTRICTS

Sec. 130.131. DISSOLUTION AND TRANSFER OF PROPERTY UPON CREATION OF SENIOR COLLEGE. (a) Whenever the legislature shall create within the boundary of any union junior college district a state-supported senior college of the first rank offering at least four years of college work, and whenever such union junior college district has been dissolved in the manner provided for in
* Sections 19.361-19.364 of this code, which said method of dissolution of such district is hereby authorized, the trustees of such union junior college district shall transfer the corporeal properties and facilities of such union junior college district to such state-supported senior college, and such trustees, after such dissolution and transfer of properties of such district, shall not further maintain a junior college and shall function only for the purpose of carrying out the provisions of this section and shall have no authority to create any additional indebtedness against such district, and when the bonded indebtedness of such district has been fully paid, such union junior college district shall cease to exist; provided that in the order calling such election and in the notice thereof, the authorities calling such election shall designate the date when such district shall be dissolved and such transfer shall be made, which date shall be within two years from the date of the election, and on or prior to said date.

(b) When any union junior college district has been dissolved and its properties transferred as provided in Subsection (a) of this section, or in any other lawful manner, having at the time of such dissolution outstanding bonds or other indebtedness enforceable either at law or in equity, then the county commissioners court, for the purpose of paying such bonds, or other indebtedness, shall have power and be authorized to annually levy and collect ad valorem taxes sufficient only to pay the interest and create a sinking fund to retire the bonded indebtedness of such district, and the expense of collecting such taxes and paying such bonded indebtedness, and for no other purpose; provided such tax shall not exceed the rate voted by such district for junior college purposes; said county commissioners court shall have power to bring and defend litigation in the name of said union junior college district. (Originally Sec. 51.201.)

Sec. 130.132. ABOLITION OF JUNIOR COLLEGE DISTRICTS. (a) The term "applicable district," as used in this section, shall mean any junior college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such junior

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college district, and which junior college district has no outstanding bonded indebtedness.

(b) All applicable districts and their governing boards are hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said applicable districts shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The persons formerly acting as the governing board and officers of each applicable district shall turn over all remaining property and assets of said applicable district, including all tax collections on hand, directly to the state-supported senior college or university located therein. The governing board of the independent school district in which any such state-supported senior college or university is located shall, for and on behalf of any such applicable district, cause, through its tax collector and other officers, all delinquent and uncollected taxes of any such applicable district to be collected in accordance with the general laws applicable to independent school districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this section may be used by it for any lawful purpose. (Originally Sec. 51.202.)

Sec. 130.133. TRANSFER OF PROPERTIES OF COUNTY JUNIOR COLLEGE DISTRICTS AFTER CREATION OF SENIOR COLLEGE. (a) Whenever the legislature has created or shall create within the boundaries of any county junior college district a state-supported senior college offering at least four years college work upon the condition that the board of trustees of said county junior college district shall convey all of the assets, real, personal, tangible, and intangible held in its name as of the date fixed for the establishment of said senior college and containing the other provision that said properties shall be conveyed to the governing body of the senior college free and clear of any indebtedness or indebtednesses, encumbrance or encumbrances of any kind or character and of whatsoever nature, the board of trustees of said county junior college district is hereby fully authorized and empowered to convey to the governing body of the senior college all of such assets, real, personal, tangible, and intangible held by it on the date fixed for such conveyance in the act creating such senior college, except moneys on hand for the payment of outstanding obligations of the district.

(b) From and after the conveyance of the properties of said county junior college district to the governing body of said senior college, the county junior college district shall not futher maintain a junior college and shall function only for the purpose of carrying out the provisions of this section.

(c) Where such county junior college district had or has outstanding tax obligations in the nature of bonds or other indebtedness, the board of trustees of said county junior college district shall continue to make the necessary tax levies annually for the purpose of paying necessary administrative expenses of the board of trustees and paying off and discharging such bonded

or other indebtedness, both principal and interest, until all of the same has been fully paid off and discharged.

(d) Where said county junior college district has outstanding any bonds payable from the revenues from any building or buildings which revenue bonds constitute an encumbrance upon the income of such building or buildings, the board of trustees of the county junior college district is hereby authorized to issue bonds of said county junior college district payable from ad valorem taxes of said district and to sell such tax-supported bonds and pay off such revenue bonds or to exchange such tax-supported bonds for said revenue bonds. No such tax-supported bonds shall be issued, however, until authorized at an election held for that purpose and at which election a majority voting thereon shall have voted in favor of the issuance of said bonds.

(e) The board of trustees of the county junior college district is hereby authorized to perform all acts necessary toward the final discharge of all the indebtedness of said county junior college district and to perform all necessary administrative acts in connection therewith. Said board of trustees is specifically authorized to continue to levy and collect sufficient taxes annually within the limits prescribed by law and authorized by the required election for the purpose of discharging the principal and interest on all outstanding bonded and other indebtedness, including the repayment of any temporary loans which said board may find necessary to obtain in order to pay all current operating expenses of the junior college up to the date of the conveyance of the properties until all such obligations have been fully discharged, and such temporary loans are hereby authorized, and such temporary loans heretofore obtained are hereby ratified and validated. (Originally Sec. 51.203.)

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CHAPTER 135. TEXAS STATE TECHNICAL INSTITUTE
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.01. PURPOSE OF INSTITUTE. Texas State Technical Institute is a coeducational institution offering courses of study in vocational and vocational-technical education for which there is demand within the State of Texas. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

Sec. 135.02. LOCATION. (a) The institute shall be located on only three campuses in McLennan, Cameron, and Potter counties.

(b) The main campus of the institute shall be located at Waco.

(c) The board of regents may accept or acquire by purchase, in the name of the State of Texas, land and facilities in Cameron County and Potter County, subject to the approval of the governor.

(d) Except as otherwise provided by this chapter, all other campus locations to be operated by the institute system require legislative approval. (V.A.C.S. Art. 2615f-1a, Sec. 9.)

Sec. 135.03. ROLE AND SCOPE OF INSTITUTE. (a) The institute shall provide occupationally oriented programs in highly technical and vocational areas, including field or laboratory work and remedial or related academic and technical instruction. Particular emphasis shall be placed on industrial and technological manpower needs of the state. Technical and vocational programs shall be subject to the approval of the State Board of Vocational Education. Related academic instruction is subject to the approval of the Coordinating Board, Texas College and University System.

(b) The institute shall provide training programs for technical teachers, counselors, and supervisors which shall be subject to prior and continuing approval of the State Board of Vocational Education.

(c) The institute shall conduct manpower development and utilization research programs for identification of training and retraining needs and projected needs and for curriculum development, either individually or in cooperation with other public and private institutions. (V.A.C.S. Art. 2615f-1a, Sec. 7 (part).)

Sec. 135.04. APPROVAL OF PROGRAMS. (a) Educational programs wholly or partially financed from state funds are subject to the prior approval of the State Board of Vocational Education and the Coordinating Board, Texas College and University System. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

(b) Before any program may be offered by the institute within the district of a public junior college that is operating a vocational and technical program, it must be established that the public junior college is not capable of offering or is unable to offer the program. After it is established that a need for the program exists and that the program is not locally available, the institute may offer the program, provided approval is secured as required by this chapter. Approval set forth in this subsection does not apply to McLennan, Cameron, and Potter counties. (V.A.C.S. Art. 2615f-1a, Sec. 7(a) (part).)

(c) Where a local government located in a county or a portion of a county that is not operating a public junior college district requests that the institute offer a program, the institute may offer the program provided approval is secured from the State Board of Vocational Education. (V.A.C.S. Art. 2615f-1a, Sec. 7 (part).)

[Sections 135.05-135.20 reserved for expansion]

SUBCHAPTER B. BOARD OF REGENTS; ADMINISTRATIVE PROVISIONS

Sec. 135.21. BOARD OF REGENTS. The organization and control of the institute is vested in a board of nine regents. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part).)

Sec. 135.22. APPOINTMENT OF BOARD. The governor shall appoint members of the board with the advice and consent of the senate. In appointing members of the board the governor shall include persons representing agriculture, business, industry, and labor. Each member of the board shall be a citizen of Texas and shall take the constitutional oath of office. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part), (b), and (c).)

Sec. 135.23. TERMS OF OFFICE. The term of office of each regent is six years. In making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board is filled for the unexpired term by appointment of the governor. (V.A.C.S. Art. 2615f-1a, Sec. 2(a) (part).)

Sec. 135.24. ORGANIZATION; BYLAWS. The board shall elect one of the members chairman; elect other officers as it deems necessary; and enact bylaws, rules, and regulations as it deems necessary for the successful management and operation of the institute. (V.A.C.S. Art. 2615f-1a, Sec. 2(d).)

Sec. 135.25. MEETINGS. The board shall meet as prescribed by its bylaws, but not less than six times annually. (V.A.C.S. Art. 2615f-1a, Sec. 2(e).)

Sec. 135.26. COMPENSATION. Members of the board may not receive salary or compensation for their services, but they may receive reimbursement for their actual expenses incurred in attending to the work of the board, subject to the approval of the chairman. (V.A.C.S. Art. 2615f-1a, Sec. 4.)

[Sections 135.27-135.50 reserved for expansion]

SUBCHAPTER C. BOARD OF REGENTS; POWERS AND DUTIES

Sec. 135.51. CERTIFICATES AND DIPLOMAS. The board shall prescribe and award certificates and diplomas limited to those common to technical education. (V.A.C.S. Art. 2615f-1a, Sec. 6.)

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Sec. 135.52. FEES AND TUITION. The board may collect tuition and registration fees authorized by law. (V.A.C.S. Art. 2615f-1, Sec. 4 (part).)

