

By: Brimer

S.B. No. 1717

A BILL TO BE ENTITLED

AN ACT

relating to the governance and operation of The University of Texas at Arlington.

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

SECTION 1. AMENDMENT. Subtitle F, Title 3, Education Code, is amended by adding Chapter 112 to read as follows:

CHAPTER 112. THE UNIVERSITY OF TEXAS AT ARLINGTON

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 112.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of regents of The University of Texas at Arlington.

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

[Sections 112.002-112.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 112.021. BOARD OF REGENTS. (a) The board of regents of The University of Texas at Arlington is composed of nine members appointed by the governor with the advice and consent of the senate.

(b) The members of the board serve staggered terms of six years, with the terms of three members expiring February 1 of each odd-numbered year.

(c) A vacancy on the board shall be filled by the governor for the unexpired term.

[Sections 112.022-112.050 reserved for expansion]

1           SUBCHAPTER C. POWERS AND DUTIES OF BOARD

2           Sec. 112.051. GENERAL POWERS AND DUTIES. (a) The  
3 organization, control, and management of the university are vested  
4 in the board.

5           (b) The board has the same powers and duties with respect to  
6 the university as are conferred on the board of regents of The  
7 University of Texas System with respect to The University of Texas  
8 at Austin.

9           Sec. 112.052. EMINENT DOMAIN: RESTRICTION. The board may  
10 not use the power of eminent domain to acquire land that is  
11 dedicated to a public use by another governmental entity.

12           [Sections 112.053-112.100 reserved for expansion]

13           SUBCHAPTER D. THE UNIVERSITY OF TEXAS AT ARLINGTON

14           Sec. 112.101. THE UNIVERSITY OF TEXAS AT ARLINGTON. (a)  
15 The University of Texas at Arlington is a general academic teaching  
16 institution located in the city of Arlington.

17           (b) The board may prescribe courses leading to such  
18 customary degrees as are offered at leading American universities  
19 and may award those degrees, including baccalaureate, master's, and  
20 doctoral degrees and their equivalents.

21           (c) A department, school, or degree program may not be  
22 instituted without the prior approval of the Texas Higher Education  
23 Coordinating Board.

24           SECTION 2. TRANSFER OF GOVERNANCE. Effective September 1,  
25 2004, the governance, control, management, and property of The  
26 University of Texas at Arlington are transferred from the board of  
27 regents of The University of Texas System to the board of regents of

1 The University of Texas at Arlington. The transfer is governed by  
2 Sections 3 through 7 of this Act.

3 SECTION 3. POWERS AND DUTIES; RULES AND POLICIES. (a) When  
4 the transfer takes effect, the board of regents of The University of  
5 Texas at Arlington shall govern, operate, manage, and control The  
6 University of Texas at Arlington and all land, buildings,  
7 facilities, improvements, equipment, supplies, and property  
8 belonging to and constituting The University of Texas at Arlington  
9 under the powers and duties conferred by law on the board of  
10 regents.

11 (b) Rules and policies adopted by the board of regents of  
12 The University of Texas System to govern the university that are in  
13 effect when the transfer takes effect are continued in effect until  
14 adopted, repealed, or superseded by the board of regents of The  
15 University of Texas at Arlington. The board of regents of The  
16 University of Texas at Arlington may adopt rules and policies  
17 applicable to the university in anticipation of the transfer  
18 authorized by this Act.

19 SECTION 4. CONTRACTS AND WRITTEN OBLIGATIONS, INCLUDING  
20 BONDS. Contracts and written obligations of every kind and  
21 character entered into by the board of regents of The University of  
22 Texas System for and on behalf of The University of Texas at  
23 Arlington, including bonds, are ratified, confirmed, and validated  
24 by the board of regents of The University of Texas at Arlington on  
25 the effective date of the transfer. In those contracts and written  
26 obligations, the board of regents of The University of Texas at  
27 Arlington is substituted for and stands and acts in the place of the

1 board of regents of The University of Texas System to the extent  
2 permitted by law.

3 SECTION 5. EFFECT OF TRANSFER ON STUDENTS AND EMPLOYEES.

4 (a) The transfer of the governance of The University of Texas at  
5 Arlington under this Act does not affect the status of any student  
6 of the university.

7 (b) The transfer of the governance of The University of  
8 Texas at Arlington under this Act does not affect the employment  
9 status or accrued benefits of a person employed by The University of  
10 Texas at Arlington when the transfer takes effect.

11 SECTION 6. CURRENT FUNDING. All funds that, on the  
12 effective date of the transfer, have been dedicated to or are held  
13 for the use and benefit of The University of Texas at Arlington  
14 under the governance of the board of regents of The University of  
15 Texas System are transferred to the board of regents of The  
16 University of Texas at Arlington for the use and benefit of The  
17 University of Texas at Arlington.

