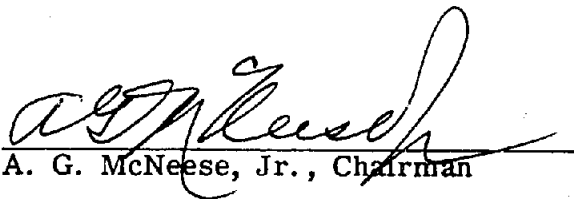
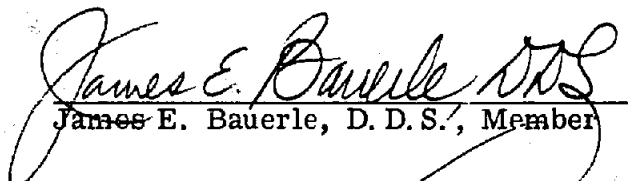


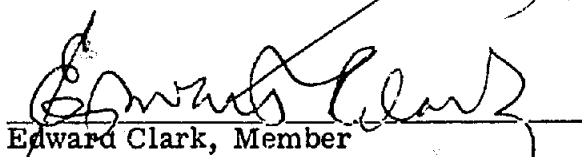
We, the undersigned members of the Board of Regents of The University of Texas System, hereby ratify and approve all actions taken at this meeting (March 15, 1974) to be reflected in the Minutes.

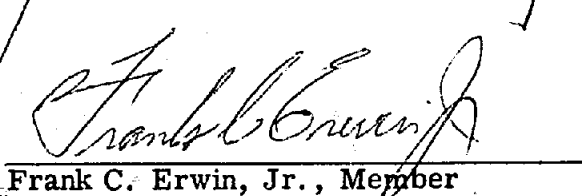
Signed this the 15th day of March 1974, A. D.

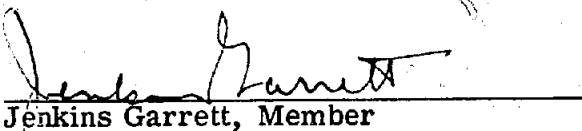
  
A. G. McNeese, Jr., Chairman

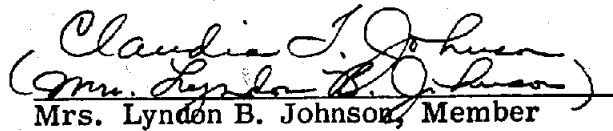
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Dan C. Williams, Vice-Chairman

  
James E. Bauerle, D. D. S., Member

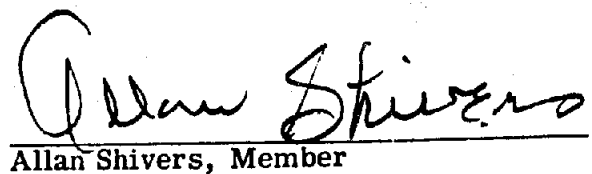
  
Edward Clark, Member

  
Frank C. Erwin, Jr., Member

  
Jenkins Garrett, Member

  
(Mrs. Lyndon B. Johnson)  
Mrs. Lyndon B. Johnson, Member

\_\_\_\_\_  
Joe T. Nelson, M. D., Member

  
Allan Shivers, Member

Meeting No. 720

THE MINUTES OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF TEXAS SYSTEM

Pages 1 - 63

March 15, 1974

Austin, Texas

' 3-15-74

MEETING NO. 720

FRIDAY, MARCH 15, 1974. --On Friday, March 15, 1974, at 9:10 a. m. in the Main Building, Room 212, The University of Texas at Austin, Austin, Texas, the Board of Regents of The University of Texas System convened in regular session.

## ATTENDANCE. --

Present

Chairman McNeese, Presiding  
Regent Bauerle  
Regent Clark \*\*  
Regent Erwin  
Regent Garrett  
Regent (Mrs.) Johnson  
Regent Shivers

Absent

Vice-Chairman Williams - excused \*  
Regent Nelson - excused \*

Secretary Thedford

Chancellor LeMaistre  
Chancellor Emeritus Ransom  
Deputy Chancellor Walker

The meeting was called to order by Chairman McNeese.

APPROVAL OF MINUTES OF FEBRUARY 1, 1974. --Upon motion of Regent Clark, duly seconded, the Minutes of the meeting of the Board of Regents of The University of Texas System held in Austin on February 1, 1974, were approved in the form distributed by the Secretary and recorded in the Permanent Minutes, Volume XXI, beginning with Page 1586.

RECESS FOR EXECUTIVE SESSION, COMMITTEE OF THE WHOLE. -- Chairman McNeese suggested that the Board of Regents recess and reassemble as the Committee of the Whole in Executive Session in Room No. 209 pursuant to Section 2 (e), H. B. No. 3, 63rd Leg., R. S., 1973, to consider:

Potential Litigation with Respect to the Graduate School of Business Administration Building at The University of Texas at Austin.

Regent Erwin added that in Executive Session he wished to discuss an item relating to litigation arising out of a gift.