Sec. 135.53. NONRESIDENT FEE EXEMPTIONS. The board may enter into cooperative agreements which exempt technical students from nonresident fees when there are reciprocal privileges granted to Texas residents. (V.A.C.S. Art. 2615f-1a, Sec. 8.)

Sec. 135.54. CONTRACTS. The board may contract with individuals, federal, state, and local agencies and departments, corporations, and associations to provide educational programs designed to meet the need for trained personnel in Texas. (V.A.C.S. Art. 2615f-1, Sec. 2 (part).)

Sec. 135.55. SUITS; VENUE. The board may sue, and may be sued, in the name of the Texas State Technical Institute, with venue being in either McLennan County or Travis County. (V.A.C.S. Art. 2615f-1a, Sec. 3.)

Sec. 135.56. DISPOSITION OF PROPERTIES; BONDS AND NOTES; PLEDGE OF REVENUE. (a) The board may lease, sell, transfer, or exchange land and permanent improvements of the institute or any other properties it may acquire which the board determines are not necessary for the establishment or operation of the institute.

(b) The board may irrevocably pledge the fees, charges, revenues, and the proceeds of the lease, sale, transfer, or exchange of or from the buildings, land, structures, and the additions to the existing buildings and structures authorized to be constructed, improved, or equipped and to pledge the revenue of the proceeds of the lease, sale, transfer, or exchange of or from any other revenue-producing buildings, structures, facilities, and other property to the payment of the interest on and the principal of bonds authorized to be issued by Chapter 55 of this code, and to enter into agreements regarding the imposition of fees, charges, and other revenue and the collection, pledge, and disposition as the board deems appropriate. However, where land and improvements on the land, the revenue of which has been pledged to pay bonds, are to be sold, the sale is conditioned on the deposit by the board of the proceeds of the sale to the sinking fund created by the bond order of the issuing authority.

(c) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the board for the establishment or operation of the institute.

(d) The bonds authorized to be issued under Chapter 55 of this code are special obligations of the board issuing the bonds and are payable only from a pledge of the fees, charges, and other revenues authorized by this section and from the proceeds of the lease, sale, transfer, or exchange of land and improvements on the land the revenue of which is pledged to secure the payment of interest on and principal of the bonds.

(e) The board, in addition to the authority already provided, may issue revenue bonds for the purposes authorized and in the manner prescribed and under the terms and conditions set forth in Chapter 55 of this code. (V.A.C.S. Art. 2615f-1b, Sec. 1.)

Sec. 135.57. INSURANCE. The board may procure the property and liability insurance coverages required by the United States to protect it and its agencies against the possibility of loss or liability in connection with property owned by the United States and loaned to the institute pursuant to the provisions of the National Industrial Reserve Act of 1948, 50 U.S.C. Secs. 451-462. (V.A.C.S. Art. 2615f-1b, Sec. 2.)

Sec. 135.58. WORKMEN'S COMPENSATION INSURANCE. The board may provide workmen's compensation insurance for its employees according to the provisions of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 2615f-1b, Sec. 3.)

Sec. 135.59. CONTRACTS WITH BAYLOR UNIVERSITY. The board may enter into any contracts and agreements with Baylor University for joint participation in graduate programs that may be designed to benefit the State of Texas. (V.A.C.S. Art. 2615f-1a, Sec. 2, subd. b.)

Sec. 2. LEGISLATIVE INTENT. This is intended as a recodification only and no substantive changes are intended by this legislation.

Sec. 3. REPEALER. The following laws, as amended are repealed:

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149f	44th		G.L.	178	
149g	45th			227	
149h					
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1269j-101	61st			571	
2543c	52nd			474	
2584					
2584a	60th			7	1
2585					
2585a	47th			302	
2585b	59th			253	
2585c	60th			7	2
2585d	60th			7	3
2586					
2588-2589					
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2589b	43rd	1 C.S.		70	
2589c	47th			478	
2589d	49th			78	
2589e	53rd			193	3
2589f	56th			58	
2590-2591					
2591a	42nd			55	
2592					
2592a	51st			347	
2593					
2593a	39th		G.L.	175	2
2594					
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2595					
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2596-2603					
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2603b-3	57th			35	
2603c	43rd	2 C.S.		5	
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2613a-2	44th		G.L.	318	
2613a-3	45th			150	
2613a-4	47th			121	
2613a-5	47th			297	
2613a-6	47th			386	
2613a-7	54th			228	
2613a-8	55th			247	
2613a-9	59th			121	
2613a-11	61st			109	
2613b	43rd		G.L.	81	
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2614-2615					
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2647e	51st			256	
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2654f-2	59th			386	
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Sec. 4. EFFECTIVE DATE. This article takes effect on September 1, 1971.

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ARTICLE 2

Section 1. Section 55.17, Texas Education Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

"(e) (1) The board of regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for the Texas Tech University School of Medicine at Lubbock.

"(2) The board of regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, may pledge irrevocably to the payment of its revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Texas Tech University and/or at the Texas Tech University School of Medicine at Lubbock; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that such tuition charges shall not be pledged pursuant to the authority granted by this Subsection (e)(2) except to the payment of bonds issued in an aggregate principal amount of not to exceed $35 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for the Texas Tech University School of Medicine at Lubbock.

"(f) (1) The board of regents of The University of Texas System is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for The University of Texas at Dallas, The University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio.

"(2) The board of regents of The University of Texas System may pledge irrevocably to the payment of its revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each and every institution, branch, and school operated by or under the jurisdiction of said board of regents of The University of Texas System; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that such tuition charges shall not be pledged pursuant to the authority granted by this Subsection (f)(2) except to the payment of bonds issued in an aggregate principal amount of not to exceed $150 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for The University of Texas at Dallas, The

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University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio.

"(g) Subsections (a) through (f) of this section are cumulative of all other laws on the subject, but they shall be wholly sufficient authority for the issuance of the bonds and the performance of the acts and procedures, and the exercise of the powers granted and authorized thereby, regardless of any restrictions or limitations contained in any other laws; and when any bonds are being issued or any acts or procedures are being undertaken, or any powers being exercised pursuant to those subsections, then to the extent of any conflict or inconsistency between any provisions of those subsections, and any provision of any other law, the provisions of those subsections shall prevail and control." (H.B. No. 278, 62nd Legis., Reg. Sess., 1971.)

Sec. 2. Subchapter C, Chapter 65, Texas Education Code, is amended by adding Section 65.40 to read as follows:

"Section 65.40. ENVIRONMENTAL SCIENCE PARK. (a) The board is hereby authorized to establish, maintain, and support an environmental science park in Bastrop County, Texas, on lands owned or controlled by it, the administration and business management of which shall be delegated to The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston.

"(b) The board shall have authority to cooperate with agencies, institutions, instrumentalities, and subdivisions of this state, other states, and the federal government; and with private institutes, institutions, foundations, and organizations, in the furtherance of this section, and the promotion of educational and environmental science programs.

"(c) The board is specifically authorized upon terms and conditions acceptable to it, to accept and administer, gifts, grants, or donations, of any kind, from any source, to aid in the establishment, operation, maintenance, or administration of the environmental science park." (S.B. No. 278, 62nd Legis., Reg. Sess., 1971.)

Sec. 3. Subchapter C, Chapter 105, Texas Education Code, is amended by adding Section 105.43 to read as follows:

"Section 105.43. STUDENT UNION FEE. (a) The board may levy a regular, fixed student fee not to exceed $10 per student for each semester of the long session and not to exceed $5 per student for each semester of the summer session, or any fractional part thereof, against each student enrolled in that institution, as may in their discretion be just and necessary for the purpose of operating, maintaining, improving, and equipping the student union and acquiring or constructing additions thereto; provided, however, that the student body must approve each increase of said fee in excess of $1 per student for each semester of the long session and 50 cents per student for each term of the summer school, at an election called for that purpose by the board. Notice of an election shall be given by publication of a substantial copy of the resolution or order of the board calling the

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election and showing the amount of the increased fee and the purpose for which it is to be used. The notice shall be published in The North Texas Daily or in any other student newspaper having general circulation among the students for three consecutive days of the week immediately preceding the date set for the election. The board shall canvass the returns and declare the results of the election, and if a majority of the students voting in the election vote in favor of the increase, then the board may levy the fee in an amount not in excess of the amount authorized at the election.

"(b) The activities of the student union financed in whole or in part by the student union fee shall be limited to those activities in which the entire student body is eligible to participate and in no event may any of the activities so financed be held outside of the territorial limits of the campus of North Texas State University.

"(c) The fiscal officer of North Texas State University shall collect the fees provided for in Subsection (a) of this section and shall credit the money received from those fees to an account known as the student union fee account.

"(d) The money thus collected and placed in the student union fee account shall be used for the purpose of operating and maintaining and improving the student union and shall be placed under the control of and subject to the order of the board of directors of the student union, which board of directors shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving it, and shall then levy the student fees under the provisions of Subsection (a) of this section in such amounts as will be sufficient to meet the budgetary needs of the student union, within the statutory limits fixed in this section.

"(e) This fee is collectible beginning September 1, 1971." (H.B. No. 214, 62nd Legis., Reg. Sess., 1971.)

Sec. 4. Subchapter E, Chapter 86, Texas Education Code, is amended by adding Section 86.23 to read as follows:

"Section 86.23. STUDENT CENTER COMPLEX FEES. (a) The board of directors of Texas A & M University System is hereby authorized to levy a regular, fixed student fee not to exceed $10 per student for each semester for the long session and not to exceed $5 per student for each term of the summer session, or any fractional part thereof, against each student enrolled in said institution, as may in the board's discretion be just and necessary for the purpose of operating, maintaining, improving, and equipping the Texas A & M Student Center Complex and acquiring or constructing additions to said complex. The activities of the student center complex financed in whole or in part by the student center complex fee shall be limited to those activities in which the entire student body is eligible to participate and in no event shall any of the activities so financed be held outside the territorial limits of Texas A & M University.

