

SECTION 3. 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 from and after its passage, and it is so enacted.

Passed the Senate on February 20, 1989, by the following vote: Yeas 28, Nays 2;
passed the House on May 12, 1989, by the following vote: Yeas 126, Nays 1.

Approved May 26, 1989.

Effective May 26, 1989.

CHAPTER 181

S.B. No. 47

AN ACT

relating to Pan American University including Pan American University at Brownsville.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. TRANSFER. The governance, operation, management, and control of Pan American University including Pan American University at Brownsville along with all right, title, and interest in the land, buildings, facilities, improvements, equipment, supplies, and property comprising the institution is transferred from the Board of Regents of Pan American University to the Board of Regents of The University of Texas System.

SECTION 2. POWERS AND DUTIES. The Board of Regents of The University of Texas System shall undertake to govern, operate, manage, and control Pan American University including Pan American University at Brownsville and all land, buildings, facilities, improvements, equipment, supplies, and property comprising that institution pursuant to the powers, duties, and responsibilities that are or may be conferred by law upon the Board of Regents of The University of Texas System for the governance, operation, management, and control of component institutions comprising that system.

SECTION 3. APPROPRIATIONS. Appropriations made by the legislature for the use and benefit of Pan American University and Pan American University at Brownsville under the governance of the Board of Regents of Pan American University are transferred to the Board of Regents of The University of Texas System for the use and benefit of that institution. Other funds held for the use and benefit of Pan American University and Pan American University at Brownsville shall continue to be available for the use and benefit of those institutions notwithstanding the changes in name and governance made by this Act.

SECTION 4. CONTRACTS AND WRITTEN OBLIGATIONS. Contracts and written obligations of every kind and character, including bonds, entered into by the Board of Regents of Pan American University for and on behalf of Pan American University or Pan American University at Brownsville are ratified, confirmed, and validated. In those contracts and written obligations, including bonds, the Board of Regents of The University of Texas System is substituted for and stands and acts in the place of the Board of Regents of Pan American University.

SECTION 5. EFFECT OF TRANSFER. The transfer of governance, operation, management, and control of Pan American University including Pan American University at Brownsville from the Board of Regents of Pan American University to the Board of Regents of The University of Texas System does not affect:

(1) the credit hours earned by students at those institutions before the effective date of this Act; or

(2) the employment status on the effective date of this Act of the administrative, faculty, or support staff of Pan American University or Pan American University at Brownsville.

SECTION 6. AMENDMENT. Subtitle C, Title 3, Education Code, is amended by adding Chapter 77 to read as follows:

CHAPTER 77. THE UNIVERSITY OF TEXAS—PAN AMERICAN

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 77.01. DEFINITIONS. In this chapter:

(1) "Board" means the Board of Regents of The University of Texas System.

(2) "University" means The University of Texas—Pan American.

(3) "Center" means The University of Texas—Pan American—Brownsville.

Sec. 77.02. EFFECT OF CHAPTER. The powers granted by this chapter to the Board of Regents of The University of Texas System are in addition to other powers that are or may be conferred by law.

[Sections 77.03–77.10 reserved for expansion]

SUBCHAPTER B. THE UNIVERSITY OF TEXAS—PAN AMERICAN

Sec. 77.11. THE UNIVERSITY OF TEXAS—PAN AMERICAN. The University of Texas—Pan American is a coeducational institution of higher education located in the City of Edinburg with an upper-level center in Brownsville. The university is a component institution of The University of Texas System under the governance, management, and control of the Board of Regents of The University of Texas System.

Sec. 77.12. COURSES AND DEGREES; ROLE AND SCOPE. (a) The board may prescribe courses leading to customary degrees offered at leading American universities and may award those degrees, including bachelor's, master's, and doctoral degrees and their equivalents. These degree programs should also meet the requirements of the area for economic development.

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

(c) The university shall emphasize excellence in teaching, research, and public service. Faculty research:

(1) is encouraged that is compatible with the academic strength of the university and economic needs of the area; and

(2) shall be funded through private sources, competitively acquired sources, and appropriated public funds.

Sec. 77.13. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions acceptable to it, gifts, grants, or donations of any kind and from any source for use by The University of Texas—Pan American.

Sec. 77.14. MILITARY TRAINING. A student of the university may not be required to take a military training course as a condition for admission to or graduation from the university.

Sec. 77.15. ACQUISITION AND DISPOSITION OF LAND. (a) In addition to other powers conferred on the board, the board on behalf of the university may acquire by purchase, exchange, or otherwise any tract or parcel of land in Hidalgo County that is contiguous or adjacent to the main campus of the university in Edinburg, Texas.

(b) The proceeds from any sale or lease of real property of the university shall be deposited as other local funds of the university.