RECESS AND RECONVENE. --The Board of Regents recessed at 9:15 a. m., and following the Executive Session of the Committee of the Whole reconvened in Room No. 212 at 10:30 a. m. with the same attendance as at the earlier session.

\* Vice-Chairman Williams and Regent Nelson were excused because of important business matters.

\*\* See Page 51.

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U. T. EL PASO: NATIONAL NCAA INDOOR TRACK CHAMPIONSHIP. -- Chairman McNeese recognized President Templeton who reported that the track team at The University of Texas at El Paso had won the National NCAA Indoor Track Championship at its meet in Chicago under the leadership of Coach Ted Banks. The Board of Regents asked President Templeton to extend congratulations to Coach Banks and all of his participants for having won this honor.

#### STANDING COMMITTEES

Since all members of the Board of Regents are members of the Standing Committees and since all items were conducted in open session except those in Executive Session of the Committee of the Whole, the chairman of each Standing Committee was recognized by the Chairman and presided during the consideration of the items referred to in the respective committee.

SYSTEM ADMINISTRATION COMMITTEE (Pages 2 - 7). -- In the absence of Vice-Chairman Williams, Chairman of the System Administration Committee, Chairman McNeese presented the following recommendations of the Administration to the Board of Regents. These recommendations had been circulated to members of the System Administration Committee and no exceptions had been registered. The recommendations as set out below were formally approved by unanimous vote:

1. U. T. Austin: Acceptance of Gift for Establishment of Dean Rusk Chair in Lyndon Baines Johnson School of Public Affairs (2-M-74). -- It is recommended by President Spurr and concurred in by Chancellor LeMaistre that a gift of \$500,000 from the Lyndon Baines Johnson Foundation be accepted with deep gratitude and appreciation and that there be established the Dean Rusk Chair in the Lyndon Baines Johnson School of Public Affairs of The University of Texas at Austin effective March 13, 1974. The actual fiscal details as to whether the funds will be transferred to The University of Texas to be invested for the purpose of endowing the chair or whether the Foundation will keep the funds and transfer the income therefrom annually for this purpose have not been determined. When these arrangements are clarified, they will be reported to the Board of Regents for ratification.

Chairman McNeese on behalf of the Board of Regents expressed appreciation for this very fine gift.

2. U. T. Austin, Dallas Health Science Center (Dallas Medical School), Galveston Medical Branch (Galveston Medical School), Houston Health Science Center (Houston Medical School) and San Antonio Health Science Center (San Antonio Medical School and San Antonio G. S. B. S.): Amendments to the 1973-74 Budgets (4-B-74 and 5-B-74). -- It is recommended by the appropriate institutional heads, concurred in by System Administration, that the following amendments to the 1973-74 budgets as indicated below for The University of Texas at Austin, The University of Texas Health Science Center at Dallas (Dallas Medical School),

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The University of Texas Medical Branch at Galveston (Galveston Medical School), The University of Texas Health Science Center at Houston (Houston Medical School) and The University of Texas Health Science Center at San Antonio (San Antonio Medical School and San Antonio G. S. B. S.) be approved (Pages 3 - 7 ):

All rates are full time rates: salary rate indicates a 12 months' full time rate and academic rate indicates a 9 months' full time rate:

The University of Texas at Austin

Item No.	Explanation	Present Status	Proposed Status	Effective Dates
8	James C. Werchan Office of Accounting	Director of Accounting	Director of Accounting	
	Salary Rate	\$ 22,000	\$ 24,200	1/1/74
	Source of Funds: Unallocated Salaries			
9	James E. Bedrich Office of Accounting	Assistant Director	Assistant Director	
	Salary Rate	\$ 16,900	\$ 19,000	1/1/74
	Source of Funds: Unallocated Salaries			
10	Joseph H. McGowen Bureau of Economic Geology	Research Scientist	Research Scientist	
	Salary Rate	\$ 16,600	\$ 19,500	1/1/74
11	Auxiliary Enterprises - Texas Student Publica- tions			
	Transfer of Funds	From: TSP Unappro- priated Balance via Estimated Income	To: General Budget- Wages \$ 19,501 Other Operating Expenses 14,884	
	Amount of Transfer	\$ 34,385	\$ 34,385	---
12	Division of Extension - Extension Teaching and Field Service Bureau			
	Transfer of Funds	From: Unappropriated Balance via Estimated Income	To: Extension Teaching and Field Service Bureau- Extension Classes and Consultant Services	
	Amount of Transfer	\$ 330,000	\$ 330,000	---

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Item No.	Explanation	Present Status	Proposed Status	Effective Dates
13.	Auxiliary Enterprises - Intercollegiate Athletics Transfer of Funds	From: Intercollegiate Athletics Unappropriat- ed Balance	To: Intercollegiate Athletics Operating Budget - Dining Hall Services \$ 3,000 Track Awards 2,000 Scholarships 29,000 Basketball 6,350 Football 6,500 Tennis 500 American - R. L. Van Meet 500 NCAA Track Champion- ships 500 Campus Services Con- cession Contract 4,673	
	Amount of Transfer	\$ 53,023		<u>\$53,023</u> ---
14.	Auxiliary Enterprises - Texas Student Publi- cations Transfer of Funds	From: TSP Unappropri- ated Balance via Es- timated Income	To: The Daily Texan (Summer) - Wages \$ 9,410 Other Operating Expenses 7,090	
	Amount of Transfer	\$ 16,500		<u>\$ 16,500</u> ---

The Board of Operating Trustees, Texas Student Publications, at their meeting of January 17, 1974 approved several items related to changes in the operations of The Daily Texan. First, the name of the document is changed from The Summer Texan to The Daily Texan (Summer). Second, there will be four issues a week rather than three per week during the summer months.