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"(b) The comptroller of Texas A & M University shall collect the fees provided for in Subsection (a) of this section and shall credit the money received from the fees to an account known as the Student Center Complex Fee Account.

"(c) The money thus collected and placed in the said Student Center Complex Fee Account shall be used for the purpose of operating, maintaining, improving, and equipping the Texas A & M Student Center Complex. A complete and itemized budget shall be submitted annually to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of directors shall make such changes in the budget as it deems necessary before approving the same, and shall then levy the student fees under the provisions of Subsection (a) of this section in such amounts as will be sufficient to meet the budgetary needs of the center, within the statutory limits herein fixed." (S.B. No. 573, 62nd Legis., Reg. Sess., 1971.)

Sec. 5. Subchapter Z, Chapter 51, Texas Education Code, is amended by adding Section 51.904 to read as follows:

"Section 51.904. STREET CLOSING. The governing body of a state-supported college or university in a county having a population in excess of 1,500,000 may vacate, abandon, and close a street or alley running through the campus if the state-supported college or university owns all of the real property abutting the street or alley." (S.B. No. 318, 62nd Legis., Reg. Sess., 1971.)

Sec. 6. Chapter 61, Texas Education Code is amended by adding Subchapter E to read as follows:

"SUBCHAPTER E. CONTRACTS WITH THE TEXAS COLLEGE OF OSTEOPATHIC MEDICINE

"Section 61.201. DEFINITIONS. In this subchapter, unless context otherwise requires:

"(1) 'Bona fide Texas resident' means a person defined as a 'resident student' in Subchapter B, Chapter 54, of this code, and rules, regulations, and interpretations promulgated thereunder by the coordinating board or the Commission on Higher Education.

"(2) 'Established public medical schools' means The University of Texas Medical Branch and Southwestern Medical School.

"(3) 'Undergraduate medical student' means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree or Doctor of Osteopathy degree.

"(4) 'Scholastic year of disbursement' means a period of time commencing on September 1 of each calendar year and terminating on August 31 of the next succeeding calendar year. The first scholastic year of disbursement shall commence on September 1, 1971, and shall terminate on August 31, 1972.

"(5) 'Average annual state support per undergraduate medical student enrolled at the established public medical schools' means an amount calculated by dividing the state appropriations for undergraduate medical education to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of

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undergraduate medical students enrolled in those schools on October 15 of said fiscal year.

"Section 61.202. CONTRACTS WITH TEXAS COLLEGE OF OSTEOPATHIC MEDICINE. So long as there is no public school of osteopathic medicine in this state, the coordinating board is hereby vested with the right, power, and authority to contract with Texas College of Osteopathic Medicine for the preparation or instruction of bona fide Texas resident undergraduate medical students as Doctors of Osteopathic Medicine.

"Section 61.203. DISBURSEMENTS. (a) In the exercise of the rights, powers, and authority described in Section 61.202 of this code, the Coordinating Board may disburse to Texas College of Osteopathic Medicine, during each scholastic year of disbursement, an amount equal to the average annual state support per undergraduate medical student at the established public medical schools, as certified pursuant to Section 61.201(5) of this code, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Texas College of Osteopathic Medicine; provided, however, that the coordinating board shall never disburse an amount exceeding the amount appropriated by the legislature for this purpose. Expenditures by the Texas College of Osteopathic Medicine of any state funds received by it shall be limited to the payment of instructional costs, general administration and student services, faculty salaries, departmental operating expense, and library. Any payment paid in whole or in part from funds appropriated for this purpose shall conform to the practices and limitations common to established public medical schools in Texas and shall be set forth in writing annually by the board of regents of The University of Texas System in substantially the same form as applicable to such public medical schools by such board of regents, and made a part of each disbursement contract.

"(b) Subject to the limitations described in this section, the coordinating board is hereby granted the right, power, and authority to establish, by contract, with Texas College of Osteopathic Medicine the method by which the above-described disbursement shall be accomplished, and may prescribe such reasonable rules and regulations as are necessary to carry out the provisions of this section including, but not limited to, a prior consultation on the annual budget and a post audit of expenditures in a manner acceptable to the state auditor.

"Section 61.204. RESTRICTIONS. The rights, powers, and authority granted herein shall not be subject to restriction, limitation, obligation, or requirement provided in Section 61.058 of this code or Chapter 4, Title 20, Revised Civil Statutes of Texas, 1925, as amended, notwithstanding any other provision hereof." (S.B. No. 160, 62nd Legis., Reg. Sess., 1971.)

Sec. 7. Sections 52.35, 52.38, and 52.54, Texas Education Code, are amended to read as follows:

"Section 52.35. TERM OF LOANS. The term of all authorized loans must be for the shortest possible period, as determined by the board. However, no loan may be made to any student for a period longer than 10 years from the date he is last enrolled in a participating institution, except as a longer period is

authorized for medical students, dental students, and students seeking professional or graduate degrees as authorized under the provisions of Section 52.38 of this code."

"Section 52.38. REPAYMENT OF LOANS. Repayment of any loan and interest authorized under this chapter shall be made monthly and shall begin not later than nine months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education and in no event later than five years from the date the first note evidencing a loan under this chapter is executed. The board may, however, authorize a longer period before beginning repayment of loans to medical students, dental students, and other students seeking professional or graduate degrees. The board may extend the time for beginning repayment for unusual financial hardships, with the approval of the attorney general. Repayment shall be made directly to the board or to a participating institution pursuant to a contract executed by the board in accordance with its rules and regulations."

"Section 52.54. RULES AND REGULATIONS. (a) The board shall adopt and publish rules and regulations to effectuate the purposes of this chapter in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes).

"(b) The board may adopt rules and regulations necessary for participation in the federal guaranteed loan program provided by the Higher Education Act of 1965 (Public Law 89-329)."

(S.B. No. 527, 62nd Legis., Reg. Sess., 1971.)

Sec. 8. Section 21.062, Texas Education Code, as amended, is amended to read as follows:

"Section 21.062. TRANSFER OF STATE FUNDS. Upon the filing and certification of the transfer of any such child in the manner timely and in the form prescribed by regulations of the State Board of Education, the state per capita apportionment shall transfer with the child; and for purposes of computing state allotments to districts eligible under the Foundation School Program Act, the attendance of the child prior to the date of transfer shall be counted by the transfer sending district and the attendance of the child after the date of transfer shall be counted by the transfer receiving district."

(H.B. No. 476, 62nd Legis., Reg. Sess., 1971.)

Sec. 9. Subchapter C, Chapter 108, Texas Education Code, is amended by adding Section 108.36 to read as follows:

"Section 108.36. EDUCATIONAL CENTERS. (a) The Board may establish an educational center of Lamar University in the counties of Jefferson and Orange, to be known as Lamar University at Jefferson and Orange Counties, to accept freshman and sophomore level students only. This educational center may be discontinued by the Coordinating Board, Texas College and University System, at its discretion.

"(b) The board may make provision for adequate physical facilities to be provided at no cost to the State of Texas for use by the Lamar University at Jefferson and Orange Counties and may accept and administer, on terms and conditions satisfactory to

the board, grants or gifts of money or property which are tendered by any reason for the use and benefit of the school; provided however, that any expenditure of funds, other than local funds or any such grants or gifts, for teaching classes not held on the Beaumont Campus, shall be only as specifically authorized in the General Appropriations Act.

"(c) The board with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control, and management of the Lamar University at Jefferson and Orange Counties as necessary for the school to be a first-class institution for freshman and sophomore students.

"(d) Nothing in this section shall be construed to limit the powers of the board of regents of Lamar University as conferred by law." (H.B. No. 130, 62nd Legis., Reg. Sess., 1971.)

Sec. 10. Subsections (a) and (c), Section 135.02, Texas Education Code, are amended to read as follows:

"(a) The Texas State Technical Institute shall be located on only four campuses in McLennan, Cameron, Potter and Nolan counties."

"(c) The board may accept or acquire by purchase in the name of the State of Texas land and facilities in Cameron County, Potter County and Nolan County, subject to the approval of the governor." (H.B. No. 672, 61st Legis., Reg. Sess., 1971.)

Sec. 11. Chapter 4, Texas Education Code, is amended by adding Section 4.33 to read as follows:

"Section 4.33. DISRUPTION OF CLASSES. (a) Any person who, on school property or on public property within 500 feet of school property, shall alone or in concert with others willfully disrupt the conduct of classes or other school activities shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine not to exceed $200.

"(b) In this section:

"(1) 'School property' shall include public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by a school for assemblies or other school-sponsored activities.

"(2) 'Public property' shall include any street, highway, alley, public park, or sidewalk.

"(3) Conduct which disrupts the educational activities of a school includes:

"(A) emission by any means of noise of an intensity which prevents or hinders classroom instruction;

"(B) enticement or attempted enticement of students away from classes or other school activities which students are required to attend; and

"(C) prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.

"(c) The provisions of this section shall be cumulative of existing law, and should any portion hereof be found to be in conflict with any provision of existing law, the provisions hereof shall prevail." (H.B. No. 186, 62nd Legis., Reg. Sess., 1971.)

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Sec. 12. Chapter 86, Texas Education Code, is amended by adding Subchapter C to read as follows:

"SUBCHAPTER C. REAL ESTATE RESEARCH CENTER

"Section 86.51. REAL ESTATE RESEARCH CENTER. There is established at Texas A & M University, in the College of Agriculture, a Real Estate Research Center, hereinafter referred to as the center. The operating budget, staffing, and activities of the center shall be approved by the board of directors of The Texas A & M University System.