18 SECTION 7. LEGISLATIVE INTENT; ROLE OF COORDINATING BOARD.

19 It is the intent of the legislature that the transfer of the  
20 governance of The University of Texas at Arlington from the board of  
21 regents of The University of Texas System to the board of regents of  
22 The University of Texas at Arlington be made without disrupting the  
23 students, faculty, staff, or programs of The University of Texas at  
24 Arlington. If the boards of regents are unable to agree as to any  
25 matter relating to the transfer, the Texas Higher Education  
26 Coordinating Board on application of either board of regents shall  
27 resolve the disagreement consistent with the intent of this section

1 and the provisions of this Act as the coordinating board determines  
2 is in the best interest of this state and the institutions under the  
3 governance of the boards of regents. The coordinating board may  
4 issue any orders or take any other action the coordinating board  
5 considers appropriate to enforce this section or to facilitate the  
6 transfer consistent with this Act.

7 SECTION 8. AMENDMENT. Section 54.512(a), Education Code,  
8 is amended to read as follows:

9 (a) The board of regents of The University of Texas at  
10 Arlington [~~System~~] may levy a shuttle bus fee not to exceed \$10 per  
11 student for each regular semester and not to exceed \$5 per student  
12 for each term of the summer session, for the sole purpose of  
13 financing shuttle bus service for students attending The University  
14 of Texas at Arlington. The fees herein authorized to be levied are  
15 in addition to any use fee or service fee now or hereafter  
16 authorized to be levied. However, no fee may be levied unless the  
17 fee is approved by a majority vote of those students participating  
18 in a general election called for that purpose.

19 SECTION 9. AMENDMENT. Section 54.5121(a), Education Code,  
20 is amended to read as follows:

21 (a) The board of regents of The University of Texas at  
22 Arlington [~~System~~] may impose a mandatory intercollegiate  
23 athletics fee at The University of Texas at Arlington. The amount  
24 of the fee may not exceed \$7.75 per semester credit hour for each  
25 regular semester, unless increased as provided by Subsection (b).  
26 The fee may not be imposed unless approved by a majority vote of the  
27 students participating in a general student election held for that

1 purpose.

2 SECTION 10. AMENDMENT. Section 54.5122(a), Education Code,  
3 is amended to read as follows:

4 (a) The board of regents of The University of Texas at  
5 Arlington [~~System~~] may charge each student enrolled at The  
6 University of Texas at Arlington a recreational facility fee to  
7 finance, construct, renovate, improve, equip, or maintain  
8 recreational facilities or to operate recreational programs at the  
9 university.

10 SECTION 11. AMENDMENT. Section 54.529(a), Education Code,  
11 is amended to read as follows:

12 (a) The board of regents of The University of Texas at  
13 Arlington [~~System~~] may levy a student union fee not to exceed \$39  
14 per student for each regular semester and not to exceed \$19.50 per  
15 student for each term of the summer session, for the sole purpose of  
16 financing, constructing, operating, maintaining, and improving the  
17 Student Union Building for The University of Texas at Arlington;  
18 provided, however, that the fee may not be increased above \$15 per  
19 student for each regular semester and \$7.50 per student for each  
20 term of the summer session unless the increase is approved by a  
21 majority vote of those students participating in a general  
22 election. The fees herein authorized to be levied are in addition  
23 to any use or service fee now or hereafter authorized to be levied.

24 SECTION 12. AMENDMENT. Section 55.1722(a), Education Code,  
25 is amended to read as follows:

26 (a) In addition to the other authority granted by this  
27 subchapter, the board of regents of The University of Texas System

1 may acquire, purchase, construct, improve, renovate, enlarge, or  
2 equip property, buildings, structures, facilities, roads, or  
3 related infrastructure for the following institutions to be  
4 financed by the issuance of bonds in accordance with this  
5 subchapter, including bonds issued in accordance with its  
6 systemwide revenue financing program and secured as provided by  
7 that program in aggregate principal amounts not to exceed the  
8 following amounts:

- 9           (1) [~~The University of Texas at Arlington, \$16~~  
10 ~~million;~~
- 11           [~~(2)~~] The University of Texas at Austin, \$12.5  
12 million;
- 13           (2) [~~(3)~~] The University of Texas at Brownsville,  
14 \$22.5 million;
- 15           (3) [~~(4)~~] The University of Texas at Dallas, \$5  
16 million;
- 17           (4) [~~(5)~~] The University of Texas at El Paso, \$14  
18 million;
- 19           (5) [~~(6)~~] The University of Texas--Pan American, \$17  
20 million;
- 21           (6) [~~(7)~~] The University of Texas of the Permian  
22 Basin, \$25.8 million;
- 23           (7) [~~(8)~~] The University of Texas at San Antonio, \$50  
24 million;
- 25           (8) [~~(9)~~] The University of Texas at Tyler, \$9.5  
26 million;
- 27           (9) [~~(10)~~] The University of Texas Southwestern

1 Medical Center at Dallas, \$20 million;

2 (10) [~~(11)~~] The University of Texas Health Science  
3 Center at Houston, \$17.5 million; and

4 (11) [~~(12)~~] the Lower Rio Grande Valley Academic Health  
5 Center, \$30 million, if that institution is established.