The University of Texas Health Science Center at Dallas

Item No.	Explanation	Present Status	Proposed Status	Effective Dates
	<u>Dallas Medical School</u> <u>Department of Surgery</u>			
	Charles F. Gregory (Tenure)	William B. Carrell Scottish Rite Professor of Orthopedics; Chair- man, Division of Orthopedic Surgery	William B. Carrell Scottish Rite Professor of Orthopedics; Chair- man, Division of Orthopedic Surgery	
	Salary Rate	\$ 36,000	\$ 38,000	2/1/74

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Line No.	Explanation	Present Status	Proposed Status	Effective Dates
6	Paul C. Peters (Tenure)	Professor of Urology; Chairman, Division of Urology	Professor of Urology; Chairman, Division of Urology	
	Salary Rate	\$ 29,000	\$ 31,000	2/1/74
7	Robert V. Walker (Tenure)	Professor of Oral Surgery; Chairman, Division of Oral Surgery	Professor of Oral Surgery; Chairman, Division of Oral Surgery	
	Salary Rate	\$ 33,600	\$ 35,600	2/1/74
8	Kenneth E. Salyer (Tenure)	Associate Professor of Plastic Surgery; Chairman, Division of Plastic Surgery	Associate Professor of Plastic Surgery; Chairman, Division of Plastic Surgery	
	Salary Rate	\$ 23,000	\$ 25,000	2/1/74
9	Louis H. Paradies (Tenure)	Associate Professor of Orthopedic Surgery	Associate Professor of Orthopedic Surgery	
	Salary Rate	\$ 25,800	\$ 28,800	2/1/74
10	Kenneth D. Glass (Non-tenure)	Assistant Professor of Orthopedic Surgery	Assistant Professor of Orthopedic Surgery	
	Salary Rate	\$ 21,000	\$ 23,000	2/1/74
	Source of Funds (Items 4-9): Unallocated Faculty Salaries			

With the recent resignation of Dr. Tom Shires as Professor and Chairman of the Department of Surgery and the probable future resignations of a portion of the Surgery Faculty in the Spring, there will be additional responsibilities placed upon remaining faculty, particularly in divisions.

11	Clare D. Edman Obstetrics and Gynecology	Research Fellow	Research Fellow	
	Salary Rate	\$ 17,200	\$ 20,800	2/1/74
	Source of Funds: Family Planning Project			

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By virtue of an increased student load, the Department of Obstetrics and Gynecology has been obliged to go to year-around teaching in order to accommodate in our clinical facilities an increasing number of students. Stated succinctly, this involves the teaching of Obstetrics and Gynecology five separate times with five total lecture series and a similar commitment of one-on-one teaching throughout the course of the entire year for the teaching of one of the major courses in this institution. As a result of this, and without sufficiently increased numbers of faculty, we have been obliged to resort to the utilization of those with expertise who are principally dedicated at the moment to laboratory pursuits, and who are principally paid by funds which emanate from laboratory, granting, or fellowship type programs.

Such is the case with Dr. Edman. He is expertly equipped intellectually to carry out teaching chores at the lecture, conference, and clinical level; and will specifically take on additional responsibilities with respect to student teaching at both the clinical and didactic level.

The University of Texas Medical Branch at Galveston

<u>Explanation</u>	<u>Present Status</u>	<u>Proposed Status</u>	<u>Effective Dates</u>
<u>Galveston Medical School</u>			
1. Richard B. Marshall (Tenure) Pathology	Professor	Professor	
Salary Rate	\$ 25,500	\$ 28,000	1/1/74
Source of Funds: Unallocated Salaries			

Dr. Marshall is Professor of Pathology and Director of Surgical Pathology. He is responsible for the Graduate School program in Pathology and serves on the Graduate Faculty Executive Committee. He has served on our faculty since 1964 and has achieved national recognition in surgical pathology. In particular, he is one of six members on the Anatomic Council of the American Society of Clinical Pathologists and gives several workshops annually on endocrine tumors and electron microscope diagnosis.