[Sections 77.16-77.30 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS—PAN AMERICAN—BROWNSVILLE

Sec. 77.31. ESTABLISHMENT; SCOPE. (a) *The board shall establish an upper-level educational center of The University of Texas—Pan American in the City of Brownsville, to be known as The University of Texas—Pan American—Brownsville. This upper-level educational center may be converted to a freestanding, fully state-supported coeducational institution of higher learning on compliance with all requirements imposed by the Texas Higher Education Coordinating Board and on securing the site for such institution, consisting of at least 200 acres of land, at no cost to the state.*

(b) *The center shall teach only junior-, senior-, and graduate-level courses.*

Sec. 77.32. COURSES AND DEGREES. (a) *Notwithstanding any other provisions of law, the board may authorize the institution to offer, at the center, any upper-level or graduate course which is authorized by the Texas Higher Education Coordinating Board for the university as a whole.*

(b) *The board shall encourage the institution to offer a broad array of the authorized courses in order that Brownsville students may complete the requirements for many degrees at the center in Brownsville.*

(c) *The board shall award degrees in the name of The University of Texas—Pan American but may note on the diploma or other official records that the majority of the degree requirements were met at the center located in Brownsville. The board may not award degrees in the name of the center prior to its conversion into a free-standing institution.*

Sec. 77.33. FACILITIES. *The board shall make provisions for adequate physical facilities for use by the center, subject to the normal requirements of the board and the Texas Higher Education Coordinating Board.*

Sec. 77.34. GIFTS AND GRANTS. *The board may accept and administer, on terms and conditions acceptable to it, gifts, grants, or donations of any kind and from any source for use by The University of Texas—Pan American—Brownsville.*

Sec. 77.35. TRANSFER OF FUNDS. *Unless otherwise specifically restricted, funds may be transferred to the center to implement Section 77.32 and for other purposes as the board may specify. Individuals may be paid from any combination of funds budgeted for the center and the university.*

SECTION 7. Section 55.172, Education Code, is amended to read as follows:

Sec. 55.172. THE UNIVERSITY OF TEXAS—PAN AMERICAN [~~PAN AMERICAN UNIVERSITY~~]. (a) *The board of regents of The University of Texas System [Pan American University] may construct and equip academic buildings, structures, and facilities for The University of Texas—Pan American [Pan American University], following approval for such construction by the Texas Higher Education Coordinating Board[, Texas College and University System,] and for these purposes may issue revenue bonds pursuant to this subchapter. The board may pledge irrevocably to the payment of these 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 The University of Texas—Pan American [Pan American University]; and the amount of any pledge so made shall never be reduced or abrogated while the bonds are outstanding. However, the tuition charges shall not be pledged pursuant to the authority granted by this subsection except to the payment of bonds issued in an aggregate principal amount not to exceed \$10 million for the purpose of providing funds to construct and equip academic buildings, structures, and facilities for The University of Texas—Pan American [Pan American University].*

(b) *It is provided, however, that no bonds shall be issued hereunder and no tuition shall be pledged thereto unless and until the specific terms and provisions of said bonds and pledge have been first approved by the Texas Higher Education Coordinating*

Board[, ~~Texas College and University System,~~] in accordance with rules and regulations regarding that subject adopted, published, and heard in accordance with Section 61.027 of this code.

SECTION 8. REPEALER. Chapter 112, Education Code, is repealed.

SECTION 9. EFFECTIVE DATE. (a) The Board of Regents of Pan American University is abolished on the effective date of this Act.

(b) This Act takes effect September 1, 1989.

SECTION 10. 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 from and after its passage, and it is so enacted.

Passed the Senate on February 27, 1989, by a viva-voce vote; and that the Senate concurred in House amendment on May 10, 1989, by a viva-voce vote; passed the House, with amendment, on May 5, 1989, by a non-record vote.

Approved May 26, 1989.

Effective Sept. 1, 1989.

CHAPTER 182

S.B. No. 92

AN ACT

relating to the geographical area in which a county may regulate outdoor lighting affecting an astronomical observatory.

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

SECTION 1. Subsection (a), Section 234.002, Local Government Code, is amended to read as follows:

(a) On the request of the director of McDonald Observatory, the commissioners court of a county, *any part of which is located within 57 miles of a major astronomical observatory*, may adopt orders regulating the installation and use of outdoor lighting [that is] in any unincorporated territory of the [a] county [and that is within 75 miles of a major astronomical observatory]. The orders must be designed to protect against the use of outdoor lighting in a way that interferes with scientific astronomical research.

SECTION 2. Section 234.003, Local Government Code, is amended to read as follows:

Sec. 234.003. REGULATION OF SUBDIVISIONS. (a) This section applies only to real estate subdivisions [that are] subject to the plat approval authority of the [a] commissioners court of a county [and that are located within 75 miles of a major astronomical observatory].

(b) The [A] commissioners court of a county, *any part of which is located within 57 miles of a major astronomical observatory*, may adopt orders establishing standards relating to proposed subdivisions in order to minimize the interference with observatory activities caused by outdoor lighting. The commissioners court may not approve a plat of a proposed subdivision that does not meet the standards.

SECTION 3. 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 from and after its passage, and it is so enacted.

Passed the Senate on February 27, 1989, by the following vote: Yeas 31, Nays 0; passed the House on May 12, 1989, by the following vote: Yeas 137, Nays 0.