"Section 86.52. REAL ESTATE RESEARCH ADVISORY COMMITTEE. (a) The Real Estate Research Advisory Committee is created.

"(b) The advisory committee is composed of nine persons appointed by the governor, without senate confirmation, with the following representation:

"(1) six members shall be real estate brokers, licensed as such for at least five years preceding the date of their appointment, who have been recommended by the Texas Real Estate Commission and are representative of each of the following real estate specialities:

"(A) one member shall be principally engaged in real estate brokerage;

"(B) one member shall be principally engaged in real estate financing;

"(C) one member shall be principally engaged in the ownership or construction of real estate improvements;

"(D) one member shall be principally engaged in the ownership, development or management of residential properties;

"(E) one member shall be principally engaged in the ownership, development or management of commercial properties; and

"(F) one member shall be principally engaged in the ownership, development or management of industrial properties; and

"(2) three members shall be representatives of the general public.

"(c) Except for the initial appointees, members of the advisory committee hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three members, including two representatives of the real estate industry and one representative of the general public, for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977. Any vacancy shall be filled by appointment for the unexpired portion of the term. Each member shall serve until his successor is qualified.

"(d) The chairman of the Texas Real Estate Commission, or a member of the commission designated by him, shall serve as an ex officio, nonvoting member of the advisory committee.

"(e) The committee shall elect a chairman from its membership, and he shall serve for an annual term.

"(f) The first meeting of the advisory committee shall be called by the president of Texas A & M University or his designated representative. The committee shall meet not less than

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semiannually, and in addition on call of its chairman, or on petition of any six of its members, or on call of the president of Texas A & M University or his designated representative.

"(g) The advisory committee shall review and approve proposals to be submitted to the board of directors of The Texas A & M University System relating to staffing and general policies including priority ranking of research studies and educational and other studies.

"(h) The president of Texas A & M University or his designated representative shall submit to the advisory committee in advance of each fiscal year a budget for expenditures of all funds provided for the center in a form that is related to the proposed schedule of activities for the review and approval of the advisory committee. The proposed budget approved by the advisory committee shall be forwarded with the comments of the committee to the board of directors of The Texas A & M University System prior to its action on the proposed budget, and the board of directors of The Texas A & M University System shall not authorize any expenditure that has not had the prior approval of the advisory committee.

"(i) The president of Texas A & M University or his designated representative shall submit to the advisory committee for its review and approval a research agenda at the beginning of each fiscal year and shall continuously inform the advisory committee of changes in its substance and scheduling.

"Section 86.53. PURPOSES, OBJECTIVES, AND DUTIES OF THE CENTER. The purposes, objectives, and duties of the center are as follows:

"(1) to conduct studies in all areas that relate directly or indirectly to real estate and/or urban or rural economics and to publish and disseminate the findings and results of the studies;

"(2) to assist the teaching program in real estate offered by the colleges and universities in the State of Texas when requested to do so, and to award scholarships and establish real estate chairs when funds are available;

"(3) to supply material to the Texas Real Estate Commission for the preparation of the examinations for real estate salesmen and brokers, if requested to do so by the commission;

"(4) to develop and from time to time revise and update materials for use in the extension courses in real estate offered by the universities and colleges in the State of Texas when requested to do so;

"(5) to assist the Texas Real Estate Commission in developing standards for the accreditation of vocational schools and other teaching agencies giving courses in the field of real estate, and standards for the approval of courses in the field of real estate, as and when requested to do so by the commission;

"(6) to make studies of and recommend changes in state statutes and municipal ordinances, providing however that no staff member of the center shall directly contact legislators or locally elected officials concerning the recommendations except to provide a factual response to an inquiry as to the method of research or nature of the findings;

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"(7) provided and except, however, that those conducting such research and studies shall periodically review their progress with the advisory committee or its designated representative, and the results of any research project, or study, shall not be published or disseminated until it has been reviewed and approved in writing by the advisory committee or its designated representative.

"Section 86.54. PUBLICATION CHARGES; GIFTS AND GRANTS. The center may make a charge for its publications and may receive gifts and grants from foundations, individuals, and other sources for the benefit of the research center.

"Section 86.55. ANNUAL REPORT. A report of the activities and accomplishments of the center shall be published annually." (S.B. No. 338, 62nd Legis., Reg. Sess., 1971.)

Sec. 13. Subchapter A, Chapter 130, Texas Education Code, is amended by adding Section 130.005 to read as follows:

"Section 130.005. CHANGE OF NAME TO COMMUNITY COLLEGE. (a) The legislature hereby declares that the purpose of this section is to recognize that the institutions formerly known as public junior colleges are in fact comprehensive community colleges which serve their communities not only through university-parallel programs but also by means of occupational programs and other programs of community interest and need.

"(b) Any reference to junior colleges or junior college districts in any law may be amended to read community college or community college district, respectively." (S.B. No. 683, 62nd Legis., Reg. Sess., 1971.)

Sec. 14. Subchapter C, Chapter 108, Texas Education Code, is amended by adding Section 108.37 to read as follows:

"Section 108.37. STUDENT CENTER FEES. The board of regents may levy a regular fixed student fee not to exceed $10 per student for each semester of the long session and not to exceed $5 per student for each term of the summer session, against each student enrolled in the institution, as in their discretion may be just and necessary for the purpose of operating, maintaining, improving, and equipping the student center and acquiring or constructing additions to the student center." (H.B. No. 787, 62nd Legis., Reg. Sess., 1971.)

Sec. 15. Subchapter G, Chapter 23, Texas Education Code, is amended by adding Section 23.999 to read as follows:

"Section 23.999. CONSOLIDATION OF COUNTY-LINE DISTRICTS. Hereafter, where two or more contiguous county-line independent school districts, each of which is an accredited 12-grade independent school district, are consolidated and the resulting county-line independent school district so created contains fewer than 750 children in average daily attendance, such a district, subject to approval of the commissioner of education, may qualify and shall be eligible for incentive aid payments authorized by and pursuant to other applicable provisions of the incentive aid law." (H.B. No. 854, 62nd Legis., Reg. Sess., 1971.)

Sec. 16. Subchapter D, Chapter 54, Texas Education Code, is amended by adding Section 54.208 to read as follows:

"Section 54.208. FIREMEN ENROLLED IN FIRE SCIENCE COURSES. The governing boards of the state institutions of collegiate rank

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supported in whole or in part by public funds shall exempt from the payment of tuition and laboratory fees any person who is employed as a fireman by any political subdivision of the state and who enrolls in a course or courses offered as part of a fire science curriculum. The exemption provided does not apply to deposits which may be required in the nature of security for the return or proper care of property loaned for the use of students." (H.B. No. 398, 62nd Legis., Reg. Sess., 1971.)

Sec. 17. Section 105.13, Texas Education Code, is amended to read as follows:

"Section 105.13. RESIDENCE. Not more than one member of the board may be appointed from or be a resident of any one state senatorial district." (S.B. No. 772, 62nd Legis., Reg. Sess., 1971.)

Sec. 18. Subchapter D, Chapter 130, Texas Education Code, is amended by adding Section 130.070, to read as follows:

"Section 130.070. ANNEXATION BY DISTRICT 100 MILES FROM NEAREST JUNIOR COLLEGE. (a) As used in this section, the term 'eligible junior college District' is defined as and means any junior college district which:

"(1) has boundaries located entirely within one county and contains an area which is less than 50 percent of the area of such county; and

"(2) accepts enrollment from students residing outside such junior college district but within such county; and

"(3) is located a distance of at least 100 miles from the nearest junior college educational facilities operated by another junior college district.

"(b) The governing body of an eligible junior college district is authorized to change the boundaries of such eligible junior college district by annexing all the territory contained in the county in which it is located, in accordance with the following procedure:

"(1) an application shall be filed by an eligible junior college district with the Coordinating Board, Texas College and University System, asking approval by said board of the proposed annexation of such territory;

"(2) if such approval is given by order or resolution of the Coordinating Board, Texas College and University System, the governing body of the eligible junior college district is authorized to order an election to be held in and throughout the entire county in which it is located, being the area as a whole constituting the eligible junior college district and the territory proposed to be annexed, on the proposition of whether or not such territory shall be annexed. Such election shall be held in accordance with law, and the election order shall set forth the date of the election, the polling place or places, and any other matters deemed necessary or advisable by such governing body. Notice of said election shall be given by publishing a substantial copy of the election order one time at least 10 days prior to the election, in a newspaper having general circulation in the county in which the eligible junior college district is located;

"(3) the governing body of such eligible junior college district shall receive and canvass the returns of said election, and if a majority of the electors voting at said election should vote in favor of such annexation, the governing body of the eligible junior college district is authorized to annex all the territory contained in the county in which it is located by passing an order to that effect, whereupon the boundaries of such junior college district shall be changed and extended to be identical with those of such county.

"(c) The annexation of territory by an eligible junior college district pursuant to this section does not create a new junior college district, and the junior college district whose boundaries have been so changed and extended by annexation shall continue to exist as before, but over and with the changed boundaries. The governing board of an eligible junior college district, after annexation of territory pursuant to this section, shall continue to be the governing board of such junior college district; provided that such governing board shall order an election to be held on the first Saturday in April of the next even-numbered year, at which time a board of trustees consisting of seven members shall be elected from such junior college district in accordance with the procedures set forth in Section 130.082, Texas Education Code, and thereafter such section shall be applicable to such junior college district." (H.B. No. 743, 62nd Legis., Reg. Sess., 1971.)