The University of Texas Health Science Center at Houston

<u>Explanation</u>	<u>Present Status</u>	<u>Proposed Status</u>	<u>Effective Dates</u>
<u>Houston Medical School</u>			
Richard G. Van Inwegen Pharmacology	Research Associate	Research Associate	
Salary Rate	\$ 9,000	\$ 12,500	1/1/74
Source of Funds: HEW Grant			
Warren J. Pledger Pharmacology	Research Associate	Research Associate	
Salary Rate	\$ 9,500	\$ 12,500	2/1/74
Source of Funds: Faith Foundation Grant			



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## The University of Texas Health Science Center at San Antonio

Explanation	Present Status	Proposed Status	Effective Dates
<u>Antonio Medical School and</u>			
<u>State School of Biomedical Sciences</u>			
Jim L. Story (Tenure) Surgery	Professor	Professor	
Salary Rate	\$ 33,000	\$ 37,000	1/1/74
Source of Funds: Unallocated Salaries			
<u>Antonio Medical School</u>			
Robert C. Talley (Tenure) Medicine	Freeman Heart Association Associate Professor (F.T.)	Freeman Heart Association Associate Professor (37.5%T.)	
Salary Rate	\$ 25,400	\$ 34,000	2/1/74
David H. Kramer (Tenure) Medicine	Associate Professor (F.T.)	Associate Professor (37.5%T.)	
Salary Rate	\$ 24,900	\$ 28,000	2/1/74
Robert N. Schnitzler (Non-tenure) Medicine	Assistant Professor (F.T.)	Assistant Professor (37.5%T.)	
Salary Rate	\$ 20,700	\$ 24,000	2/1/74

ACADEMIC AND DEVELOPMENTAL AFFAIRS COMMITTEE (Pages 8-13). -- Board Chairman McNeese recognized Regent (Mrs.) Johnson, Chairman of the Academic and Developmental Affairs Committee. Committee Chairman Johnson presented each of the recommendations that had been submitted in the Material Supporting the Agenda to the Academic and Developmental Affairs Committee. These recommendations were approved by unanimous vote as set out below:

1. U. T. System: Chancellor's Docket No. 70 (Attachment No. 1). -- There were exceptions to Chancellor's Docket No. 70 filed with the Secretary; however, the Chancellor's responses also filed with the Secretary and distributed were satisfactory to the Regent making the exceptions. There being no further questions, Chancellor's Docket No. 70 was approved in the form distributed by the Secretary prior to the meeting. It is attached (Attachment No. 1) following Page 63 and made a part of these Minutes.
  
2. U. T. Arlington: Authorization to Change Name of Department of Government to Department of Political Science. -- Upon recommendation of President Nedderman, which recommendation had been approved through appropriate channels at the institutional level and concurred in by Chancellor LeMaistre, the name of the Department of Government at The University of Texas at Arlington was changed to the Department of Political Science. The basis for this request was to bring the name of the department in line with the common practice in most other universities in Texas and at the same time to reflect more accurately the work of the department.  
  
The Administration was directed to notify the Coordinating Board, Texas College and University System of the name change.
  
3. U. T. Austin: Appointment of Dr. Howard F. Rase to W. A. (Bill) Cunningham Professorship in Engineering. -- Upon the recommendation through appropriate channels of President Spurr, concurred in by Chancellor LeMaistre, Dr. Howard F. Rase, currently a Professor of Chemical Engineering at The University of Texas at Austin, was named the W. A. (Bill) Cunningham Professor in Engineering at The University of Texas at Austin effective September 1, 1974. It was noted that on February 1, 1974, this professorship was established and that Dr. Rase will be the first holder thereof.
  
4. U. T. Austin: Authorization to Request Coordinating Board for Permission to Establish Ph.D. Degree Program in Slavic Languages and Literatures. -- Upon recommendation of President Spurr, concurred in by Chancellor LeMaistre, authorization was given to request the Coordinating Board, Texas College and University System for permission to establish a program at The University of Texas at Austin leading to a Ph.D. Degree in Slavic Languages and Literatures.

It was noted that the Department of Slavic Languages, in existence as the Department of Slavic Languages at U. T. Austin since 1965,

has granted the master's degree since 1967. There is no other graduate program in Slavic languages in Texas. The nearest institutions offering such programs are Vanderbilt, U. C. L. A., and the University of Kansas. Of these, only U. C. L. A. has a larger number of full-time faculty in this area than U. T. Austin.

5. U. T. Austin: Rates for Residence Halls, Married Student Housing and Student Cooperative Units for 1974-75 and Payment Procedures. --  
The 1974-75 rates for residence halls, married student housing and student cooperative units at The University of Texas at Austin were authorized as follows upon recommendation of President Spurr, concurred in by System Administration:

#### RATE SCHEDULE FOR 1974-75

##### I. University Residence Halls

<u>Double Rooms</u>	<u>Long Session Rate</u>		
	<u>Room</u>	<u>Board</u>	<u>Total</u>
Jester			
Community bath	\$ 588	\$ 648	\$ 1236
Connecting bath	704	648	1352
Kinsolving-North	598	648	1246
Kinsolving-South & Blanton	482	648	1130
Andrews, Carothers & Littlefield	320	648	968
Moore-Hill & Simkins	482		482
Brackenridge-Roberts-Prather	320		320

##### Special, Administrative, and Exception Notes to Above Rates

- a. These rates include a telephone in each room, weekly room cleaning, bed linens furnished and laundered and twenty meals per week where board is included.
- b. Payment procedures will be as follows:

All persons holding residence hall contracts will make the first Long Session room rent payment by July 15 (\$120 for air-conditioned space and \$70 for non air-conditioned space) with 50% of this amount refundable if cancellation is received by August 15. Persons cancelling after August 15 will not be eligible for refund. For new residents in the Spring Semester, the advance room rent payment (\$60 for air-conditioned space and \$35 for non air-conditioned space) will be payable by December 1 with no refunds for cancellation after December 15 (50% refundable if cancellation is received by December 15).