6 SECTION 13. AMENDMENT. Section 55.1732(a), Education Code,  
7 is amended to read as follows:

8 (a) In addition to the other authority granted by this  
9 subchapter, the board of regents of The University of Texas System  
10 may issue in accordance with this subchapter and in accordance with  
11 a systemwide revenue financing program adopted by the board bonds  
12 for the following institutions not to exceed the following  
13 aggregate principal amounts to finance projects specified as  
14 follows:

15 (1) [~~The University of Texas at Arlington, \$16,635,945~~  
16 ~~to construct a science building,~~

17 [~~(2)~~] The University of Texas at Brownsville,  
18 \$26,010,000 to construct a life and health science and education  
19 facility (Phase II) and to procure and install permanent equipment  
20 and other fixtures in the facility;

21 (2) [~~(3)~~] The University of Texas at Dallas,  
22 \$21,993,750 to renovate Founders Hall, Founders Annex, and Berkner  
23 Hall;

24 (3) [~~(4)~~] The University of Texas at El Paso,  
25 \$12,750,000 to construct a biomedical and health sciences research  
26 center;

27 (4) [~~(5)~~] The University of Texas--Pan American,



1 \$29,950,000 for education complex, library, and multipurpose  
2 center renovation and construction;

3 (5) [~~(6)~~] The University of Texas of the Permian  
4 Basin, \$5,610,000 for integrated Mesa Building renovations and  
5 gymnasium renovations;

6 (6) [~~(7)~~] The University of Texas at San Antonio,  
7 \$22,950,000 to construct a science building on the main campus;

8 (7) [~~(8)~~] The University of Texas at Tyler,  
9 \$20,910,000 to construct an engineering, sciences, and technology  
10 building and make other physical plant improvements;

11 (8) [~~(9)~~] The University of Texas Southwestern  
12 Medical Center at Dallas, \$40 million for North Campus phase IV  
13 construction;

14 (9) [~~(10)~~] The University of Texas Medical Branch at  
15 Galveston, \$20 million to renovate and expand research facilities;

16 (10) [~~(11)~~] The University of Texas Health Science  
17 Center at Houston, \$19,550,000 to construct a classroom building;

18 (11) [~~(12)~~] The University of Texas Health Science  
19 Center at San Antonio, \$28.9 million to construct a facility for  
20 student services and academic administration and to construct and  
21 develop a facility at the Laredo Extension Campus for educational  
22 and administrative purposes;

23 (12) [~~(13)~~] the Regional Academic Health Center  
24 established under Section 74.611, \$25.5 million to construct a  
25 teaching and learning laboratory in or near the city of Harlingen;

26 (13) [~~(14)~~] The University of Texas Health Center at  
27 Tyler, \$11,513,250 to construct a biomedical research center

1 addition; and

2 (14) [~~(15)~~] The University of Texas M. D. Anderson  
3 Cancer Center, \$20 million to construct a basic sciences research  
4 building.

5 SECTION 14. AMENDMENT. Subchapter B, Chapter 55, Education  
6 Code, is amended by adding Section 55.17394 to read as follows:

7 Sec. 55.17394. THE UNIVERSITY OF TEXAS AT ARLINGTON. (a) In  
8 addition to the other authority granted by this subchapter, the  
9 board of regents of The University of Texas at Arlington may issue  
10 bonds in accordance with this subchapter in the aggregate principal  
11 amounts not to exceed the amounts previously authorized by Sections  
12 55.1722 and 55.1732, as those sections existed immediately before  
13 this section took effect, less any portion of those amounts for  
14 which bonds were issued before the date this section took effect.  
15 Bonds issued under this section for an amount previously authorized  
16 by Section 55.1722 or 55.1732 may be used only for the purposes for  
17 which the bonds for The University of Texas at Arlington were  
18 authorized to be issued under Section 55.1722 or 55.1732, as  
19 applicable.

20 (b) The board may pledge irrevocably to the payment of the  
21 bonds all or any part of the revenue funds of The University of  
22 Texas at Arlington, including student tuition charges. The amount  
23 of a pledge made under this subsection may not be reduced or  
24 abrogated while the bonds for which the pledge is made, or bonds  
25 issued to refund those bonds, are outstanding.