Sec. 19. Chapter 74, Texas Education Code, is amended by adding a Subchapter I to read as follows:

SUBCHAPTER I. THE UNIVERSITY OF TEXAS NURSING SCHOOL (SYSTEM-WIDE)

Sec. 74.401. COMPOSITION, OPERATION, MAINTENANCE. The board of regents of The University of Texas System is authorized to establish, maintain, and operate The University of Texas Nursing School (System-wide) which is composed of the following branches: The University of Texas (Undergraduate) Nursing School at Austin; The University of Texas (Graduate) Nursing School at Austin; The University of Texas (Undergraduate) Nursing School at El Paso; The University of Texas (Clinical) Nursing School at Galveston; The University of Texas (Clinical) Nursing School at San Antonio; and the University of Texas (Undergraduate) Nursing School at Tarrant County. The board is authorized to provide for the education of nursing students at each nursing school; however, all hospital facilities and services required for the operation and maintenance of each nursing school shall be furnished and provided at no cost and expense to the State of Texas except at the Galveston Division of The University of Texas (Clinical) Nursing School at Galveston.

Sec. 74.402. COURSES, DEGREES, ETC. The board is authorized to prescribe courses leading to such customary degrees as are offered in other leading American nursing schools, to award those degrees, and to make rules and regulations for the operation, control, and management of each nursing school, as may be necessary for the conduct of professional schools of the first class.

Sec. 74.403. AFFILIATION AGREEMENTS; JOINT APPIONTMENTS. The board is authorized to execute and carry out with any entity

or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of professional schools of the first class, not in conflict with Section 74.401 of this code, and the board is specifically authorized to make joint appointments in other institutions under its governance, the salary of any such person who receives a joint appointment to be apportioned to the appointing institutions on the basis of services rendered.

Sec. 74.404. GIFTS AND GRANTS. The board may accept gifts and grants from any source in aid of the conduct and operation of The University of Texas Nursing School (System-wide) or the branch nursing schools. (S.B. No. 337, 62nd Legislature, Reg. Sess. 1971.)

Sec. 20. Subchapter A, Chapter 66, Texas Education Code, is amended by adding Section 66.05 to read as follows:

"Section 66.05. REPORTS. (a) Before December 1 of each year the board of regents of The University of Texas System shall prepare a written report disclosing all details concerning the investments made and income realized from the permanent university fund during the year ending August 31 preceding the publication of the report.

"(b) The report shall contain a summary of all investments and an itemized list of all securities held for the fund on August 31, a summary of investment changes during the preceding year, and a summary of all income realized from the various components of the fund. The report shall also contain any other information needed to clearly indicate the nature and extent of investments made of the fund and all income realized from the components of the fund.

"(c) The report shall be distributed to the governor, state treasurer, state comptroller of public accounts, state auditor, attorney general, commissioner of higher education, and to the members of the legislature by the 1st day of January each year. The board shall furnish copies of the report to any interested person on request." (H.B. No. 1198, 62nd Legis., Reg. Sess., 1971.)

Sec. 21. Subchapter A, Chapter 11, Texas Education Code, is amended by adding Section 11.051 to read as follows:

"Section 11.051. TRAVEL AND CLOTHING EXPENSES FOR CERTAIN DEAF STUDENTS. (a) In this section, 'economically deprived children' means children having parents or guardians whose financial condition is such that it would work a hardship upon them to pay the travel or clothing expenses of their children.

"(b) The travel expenses of economically deprived children attending the Texas School for the Deaf shall be paid by the state out of funds appropriated by the legislature. The superintendent of the school shall, subject to the requirements of Subsection (c) of this section, make the determination in his sole discretion of which children are entitled to have their travel expenses paid.

"(c) No money appropriated for travel expenses may be expended except in compliance with the following rules:

"(1) The travel expenses shall be paid only when it is necessary for the student to travel to his home, and only for trips to and returning from his home.

"(2) The superintendent of the school shall plan the travel of students so as to achieve maximum economy and efficiency.

"(3) A student traveling by rented or public conveyance is entitled to a travel allowance equal to the actual cost of necessary transportation, meals, and lodging.

"(d) The expenses of purchasing clothes for economically deprived children attending the Texas School for the Deaf shall be paid out of funds appropriated by the legislature. The superintendent of the school shall make the determination in his sole discretion of which children are entitled to have clothes purchased for them." (S.B. No. 292, 62nd Legis., Reg. Sess., 1971.)

Sec. 22. Subchapter C, Chapter 87, Texas Education Code, is amended by adding Section 87.206 to read as follows:

"Section 87.206. INSTRUCTION IN FIELD OF MARINE RESOURCES. In addition to the instruction authorized in Section 87.201 of this code, the school or any other school created under this subchapter may provide instruction for all students in educational programs related to the general field of marine resources. Such courses must have the prior approval of the Coordinating Board, Texas College and University System." (S.B. No. 942, 62nd Legis., Reg. Sess., 1971.)

Sec. 23. Chapter 111, Texas Education Code, is amended by adding Subchapter E to read as follows:

"SUBCHAPTER E. THE UNIVERSITY OF HOUSTON AT CLEAR LAKE CITY.

"Section 111.81. ESTABLISHMENT, LOCATION. There is established in Harris County, as recommended by the Coordinating Board, Texas College and University System, a coeducational institution of higher education to be known as the University of Houston at Clear Lake City. The university shall be located on land currently owned by the University of Houston, either land acquired by donation under Chapter 37, Acts of the 60th Legislature, Regular Session, 1967, or land generally adjacent to that land and also owned by the University of Houston.

"Section 111.82. ORGANIZATION AND CONTROL. The organization and control of the university are vested in the board of regents of the University of Houston. With respect to this university, the board of regents has all the rights, powers, and duties that it has with respect to the organization and control of the University of Houston, except as otherwise provided by this Act. However, the University of Houston at Clear Lake City shall be maintained as a separate and distinct institution of higher education.

"Section 111.83. ROLE AND SCOPE. The university shall be organized to offer only junior, senior, and graduate-level programs.

"Section 111.84. ADVISORY COMMITTEE. (a) There is established a permanent advisory committee consisting of the president, or a representative designated by him, of each tax-supported junior college and community college now existing or hereafter established in Harris, Galveston, Fort Bend, Waller, Montgomery, Liberty, Chambers, or Brazoria County.

"(b) The advisory committee shall biennially elect a chairman from among its members and may elect other officers. It shall

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make rules to govern the calling of meetings and the transaction of its business.

"(c) The advisory committee shall periodically study the overall needs of the region mentioned in Subsection (a) of this section for the development of programs and resources in higher education, and as a result of its studies shall make recommendations to the board of regents of the University of Houston regarding the development of the departments and degree programs of the University of Houston at Clear Lake City. The board of regents shall give careful consideration to the recommendations of the advisory committee.

"Section 111.85. AUTHORITY OF COORDINATING BOARD. The university is a general academic teaching institution, and as such it is subject to the authority of the Coordinating Board, Texas College and University System." (H.B. No. 199, 62nd Legis., Reg. Sess., 1971.)

Sec. 24. Chapter 104, Texas Education Code, is amended by adding Subchapter G to read as follows:

"SUBCHAPTER G. TEXAS A&I UNIVERSITY AT CORPUS CHRISTI

"Section 104.91. ESTABLISHMENT; SCOPE. (a) The board is authorized and directed to establish and maintain a fully state-supported coeducational institution of higher learning to be known as Texas A&I University at Corpus Christi. The site for the institution shall consist of at least 200 acres of land and shall be provided for the institution at no cost to the state.

"(b) The institution shall be organized to accept only junior, senior, and graduate-level students, with at least 60 semester hours of accredited college or university study.

"Section 104.92. DEGREES; RULES; JOINT APPOINTMENTS. (a) The board may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate and master's degrees and their equivalents, and that there be established a standard program for such type institution, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

"(b) The board shall make such other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class.

"(c) The board is specifically authorized to make joint appointments in the university and in other institutions under its governance, the salary of any such person who receives a joint appointment to be apportioned to the appointing institution on the basis of services rendered.

"Section 104.93. GIFTS AND GRANTS. (a) The board may accept and administer upon terms and conditions satisfactory to it grants or gifts of property, including real estate and/or money that may be tendered to it in aid of the planning, establishment, conduct, and operation of Texas A&I University at

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Corpus Christi, and in aid of research and teaching at the university.

"(b) The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university." (H.B. No. 275, 62nd Legis., Reg. Sess., 1971.)

Sec. 25. Subchapter E, Chapter 130, Texas Education Code, is amended by adding Section 130.086, to read as follows:

"Section 130.086. BRANCH CAMPUSES. (a) The board of trustees of a junior college district may establish and operate branch campuses, centers, or extension facilities, without regard to the geographical bounds of the junior college district, provided that each branch campus, center, or extension facility is approved by the appropriate state educational agency.

"(b) The branch campuses, centers, or extension facilities shall be within the role and scope of the junior college as determined by the appropriate state educational agency.

"(c) The board of trustees of a junior college district may accept or acquire by purchase or rent land and facilities in the name of the junior college district without regard to the geographical bounds of the junior college district.

"(d) Before any course may be offered by a junior college within the district of an operating public junior college it must be established that the public junior college is not capable of or is unable to offer the course. After the need is established and the course is not locally available, then the junior college may offer the course when approval is granted by the appropriate state educational agency.

"(e) The board of trustees of a junior college district may enter cooperative agreement with independent, common, or county school districts, state or federal agencies as may be required to perform the services as outlined in this section.