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Following the initial July 15 payment, the same payment plans (Plans A, B, and C set out below) permitted in 1973-74 may be used:

Plan A - pay balance in eight equal installments  
September through April

Plan B - pay balance for the Fall Semester in  
September and balance for the Spring  
Semester in January

Plan C - pay balance for the Long Session in  
September

#### Other Rates

- a. Single room rate and double rented as a single - 1-2/3 times the double rate
- b. Summer Session rates - 1/3 of semester rate for each six weeks term
- c. Guest rates:

Overnight guests - \$1.00 per night.

#### Meal Guests

Breakfast	\$ 1.05
Lunch	1.55
Dinner	1.80
Sunday Noon	2.10

- d. Short-term, orientation and conference rates.
  - (1) Short-term rates are for individuals or small groups assigned in vacant areas in regular student space for short periods of a few days to several weeks. These rates include the student menu, towels, soap, blankets, bed linens and limited maid service.
  - (2) Orientation rates are used for incoming freshmen attending Summer Orientation assigned in space opened for these groups each summer. The rates include the student menu, towels, soap, blankets, bed linens and limited maid service.
  - (3) Conference rates are used for adult and youth groups assigned in space opened for specific conference use each summer. The rates include an expanded menu, towels, soap, blankets, bed linens, maid service and meeting rooms if desired.

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<u>Short Term</u>	<u>Daily Rate Per Person</u>	<u>Weekly Rate Per Person</u>
Board	\$ 3.65	\$ 21.90
Double Room	3.60	21.60
Single Room	4.70	28.20
<u>Orientation</u>		
Board	4.70	
Double Room	4.85	
Single Room	5.85	
<u>Conference</u>		
Board	6.25	
Double Room	7.25	
Single Room	9.25	

## II. University Apartments - Married Student Housing

	<u>Monthly Rate</u>
<u>Brackenridge - Deep Eddy (All unfurnished)</u>	
1 bedroom apartment	\$ 40
2 bedroom duplex	43
2 bedroom apartment	45
3 bedroom apartment	50
4 bedroom apartment	55
Trailer Park Lot	21
<u>Colorado Apartments</u>	
Unfurnished	
1 bedroom	88
2 bedroom	98
Furnished	
1 bedroom	98
2 bedroom	108
<u>Gateway Apartments</u>	
Unfurnished	
1 bedroom	104
2 bedroom	114
Furnished	
1 bedroom	114
2 bedroom	124

Rates for Brackenridge-Deep Eddy and Colorado Apartments include gas and water.

Rates for Trailer Park Lots and Gateway Apartments include water.

The student pays his electric bill in all units.

III. Student Housing Units - Women's Cooperatives

Monthly Rental Paid to University

	<u>Number of Students Per Co-op</u>	<u>Monthly Building Rent Per Student</u>	<u>Monthly Rent Paid to University</u>
Non Air- conditioned	16 (6 co-ops)	\$ 20	\$ 320
Air- conditioned	17 (2 co-ops)	29	493
	19 (4 co-ops)	29	551

Attention was called to the fact that the residence hall room rates will be increased on the average of 2 percent and the residence hall board rates by approximately 3.8 percent. Married student housing rates will be increased approximately 2 percent in Gateway and Colorado apartments and approximately 4 percent in Brackenridge and Deep Eddy apartments. These rates equalize the difference in utility usage paid by residents in the different complexes. The monthly rate paid to the University by Women's Co-ops for building rental will be increased 7 percent in air-conditioned units and 11 percent in non air-conditioned units for increased operating and administrative costs. However, the cost to the student in cooperatives will increase only about 4.5 percent per student since the composite charge to the student includes room and board.

It was noted that in spite of substantial increases in utility and food costs and modest salary and wage increases to the employees, the net increase in the student's individual rate has been kept minimal by eliminating housekeeping service of making students' beds in residence halls and by reducing food and energy conservation measures on the part of students and employees.

6. U. T. Dallas: Appointment of Dr. Francis S. Johnson to Cecil H. and Ida M. Green Honors Chair in Natural Sciences. --Upon recommendation of President Jordan, concurred in by Chancellor LeMaistre, Dr. Francis S. Johnson was named the first holder of the Cecil H. and Ida M. Green Honors Chair in Natural Sciences at The University of Texas at Dallas effective immediately.

It was noted that this endowed chair was established on March 5, 1973, and that its first holder, Dr. Francis S. Johnson, has had a distinguished career as an educator, administrator and scientist.