26 (c) Any portion of the proceeds of bonds authorized by this  
27 section for one or more specified projects that is not required for

1 the specified projects may be used to renovate existing structures  
2 and facilities at the university.

3 SECTION 15. AMENDMENT. Section 65.02(a), Education Code,  
4 is amended to read as follows:

5 (a) The University of Texas System is composed of the  
6 following institutions and entities:

7 (1) [~~The University of Texas at Arlington, including:~~  
8 [~~(A) The University of Texas Institute of Urban~~  
9 ~~Studies at Arlington; and~~

10 [~~(B) The University of Texas School of Nursing at~~  
11 ~~Arlington;~~

12 [~~(2)~~] The University of Texas at Austin, including:

13 (A) The University of Texas Marine Science  
14 Institute;

15 (B) The University of Texas McDonald Observatory  
16 at Mount Locke; and

17 (C) The University of Texas School of Nursing at  
18 Austin;

19 (2) [~~(3)~~] The University of Texas at Dallas;

20 (3) [~~(4)~~] The University of Texas at El Paso,  
21 including The University of Texas School of Nursing at El Paso;

22 (4) [~~(5)~~] The University of Texas of the Permian  
23 Basin;

24 (5) [~~(6)~~] The University of Texas at San Antonio,  
25 including the University of Texas Institute of Texan Cultures at  
26 San Antonio;

27 (6) [~~(7)~~] The University of Texas Southwestern

1 Medical Center at Dallas, including:

2 (A) The University of Texas Southwestern Medical  
3 School at Dallas;

4 (B) The University of Texas Southwestern  
5 Graduate School of Biomedical Sciences at Dallas; and

6 (C) The University of Texas Southwestern Allied  
7 Health Sciences School at Dallas;

8 (7) [~~(8)~~] The University of Texas Medical Branch at  
9 Galveston, including:

10 (A) The University of Texas Medical School at  
11 Galveston;

12 (B) The University of Texas Graduate School of  
13 Biomedical Sciences at Galveston;

14 (C) The University of Texas School of Allied  
15 Health Sciences at Galveston;

16 (D) The University of Texas Marine Biomedical  
17 Institute at Galveston;

18 (E) The University of Texas Hospitals at  
19 Galveston; and

20 (F) The University of Texas School of Nursing at  
21 Galveston;

22 (8) [~~(9)~~] The University of Texas Health Science  
23 Center at Houston, including:

24 (A) The University of Texas Medical School at  
25 Houston;

26 (B) The University of Texas Dental Branch at  
27 Houston;

1 (C) The University of Texas Graduate School of  
2 Biomedical Sciences at Houston;

3 (D) The University of Texas School of Health  
4 Information Sciences at Houston;

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

7 (F) The University of Texas Speech and Hearing  
8 Institute at Houston; and

9 (G) The University of Texas School of Nursing at  
10 Houston;

11 (9) [~~(10)~~] The University of Texas Health Science  
12 Center at San Antonio, including:

13 (A) The University of Texas Medical School at San  
14 Antonio;

15 (B) The University of Texas Dental School at San  
16 Antonio;

17 (C) The University of Texas Graduate School of  
18 Biomedical Sciences at San Antonio;

19 (D) The University of Texas School of Allied  
20 Health Sciences at San Antonio; and

21 (E) The University of Texas School of Nursing at  
22 San Antonio; and

23 (10) [~~(11)~~] The University of Texas M. D. Anderson  
24 Cancer Center, including:

25 (A) The University of Texas M. D. Anderson  
26 Hospital;

27 (B) The University of Texas M. D. Anderson Tumor

1 Institute; and

2 (C) The University of Texas M. D. Anderson  
3 Science Park.

4 SECTION 16. REPEALER. (a) Chapter 68, Education Code, is  
5 repealed.

6 (b) Section 54.5122(h), Education Code, is repealed.

7 SECTION 17. INITIAL APPOINTMENTS. The governor shall make  
8 the initial appointments to the board of regents of The University  
9 of Texas at Arlington not later than January 1, 2004. In making the  
10 initial appointments to the board of regents of The University of  
11 Texas at Arlington, the governor shall appoint three persons to  
12 terms expiring February 1, 2005, three persons to terms expiring  
13 February 1, 2007, and three persons to terms expiring February 1,  
14 2009.

15 SECTION 18. EFFECTIVE DATES. (a) Except as provided by  
16 Subsection (b) of this section, this Act takes effect September 1,  
17 2003.

18 (b) Subchapters C and D, Chapter 112, Education Code, as  
19 added by this Act, and Sections 8 through 16 of this Act take effect  
20 September 1, 2004.