"(f) Out-of-district branch campuses, centers, or extension facilities of junior colleges existing prior to September 1, 1971, shall be reviewed by the appropriate state educational agency to determine their feasibility and desirability with respect to the junior college and the population of the geographical area served by the branch campus, center, or extension facility." (H.B. 1351, 62nd Legis., Reg. Sess., 1971.)

Sec. 26. Subchapter D, Chapter 73, Texas Education Code, is amended by adding Section 73.157 to read as follows:

"Section 73.157. DIVISION OF COMMUNICATIVE DISORDERS. (a) The board may acquire by donation the facilities of the Houston Speech and Hearing Center, a Texas nonprofit corporation of Houston, all of which are located within the Texas Medical Center, including a leasehold interest in land. The board is further authorized to execute any and all agreements necessary to carry out the purpose and intent of this section.

"(b) If and when such center is accepted, there shall be established within The University of Texas Graduate School of Biomedical Sciences at Houston a division which shall be known as the Division of Communicative Disorders for the purpose of

observing, testing, analyzing, diagnosing, and treating those persons afflicted with hearing and speech abnormalities, defects, and afflictions, and as a center for research studies and training relating to speech and hearing afflictions, abnormalities, and defects, and for all programs incidental thereto. The facilities of the Division of Communicative Disorders shall be available to all persons and institutions, subject only to necessary limitations with respect to space, funding, and qualifications of such users.

"(c) The board may accept gifts and grants from any source in aid of the conduct and operation of the Division of Communicative Disorders." (S.B. No. 918, 62nd Legis., Reg. Sess., 1971.)

Sec. 27. Subsection (a), Section 51.105, Texas Education Code, is amended to read as follows:

"(a) The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made only from the funds appropriated by the legislature specifically for that purpose." (Sec. 1, H.B. No. 514, 62nd Legis., Reg. Sess., 1971.)

Sec. 28. Subchapter C, Chapter 51, Texas Education Code, is amended by adding Section 51.108 to read as follows:

"Section 51.108. REGULATIONS CONCERNING ABSENCE. (a) The governing board of each college or university supported in whole or in part by state funds shall issue regulations concerning the authorized and unauthorized absence from duty of faculty members, including teaching assistants and research assistants.

"(b) Each governing board shall file a copy of these regulations with the Coordinating Board, Texas College and University System. Each governing board shall file any amendment to its regulations with the coordinating board not later than 30 days after the effective date of the amendment." (Sec. 2 and 3, H.B. No. 514, 62nd Legis., Reg. Sess., 1971.)

Sec. 29. Sections 54.051, 54.054, 54.055, 54.057, and 54.101, Texas Education Code, are amended to read as follows:

"Section 54.051. TUITION RATES. (a) The governing board of each institution of higher education shall cause to be collected from students registering at the institution tuition or registration fees at the rates prescribed in this section.

"(b) Tuition for resident students, except as otherwise hereinafter provided, is $4 per semester credit hour, but the total of such charge shall be not less than $50 per semester.

"(c) Tuition for nonresident students, except as otherwise hereinafter provided, is $40 per semester credit hour.

"(d) Resident or nonresident students registered for thesis or dissertation credit only, in those instances where such credit is the final credit hour requirement for the degree in progress, shall pay a sum proportionately less than herein prescribed but not more than $50.

"(e) Tuition for resident students registered in a medical or dental branch, school or college is $400 per academic year of 12 months.

"(f) Tuition for nonresident students registered in a medical or dental branch, school or college is $1,200 per academic year of 12 months.

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"(g) Resident or nonresident students registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee in addition to the regular tuition, said fee to be designated by the governing board of such institution; but in no event shall such fees be more per course per semester of four and one-half months or per summer session than $75.

"(h) Tuition for students who are citizens of any country other than the United States of America is $14 per semester credit hour, but the total of such charge shall be not less than $200.

"(i) Tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college is $800 per academic year of 12 months.

"(j) Tuition for nonresident students registered in a public junior college is as provided in Subsection (b), Section 130.003 of the Texas Education Code.

"(k) Tuition for students registered in a school of nursing as a nursing student is $50 per semester and per 12-week summer session.

"(l) Tuition for students registered in a school of nursing as a nursing student for less than 12 semester credit hours of work or for less than a full semester credit hour or term hour load during a summer session shall pay an amount proportionately less than the amount provided in Subsection (k) of this section, but not less than $20.

"(m) Twenty-five cents out of each hourly charge in Subsection (b) and $1.50 out of each hourly charge in Subsection (c) of this section shall be placed in a scholarship fund at each institution to be administered by that institution to award scholarships to needy students. Standards for determining need shall be formulated by each institution. No more than 10 percent of said scholarship funds may be allocated to out-of-state students.

"(n) Notwithstanding the preceding provisions of this section, any nonresident student who is enrolled for the spring semester of 1971 in an institution covered by this section may continue to enroll at the same institution at the same tuition rate that was effective at the time of his original enrollment until one of the following conditions first occurs:

"(1) he receives the degree at the degree level (i.e., the baccalaureate, master's, or doctoral degree) toward which he is working during the spring semester of 1971; or

"(2) he voluntarily withdraws from the institution or the institution involuntarily withdraws the student for disciplinary reasons or for failing to meet the academic standards of the institution; or

"(3) the termination of the spring semester of 1975.

"(o) A teaching assistant, research assistant, or other student employee of any institution covered by this section is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fees and other fees or charges required for Texas residents, without regard to the length of time he has resided in Texas; provided

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that said student employee is employed at least one-half time in a position which relates to his degree program under rules and regulations established by the employer institution. This exemption shall continue for students employed two consecutive semesters through the summer session following such employment if the institution is unable to provide employment and, as determined under standards established by the institution, if the employee has satisfactorily completed his employment.

"(p) A nonresident student holding a competitive scholarship of at least $200 for the academic year or summer for which he is enrolled is entitled to pay the fees and charges required of Texas residents without regard to the length of time he has resided in Texas, provided that he must compete with other students, including Texas residents, for the scholarship and that the scholarship must be awarded by a scholarship committee officially recognized by the administration of the institution of higher education.

"Section 54.054. NONRESIDENT STATUS: PRESUMPTION; RECLASSIFICATION. A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. Before February 15, 1972, the Coordinating Board, Texas College and University System, shall promulgate such rules and regulations.

"Section 54.055. PARENTS, CHANGE OF RESIDENCE TO ANOTHER STATE. An individual 21 years of age or under whose parents were formerly residents of Texas is entitled to pay the resident tuition fee following the parents' change of legal residence to another state, as long as the individual remains continuously enrolled in a regular session in a state-supported institution of higher education.

"Section 54.057. ALIENS. An alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for resident status for fee purposes under this Act as has a citizen of the United States. A resident alien residing in a junior college district located immediately adjacent to Texas boundary lines shall be charged the resident tuition by that junior college.

"Section 54.101. TUITION SCHOLARSHIPS. (a) The governing boards of the several state-supported institutions are hereby authorized and directed to have reserved and set apart in a separate account on the books of the respective institutions out of the fees levied and collected from students under Section 54.051 of this code an amount to be determined by the legislature for each institution in the biennial appropriation act, for the purpose of creating a special fund to be used in awarding tuition scholarships to needy resident students enrolled in such respective institutions, and a separate account on the books of the

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respective institutions out of the fees levied and collected from students under Section 54.051 of this code, an amount to be determined by the legislature for each institution in the biennial appropriation act, for the purpose of creating a special fund to be used in awarding tuition scholarships to needy alien students enrolled in such respective institutions.

"(b) Such tuition scholarships shall be awarded to students with the approval of the president or other administrative head of each such respective institution in accordance with such rules and regulations governing the award of such tuition scholarships as may be promulgated by the governing boards of said respective institutions. Rules and regulations shall be subject to the provisions of this section.

"(c) Eligibility shall be based primarily on financial need. In determining need, consideration should be given to the student's own efforts to finance his education as evidenced by part-time jobs, loans from private sources, or financial capacity of the parents.

"(d) Awards shall be based on character and satisfactory scholastic record.

"(e) Recipients of such tuition scholarships must be classified as either 'resident students' under the provisions of Subchapter B of this chapter or 'alien students.' For the purpose of this subsection, an 'alien student' is any student who is not a citizen of the United States and who is not entitled to resident status for purposes of payment of tuition under Section 54.057 of this code.

"(f) Tuition scholarships shall be awarded in an amount of $25 per semester or $50 per long session for each resident student and $100 per semester or $200 per long session for each alien student. The amount of such awards shall be credited to the student recipient as partial payment of his tuition fees. Students otherwise entitled to a refund shall receive the refund based only on that portion of the tuition actually paid by the student.

"(g) Tuition scholarships shall be awarded in an amount not to exceed $125 per semester or $250 per long session for each full-time resident medical or dental student. The amount of such awards shall be credited to the student as partial payment of his tuition fees. Students otherwise entitled to a refund of tuition shall receive the refund based only on that portion of the tuition actually paid by the student.

"(h) Not later than 30 days after the close of each fiscal year, each institution shall transfer any unused balances in the fund set up for scholarship awards to the tuition income account from which the scholarship fund was established." (Sec. 1-4, H.B. No. 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 30. Subsection (b), Section 130.003, Texas Education Code, is amended to read as follows:

"(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

"(1) be certified as a public junior college as prescribed in Section 61.063 of this code;

"(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

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"(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

"(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education, except that the amount charged nonresidents need not be greater than the amount so required by law on January 1, 1971; and

"(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code; and

"(6) nothing in this section shall be construed to alter, amend, or repeal Section 54.060 of this code." (Sec. 5, H.B. 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 31. Subchapter E, Chapter 130, Texas Education Code, is amended by adding Section 130.085, to read as follows:

"Section 130.085. TUITION EXEMPTION. (a) The board of trustees of any public junior college may exempt from payment of tuition all students who are residents of the junior college district and who are enrolled for 12 or more semester credit hours, provided that this action will allow the college to participate in and benefit from funds available as provided by Sections 1-7, Title I, 64 Stat. 1100, as amended, 20 U.S.C. Secs. 236-241-1.