7. U. T. San Antonio - College of Sciences and Mathematics: Divisions of Allied Health Professions, Earth and Life Sciences and Physical Sciences Combined Into (1) Division of Earth and Physical Sciences and (2) Division of Life and Allied Health Sciences, and Change in Designation of Division of Mathematics and Systems Design to Division of Mathematics, Computer Science, and Systems Design. -- Upon recommendation of President Flawn, concurred in by Chancellor LeMaistre, approval was given to combine and redesignate the Divisions of Allied Health Professions, Earth and Life Sciences, Physical Sciences and Mathematics and Systems Design in the College of Sciences and Mathematics at The University of Texas at San Antonio as follows:

- a. The Divisions of Allied Health Professions, Earth and Life Sciences, and Physical Sciences were combined into the Division of Earth and Physical Sciences and the Division of Life and Allied Health Sciences.
- b. The Division of Mathematics and Systems Design was redesignated as the Division of Mathematics, Computer Science, and Systems Design.

It was noted that no new degree programs are included; hence, the Coordinating Board, Texas College and University System will be informed of these changes.

STATEMENT OF REGENT CLARK (U. T. Austin Student Union Contract with Chief Justice William O. Douglas, Commendation of Judge Charles D. Mathews, 200th District Court of Travis County, Texas, and Committee to Propose Guidelines for Contracts of University Organizations with Outside Speakers). --Chairman McNeese recognized Regent Clark who asked to speak to a point of personal privilege, stating that he was aggrieved. He spoke as follows:

#### STATEMENT OF EDWARD CLARK

Mr. Chairman: A recent occurrence on the Austin campus has prompted me to recommend that we as Regents adopt a policy which will prohibit any official university group or organization from entering into a contract unlawfully assuming to bar press, radio and television from a purportedly "public" function. I refer, of course, to the contract between the University Student Union and Associate Justice William O. Douglas of the United States Supreme Court and the resulting court action on March 5.

Under the contract with the Student Union, Mr. Justice Douglas came to The University of Texas campus, state property, to deliver an address for a fee of \$3,000, entirely guaranteed and at least in part paid by state funds, but he presumed, as a part of the consideration for his appearance, to require that no press interviews be permitted and that tape recorders and television cameras be excluded from the meeting room.

This is a state institution, situated on state property, and existing by virtue of state financial support. Except for a few definitely specified situations, Texas law prohibits any state related or supported body from conducting a closed meeting and expressly authorizes electronic recording of open meetings.

Mr. Justice Douglas may not have been familiar with the Texas open meetings law, but after nearly 35 years on the United States Supreme Court, he unquestionably did know that since 1931 the court of which he is a member has squarely and consistently held that the First Amendment is applicable to states by reason of the Fourteenth (Stromberg v. People of the State of California, 283 U.S. 359, 51 S.Ct. 532, 75 L.Ed. 117) and that the same court in 1969 held that the people as a whole have an interest in free speech by radio and a collective right to have the medium function consistently with the purposes of the First Amendment (Red Line Broadcasting Company v. F.C.C., 359 U.S. 367, 89 S.Ct. 1794, 23 L.Ed. 371). At the same time the court further held that the right of viewers and listeners is paramount and that the purpose of the First Amendment is to preserve an unlimited market place of ideas.

It is particularly strange that Mr. Justice Douglas would attempt to bridle anyone's exercise of First Amendment rights. He has been a major advocate of strong, broad interpretation of the First Amendment. The contention reportedly raised by him in Texas that the First Amendment did not cover electronic recordings is flatly contradicted by his own published expression that the news media -- radio, television and motion pictures -- serve the public under the First Amendment in the same manner as the press (William O. Douglas, We, the Judges, p. 335). Moreover, he has accused others on the court with putting a gloss on the First Amendment which "robs it of much vitality" and with watering down the Bill of Rights "through judicial 'balancing' of what the Constitution says and what Judges think is needed for a well-ordered society" (Garrison v. State of Louisiana, 379 U.S. 64, 85 S.Ct. 209, 13 L.Ed. 2d 125). He has consistently advocated an absolute, literal construction of the First Amendment, even to the point of expressing the view that Congress could not enact a libel law that could withstand a constitutional test (Rosenblatt v. Baer, 383 U.S. 72, 86 S.Ct. 669, 15 L.Ed. 2d 597).

Mr. Justice Douglas appeared at The University of Texas but he had "lost" his prepared speech. Earlier that day a state judge, Charles D. Mathews of the 200th District Court of Travis County, issued an order temporarily restraining and enjoining The University of Texas "from prohibiting cameras, tape recorders or other means to photograph and record Mr. Justice Douglas and other speakers who appear under the auspices of The University of Texas at Austin."

The action had been brought by the Channel 24 Corporation. Judge Mathews' decision was grounded upon the fact that the procedure contemplated by the University's contract with Mr. Justice Douglas would violate the constitutional right of the plaintiff and others to freedom of the press as guaranteed by Amendments I and XIV of the Constitution of the United States and deny plaintiff and others of their right to equal protection and due process of law as guaranteed by the Constitution of the United States and the Constitution of the State of Texas.



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Judge Mathews' order saved the University not only from an embarrassing situation but also from a violation of law. His decision is totally sound from the legal standpoint and could be defended adequately by use only of Mr. Justice Douglas' published opinions. As Dick Morehead of the Dallas News aptly reported the incident, Mr. Justice Douglas "tasted some of his own medicine." I join him and others who have commended Judge Mathews for his fearless and forthright ruling.

Texas is fortunate in having judges of the caliber of Judge Mathews. He is both a genuine legal scholar and an experienced practicing attorney. As shown by his March 5 order, he bases his decisions on the law -- not on whatever personalities may be involved. As an attorney, I take pleasure in being part of a judicial system where a state trial judge can and will issue an order controlling a contract entered into by a justice of the highest court in the land, but as a Regent, I am sorry that it was a unit of The University of Texas System that entered into a contract so blatantly violative of First Amendment rights.

The case has been dismissed, but the overall problem has not been solved. A like or similar situation could occur again. I have no criticism of the students. There are probably not many attorneys who would tell an Associate Justice of the United States Supreme Court, as Judge Mathews did, that his proposed contract contains unconstitutional provisions. I do think, however, that we as Regents should provide University organizations with a set of guidelines for contracts which they may make with speakers. The students must understand that the University is a state institution, that it operates on public property, that it expends public funds, that it cannot act to deprive the public of the right to information which the First Amendment guarantees to protect, and that we as Regents are prepared to enforce whatever policy consideration we may adopt.

I, therefore, propose that the Chairman appoint a committee to draft a proposed set of guidelines to be applicable to any University organization which may enter into contracts with outside speakers.

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In response to Regent Clark's proposal, Chairman McNeese appointed Regent Clark Chairman of the Committee to Propose Guidelines for Contracts of University Organizations with Outside Speakers and authorized Regent Clark to appoint two additional members to the committee. Pursuant thereto, Regent Clark named Chancellor LeMaistre and President Spurr to serve on this committee.

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BUILDINGS AND GROUNDS COMMITTEE (Pages 16 - 29 ). --Chairman McNeese recognized Regent Erwin, Chairman of the Buildings and Grounds Committee. Committee Chairman Erwin presented each item on the agenda of that committee, and the following actions were approved by unanimous vote:

1. U. T. System - System Administration Office Building: Inscription on Plaque Deferred. --The proposed inscription for the plaque to be placed on the Office Building being constructed at Seventh and Colorado streets, Austin, Texas, for the Regents and some offices of System Administration was deferred until the name of the building is determined.
2. U. T. Arlington - College of Business Administration Building: Authorization for Project; Approval of Site; Appointment of Komatsu & Associates, Fort Worth, Texas, Project Architect; and Appropriation Therefor. --It was reported that the College of Business Administration at The University of Texas at Arlington which encompasses the Department of Accounting, Business Administration and Economics is the second largest and fastest growing unit at U. T. Arlington and that it currently occupies 38,471 net square feet of space in the Business-Life Sciences Building, which space is inadequate. Enrollment is expected to continue to increase at U. T. Arlington and it is estimated that a building of approximately 130,000 square feet will be required to meet the needs of the College of Business Administration.

Whereupon, authorization was given to construct a College of Business Administration Building in the area bounded on the south by Fourth Street, on the west by West Street, on the north by Third Street and on the east by Oak Street at an estimated total project cost of \$8,100,000 including utility extensions to the building. The firm of Komatsu and Associates, Fort Worth, Texas, was appointed Project Architect with authorization to prepare the preliminary plans and specifications for the building to be presented to the Board of Regents for consideration at a future meeting.

An appropriation of \$100,000 from Combined Fee Revenue Bond proceeds was authorized for necessary topographic and foundation surveys, miscellaneous expenses and fees through the preparation of preliminary plans and outline specifications.

3. U. T. Arlington - Business-Life Sciences Building: Authorization to Remodel to Accommodate Biology and Psychology Departments. -- Due to the increases and future anticipated increases in the Biology and Psychology departments at The University of Texas at Arlington, it was ordered that the business section of the Business-Life Sciences Building (now occupied by departments to be moved into the Business Administration Building) plus the space that is presently occupied by the Geology Department (a total of approximately 53,000 net square feet) be remodeled at a total estimated project cost of \$800,000.

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4. U. T. Arlington - College of Engineering Laboratory Building: Authorization for Project; Approval of Site; Appointment of Preston M. Geren, Fort Worth, Texas, Project Architect; and Appropriation Therefor. --Upon the recommendation of President Nedderman, concurred in by System Administration, authorization was given to construct a College of Engineering Laboratory Building at The University of Texas at Arlington in the area directly north of the existing Engineering Building bounded on the south by First Street, on the west by Yates Street, and on the east by College Street at an estimated total project cost of \$2,900,000 including utility extensions to the building. The firm of Preston M. Geren, Fort Worth, Texas, was appointed Project Architect with authorization to prepare the preliminary plans and specifications for consideration by the Board of Regents at a future meeting.

An appropriation of \$30,000 from Combined Fee Revenue Bond proceeds was authorized for necessary topographic and foundation surveys, miscellaneous expenses and fees through the preparation of preliminary plans and outline specifications.