"(b) This action by the board of trustees does not affect their authority under Section 130.123 of this code, nor does this section in any way supersede that section. This action of the board does not affect the right of the college to a proportionate share of state appropriations under Section 130.003 of this code." (Sec. 6, H.B. No. 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 32. Subchapter I, Chapter 21, Texas Education Code, is amended by adding Section 21.308 to read as follows:

"Section 21.308. SECURITY PERSONNEL. (a) The governing board of any school district may employ security personnel for use in any school within its district when the board in its discretion determines that the personnel are necessary.

"(b) All costs incurred by a school district in employing security personnel shall be borne by the school district." (H.B. No. 1007, 62nd Legis., Reg. Sess., 1971.)

Sec. 33. Subchapter D, Chapter 54, Texas Education Code, is amended by adding Section 54.209, to read as follows:

"Section 54.209. CHILDREN OF PRISONERS OF WAR OR PERSONS MISSING IN ACTION. (a) In this section:

"(1) 'Dependent child' means a person under 21 years of age, or a person under 25 years of age who receives the majority of his support from his parent or parents.

"(2) 'Tuition and fees' includes tuition, service fees, lab fees, building use fees, and all other fees except room, board, or clothing fees, or deposits in the nature of security for the return or proper care of property.

"(b) The governing body of each institution of higher education, on presentation of satisfactory evidence, shall exempt from the payment of tuition and fees the dependent child of any person who is a domiciliary of Texas on active duty as a member of the

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armed forces of the United States, and who at the time of the registration is classified by the Department of Defense as a prisoner of war or as missing in action." (H.B. No. 548, 62nd Legis., Reg. Sess., 1971.)

Sec. 34. Subchapter C, Chapter 17, Texas Education Code, is amended by adding a Section 17.65 to read as follows:

"Section 17.65. ABOLITION OF OFFICE: COUNTIES WITH NO COMMON SCHOOL DISTRICTS. (a) The office of county superintendent is abolished in all counties which have within them no common school districts, or school districts classified as common school districts.

"(b) Upon abolition of the office of county superintendent in any county, the duties and functions of such office, insofar as the same involve recommendations or approvals concerning the operations of the respective districts, shall devolve upon and be performed by the superintendent of schools of the independent school districts affected. The powers and functions assigned to the office of county superintendent under Sections 16.15 and 16.17, Texas Education Code, shall devolve upon and be performed by the executive director of the regional education service center of the region embracing such county; and all other powers and duties devolved by law upon the office of county superintendent shall be performed, ex officio, by the county judge of such county, without compensation from the state. All unused budget funds remaining at the expiration of the office shall revert back to their source.

"(c) Nothing in this section shall apply to counties of 900,000 or more where the county superintendent and his staff are paid by the county. There shall be a county superintendent's office in these counties whether or not there is a common school district therein. The salaries of the county superintendent and his employees shall be set by the school board in said county.

"(d) All counties in which an equalization fund has heretofore been created are hereby authorized to continue to levy, assess and collect in the same manner the same rate of tax or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any election of the taxpaying voters of the county under any Act heretofore passed by the legislature, whether general or special; it being intended that the repeal of statutes by this Act shall not repeal or affect any tax or authority or power heretofore granted by the legislature under which any tax has heretofore been authorized or attempted to be authorized by an election held under any Act or Acts of the legislature heretofore enacted, whether general or special.

"(e) The effective date of the abolition of the office of county school superintendent shall be at the expiration of the present term of office of the present county superintendent, the intent being that the present county superintendent in each of these counties shall serve the remainder of his elected term of office.

"(f) Nothing in this section shall work an abolishment of the office of county school superintendent as long as the present holders of such office continue to hold same by continuous election; however, when the present holder of such office is defeated

in any election, or the office of county school superintendent is vacated by death or resignation, such office shall be abolished as prescribed in this section." (H.B. No. 628, 62nd Legis., Reg. Sess., 1971.)

Sec. 35. Subsection (a), Section 51.353, Texas Education Code, is amended to read as follows:

"(a) There is hereby established an optional retirement program. Participation in the optional retirement program is in lieu of active membership in the retirement system. The governing boards of all institutions of higher education shall make available to all faculty members in their component institutions, agencies, and units the optional retirement program which shall provide for the vesting of benefits after one year of participation in one or more plans operating pursuant to this Act in one or more institutions of higher education." (S.B. No. 421, 62nd Legis., Reg. Sess., 1971.)

Sec. 36. Subtitle F, Texas Education Code, is amended by adding Chapter 113 to read as follows:

"CHAPTER 113. TYLER STATE COLLEGE

"SUBCHAPTER A. GENERAL PROVISIONS

"Sec. 113.01. TYLER STATE COLLEGE. There is created and established in the city of Tyler a coeducational institution of higher education to be known as Tyler State College. The college shall be organized to accept only junior-, senior-, and graduate-level students.

"Sec. 113.02. ROLE AND SCOPE. The role and scope of the college shall be defined by the Coordinating Board, Texas College and University System.

"SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

"Sec. 113.11. BOARD OF REGENTS. The organization, control, and management of the college is vested in a board of nine regents appointed by the governor and confirmed by the senate.

"Sec. 113.12. QUALIFICATIONS; OATH. Each member of the board shall be a citizen of the State of Texas and shall take the constitutional oath of office.

"Sec. 113.13. TERMS OF OFFICE; VACANCIES. (a) Members of the board hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three members for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977.

"(b) Any vacancy on the board shall be filled for the unexpired term by appointment of the governor.

"Sec. 113.14. COMPENSATION OF BOARD. Members of the board serve without compensation but are entitled to reimbursement for actual expenses incurred in attending the work of the board.

"Sec. 113.15. CHAIRMAN; BYLAWS. The board shall elect a chairman from among its membership and shall enact bylaws governing the conduct of the board.

"Sec. 113.16. MEETINGS. The board shall hold an annual meeting on the campus of the college during the month of April, and at other times and places scheduled by the board or designated by its chairman.

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"Sec. 113.17. MINUTES. The board shall cause accurate and complete minutes of its meetings to be maintained. The minutes shall be open to the public for inspection at the college during regular business hours, and certified copies of the minutes shall be furnished to anyone on payment of a fee set by the board.

"SUBCHAPTER C. POWERS AND DUTIES

"Sec. 113.31. RULES AND REGULATIONS. The board shall promulgate rules and regulations necessary for the successful management and operation of the college.

"Sec. 113.32. PRESIDENT. The board may appoint and remove the president, any faculty member, or other officer or employee of the college and shall fix their respective salaries. The president is the executive officer of the college and is responsible for its general management. He shall recommend a plan of organization and orderly course development for the college.

"Sec. 113.33. SUITS; VENUE; CITATION. The board may sue and be sued in the name of the college. Venue is in either Smith or Travis County. The college may be impleaded by service of citation on its president, and legislative consent to suits against the college is granted.

"Sec. 113.34. REPORTS. The board shall make reports to the coordinating board as required by law.

"Sec. 113.35. GIFTS AND GRANTS. The board may accept donations, gifts, and endowments for the college. They are to be held in trust and administered by the board according to the purposes, directions, limitations, and provisions declared in writing in the donation, gift, or endowment. The provisions of the gift, donation, or endowment shall be followed to the extent that they are not inconsistent with the laws of this state or with the objective and proper management of the college.

"Sec. 113.36. MANAGEMENT OF PROPERTY. The board is vested with the exclusive management of all property owned by the college. The board may make any agreements necessary to the effective management of the college's property. All money received shall be deposited in the state treasury to the credit of a special fund, which may be invested, and the principal and income of the fund may be expended, on appropriation by the legislature, for the administration of the college." (S.B. No. 419, 62nd Legis., Reg. Sess., 1971.)

Sec. 37. Section 65.31, Texas Education Code, is amended to read as follows:

"Section 65.31. GENERAL POWERS AND DUTIES. (a) The board is authorized and directed to govern, operate, support, and maintain each of the component institutions that are now or may hereafter be included in a part of The University of Texas System.

"(b) The board is authorized to prescribe for each of the component institutions courses and programs leading to such degrees as are customarily offered in outstanding American universities, and to award all such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees, and their equivalents, but no new department, school, or degree-program shall be instituted without the prior approval of the Coordinating Board, Texas College and University System.

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"(c) The board has authority to promulgate and enforce such other rules and regulations for the operation, control, and management of the university system and the component institutions thereof as the board may deem either necessary or desirable. The board is specifically authorized and empowered to determine and prescribe the number of students that shall be admitted to any course, department, school, college, degree-program, or institution under its governance.

"(d) The board is specifically authorized to make joint appointments in the component institutions under its governance. The salary of any person who receives such joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

"(e) The board is specifically authorized, upon terms and conditions acceptable to it, to accept and administer gifts, grants, or donations of any kind, from any source, for use by the system or any of the component institutions of the system.

"(f) No component institution which is not authorized to offer a four-year undergraduate program shall offer a four-year undergraduate program without the specific authorization of the legislature." (Sec. 1, H.B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 38. Chapter 68, Texas Education Code, is amended by adding a Section 68.03 to read as follows:

"Section 68.03. ROLE AND SCOPE; COURSES AND DEGREES. The board is authorized to maintain, operate, and administer The University of Texas at Arlington as a general academic institution of higher education offering a standard four-year undergraduate program. The board shall have the authority to prescribe courses leading to such customary degrees as are offered at leading American universities and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees and their equivalents; but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System." (Sec. 2, H.B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 39. Subchapter D, Chapter 67, Texas Education Code, is amended by adding a Section 67.62 to read as follows:

"Section 67.62. PROGRAMS, COURSES, FACILITIES. The institute shall conduct a comprehensive instructional program in marine science, resources, and engineering at the graduate level and offer undergraduate courses for those students interested in the marine environment, and perform basic and applied research as a coastal zone laboratory in the coastal marine environment; and may provide a shore-based facility, including, but not limited to, laboratories, boats, classrooms, dormitories, and a cafeteria for faculty and students who are engaged in studies of the marine environment." (Sec. 3, H.B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 40. Subchapter C, Chapter 67, Texas Education Code, is amended by adding a Section 67.52 to read as follows:

"Sec. 67.52. PROGRAMS. The observatory shall conduct basic research in astronomy, along with optical and radio astronomy research, toward the establishment of a highly developed astronomy and space-science program, including the acquisition and support of the technical and maintenance staffs and facilities essential to the operation of an observatory of the first class, and may assist in the conduct of a comprehensive instructional program in astronomy and space science." (Sec. 4, H.B. No. 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 41. Subchapter C, Chapter 54, Texas Education Code, is amended by adding Section 54.102 to read as follows:

"Section 54.102. NURSING STUDENTS. The governing boards of Texas Woman's University, The University of Texas System, Prairie View Agricultural and Mechanical College, and West Texas State University may grant nursing tuition scholarships to students enrolled in a baccalaureate nursing program. Each scholarship shall be granted only after a review of the economic circumstances and need of the individual student and may be in an amount deemed necessary to cover any part, or all, of the tuition of the student. Each governing board may prescribe rules, regulations, and the conditions of general effect applicable to the awarding of nursing tuition scholarships." (S.B. No. 908, 62nd Legis., Reg. Sess., 1971.)

Sec. 42. Subchapter Z, Chapter 51, Texas Education Code, is amended by adding a Section 51.905 to read as follows:

"Section 51.905. STATE-OWNED MUSEUM BUILDINGS. (a) The governing board of each state-supported institution of higher education commonly referred to as a senior college shall formulate and adopt reasonable rules and regulations for the use of a state-owned museum building located on its campus, including the designation of rooms or areas in honor of donors or other benefactors, if appropriate, and shall administer the expenditure of all state funds appropriated for construction, equipment, operation, maintenance, or improvement of such museum, including restoration or refurbishing of collections.

"(b) A historical society or group incorporated as a nonprofit organization may not house an exhibit or collection in a state-owned museum building located on a campus referred to in Subsection (a) of this section if a member of a governing group elected by the board of directors of the nonprofit corporation to administer the affairs of the corporation is elected to succeed himself after serving two consecutive one-year terms.

"(c) If state funds appropriated for construction, equipment, operation, maintenance, or improvement of a museum located on a college or university campus referred to in Subsection (a) of this section are used or expended conjunctively with funds belonging to a historical society or group incorporated as a nonprofit organization, the state auditor is granted authority and it shall be his duty to perform an audit of all accounts, books, and other financial records of the state government and the nonprofit corporation pertaining to the expenditure of funds which have been used or expended jointly for constructing, equipping, operating, maintaining, or improving such museum. The state

auditor shall prepare a written report or reports of such audit or audits to the legislative audit committee and the governing board of the state-supported institution of higher education.

"(d) No employee of a museum located on a campus referred to in Subsection (a) of this section, who is paid in whole or in part by state funds may be employed or discharged except with the approval and consent of the governing board of the state-supported institution on which campus the museum is located." (S.B. No. 1021, 62nd Legis., Reg. Sess., 1971.)

Sec. 43. Subchapter C. Chapter 61, Texas Education Code, is amended by adding Section 61.071 to read as follows:

"Section 61.071. CONTRACT WITH UNITED STATES FOR NEW MEDICAL SCHOOL. The board may negotiate and contract with the appropriate agency or agencies of the United States for the establishment, operation, and maintenance of a medical school to be located at or in connection with any Veterans Administration facility that may be made available for the purpose. In any such contract, the board shall designate one of the two university systems or another appropriate state-supported institution of higher education under whose governing board the medical school shall be operated." (S.B. No. 1028, 62nd Legis., Reg. Sess., 1971.)

Sec. 44. Subchapter C, Chapter 16, Texas Education Code, is amended by adding a Section 16.22 to read as follows:

"Section 16.22. ADMINISTRATION-OFFICE ASSIGNMENTS. For utilization of classroom teacher unit allotment purposes, the Central Education Agency shall regard and recognize as classroom teacher(s) within the definition of 'teacher' as described in the Texas State Public Education Compensation Plan, teacher certificated personnel employed or assigned by any school district to teach, as classroom teachers, and/or to perform administration-office assignments or tasks." (S.B. No. 990, 62nd Legis., Reg. Sess., 1971.)

Sec. 45. Each section of this article takes effect only if and when the legislation on which it is based takes effect, but not earlier than September 1, 1971.

Sec. 46. All provisions of the Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) apply to this article.

Sec. 47. This article is intended as a codification only, and nothing in this article is intended to effect any substantive change in the law.

Sec. 48. As each section of this article takes effect, the Act on which it is based is repealed.

Sec. 49. 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 as specifically provided, and it is so enacted.

Lieutenant Governor
President of the Senate

Speaker of the House

2-2906

I hereby certify that H.B. No. 1657 was passed by the House on May 11, 1971, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1657 on May 22, 1971, by a non-record vote.

Chief Clerk of the House

I hereby certify that H.B. No. 1657 was passed by the Senate, as amended, on May 20, 1971, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: 6-15-71

Date

Signed

Governor

Effective: See Sec. 45

FILED IN THE OFFICE OF THE SECRETARY OF STATE
2:00 PM O'CLOCK

JUN 16 1971

Secretary of State

H.B. No. 1657 By Hale

A BILL TO BE ENTITLED

AN ACT

amending and reenacting Title 3, Texas Education Code, a nonsubstantive revision of the higher education laws of this state; repealing the statutes replaced by the code; and declaring an emergency.

PERMISSION GRANTED TO INTRODUCE APR 1 1971

FILED APR 1 1971

APR 5 1971

READ 1st TIME
AND REFERRED TO COMMITTEE ON
Higher Education

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 5 1971 REPORTED FAVORABLY ~~SENT TO PRINTER~~ ORDERED NOT PRINTED

~~PRINTED, DISTRIBUTED AND~~
REFERRED TO COMMITTEE ON
RULES 1:00 P M, MAY 6 1971
(Time) (Date)

MAY 10 1971 READ SECOND TIME amended AND ORDERED ENGROSSED by non-record vote

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 10 1971 MOTION TO RECONSIDER THE VOTE BY WHICH HB No 1657 passed to engrossment WAS ~~ADOPTED / PASSED~~ AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~PASSED~~ BY A non record VOTE ~~OF~~ ~~AYES AND~~ ~~NAYES~~

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 10 1971

Motion to suspend all necessary rules to permit the Enrolling Clerk to use the printed bill as introduced for engrossment including amendments as adopted by non record vote.

MAY 10 1971 SENT TO ENGROSSING CLERK

By: Hale

H.B. No. 1657

A BILL TO BE ENTITLED

AN ACT

amending and reenacting Title 3, Texas Education Code, a nonsubstantive revision of the higher education laws of this state; repealing the statutes replaced by the code; and declaring an emergency.

4- 1-71 Permission granted to introduce.

4- 1-71 Filed.

4- 5-71 Read first time and referred to Committee on Higher Education.

5- 5-71 Reported favorably, ordered not printed.

5- 6-71 Referred to Committee on Rules at 1:00 p.m.

5-10-71 Read second time, amended and ordered engrossed by a non-record vote.

Dorothy Hallman
Chief Clerk, H. of R.

5-10-71 Sent to Engrossing Clerk.

5-10-71 Engrossed.

Area Griffin
Engrossing Clerk, H. of R.

RETURNED FROM ENGROSSING CLERK

MAY 11 1971

MAY 11 1971 Read third time

and Passed

by ~~following vote: yeas~~ Non A

~~Nays~~ record vote

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 11 1971

MOTION TO RECONSIDER THE VOTE BY WHICH H.B. No. 1657 WAS ~~ADOPTED/~~ PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~PASSED~~ BY A non record VOTE ~~OF~~

~~AYES~~ AND ~~NAYES~~

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 11 1971 SENT TO SENATE

MAY 11 1971 Received from the House

MAY 11 1971 Read, referred to Committee on Education

MAY 20 1971 Reported favorably, as amended

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 20 1971 Ordered not printed.

_____ Regular order of business suspended by

(unanimous consent.

(_____ yeas, _____ nays.

_____ To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 20 1971 Read second time amended and passed to third reading.

MAY 20 1971 Caption ordered amended to conform to body of bill.

MAY 20 1971 Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

MAY 20 1971 Read third time and passed by (~~a viva voce vote~~. (31 yeas, 0 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

RETURNED FROM SENATE

MAY 20 1971 Amended

MAY 20 1971 Returned to HOUSE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 22 1971

The House has concurred in Senate amendments to House Bill No. 1657 by non-record vote of _____ ~~ayes~~, _____ ~~noes~~.

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 22 1971

MOTION TO RECONSIDER THE VOTE BY WHICH House Concurred in Senate amendments ADOPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED PASSED BY A non-record VOTE OF 40 AYES AND 1657 NAYES

Dorothy Hallman

CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 22 1971 SENT TO ENROLLING CLERK