5. U. T. Arlington - Engineering Technology Building: Change in Plan for Renovation Project to Include Department of Geology and Additional Appropriation Therefor. --Authorization was given at the meeting of the Board of Regents held on October 26, 1973, to renovate and furnish (installation of a new heating and air conditioning system, new roof, ceiling and floor covering replacement, and general interior repair and repainting) the two-story Engineering Technology Building at The University of Texas at Arlington. Subsequent to this authorization, it has been determined that the plan for renovation and furnishing of the building should be more extensive and specific to accommodate the Department of Geology which is now housed in the basement of the Business-Life Sciences Building. This project will be more expensive for the Department of Geology than it would be for general academic uses.

Upon recommendation of President Nedderman, concurred in by System Administration, the plan for the renovation of the Engineering Technology Building at The University of Texas at Arlington was revised to accommodate the Department of Geology and the estimated total project cost was increased from \$596,000 to \$2,300,000. The additional appropriation of \$1,704,000 was authorized from Constitutional Ad Valorem Tax Bond proceeds.

6. U. T. Arlington: Landscaping of Swift School Site and Undeveloped Area Thereabout to be Site of Recreation Facilities: Approval of Preliminary Plans and Specifications. --Preliminary plans and specifications prepared by the Project Landscape Architect, Schrickel, Rollins, and Associates, Inc., Arlington, Texas, for landscaping the site of Swift School and undeveloped area thereabout at The University of Texas at Arlington were approved at an estimated total project cost of \$893,000, which had been previously appropriated. These plans cover the undeveloped area within the bounds of Summit, West Border, Kerby and West Second streets

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and also include the area along Dry Creek from West Border to South Oak. On this undeveloped area it is planned that there will be recreation facilities consisting of tennis courts, archery range, soccer field, softball field, hike-bike-jogging trail, security lighting, planting and irrigation.

The Project Landscape Architect was authorized to prepare final plans and specifications for consideration at a future meeting of the Board of Regents.

7. U. T. Arlington: Right-of-Way Easement to Texas Electric Service Company for Underground Distribution Line. --In order to provide additional feeders for the new transformers at the campus power plant at The University of Texas at Arlington, Texas Electric Service Company was granted an underground easement 10 feet in width and 128 feet in length over, across and under Block 18 out of the Ditto and Collins Addition to the City of Arlington, Tarrant County, Texas.

The Chairman of the Board of Regents was authorized to execute this easement when the content has been approved by the Deputy Chancellor for Administration and the legal form has been approved by a University attorney.

8. U. T. Austin - Engineering Teaching Center No. 1: Approval of Inscription on Plaque. --Approval was given to the plaque set out below to be placed on the Engineering Teaching Center No. 1 building at The University of Texas at Austin. This inscription follows the standard pattern approved by the Board of Regents at its meeting held October 1, 1966:

ENGINEERING TEACHING CENTER NO. 1

1971

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 Joe T. Nelson, M. D.  
 Dan C. Williams

Charles A. LeMaistre, M. D.  
 Chancellor, The University  
 of Texas System  
 Stephen H. Spurr, President  
 The University of Texas  
 at Austin

William H. Wade, Chairman,  
 Faculty Building Advisory  
 Committee, The University  
 of Texas at Austin

Brooks, Barr, Graeber, and White  
 Consulting Architects  
 Page, Southerland, and Page,  
 Project Architect  
 B. L. McGee Construction  
 and B. L. McGee, Inc.,  
 Contractor

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9. U. T. Austin - College of Fine Arts and Performing Arts Center (Addition to Art Building and Remodeling of Existing Building): Approval of Final Plans and Specifications and Authorization to Advertise for Bids. --The final plans and specifications for the addition to the Art Building and the remodeling of the existing Art Building, a part of the College of Fine Arts and Performing Arts Center at The University of Texas at Austin, prepared by the Project Architect, Fisher and Spillman, Inc., Dallas, Texas, at an estimated total project cost of \$2,412,384 (initially estimated at \$1,937,650) were approved. These plans and specifications provide for a building of approximately 47,000 gross square feet rather than 49,000 square feet as originally planned.

The Director of the Office of Facilities Planning and Construction was authorized to advertise for bids to be brought to the Board of Regents for consideration at a future meeting.

10. U. T. Austin - College of Fine Arts and Performing Arts Center (Addition to Drama Building and Remodeling of Existing Building): Approval of Final Plans and Specifications and Authorization to Advertise for Bids. --The final plans and specifications for the addition to the Drama Building and the remodeling of the existing Drama Building, a part of the College of Fine Arts and Performing Arts Center at The University of Texas at Austin, prepared by the Project Architect, Fisher and Spillman, Inc., Dallas, Texas, at an estimated total project cost of \$4,272,690 (initially estimated at \$3,800,000) which had been previously appropriated were approved. These plans and specifications provide for a building of approximately 52,000 gross square feet (originally 47,000 square feet) and include a proscenium style drama theater with a seating capacity of approximately 500.

The Director of the Office of Facilities Planning and Construction was authorized to advertise for bids to be brought to the Board of Regents for consideration at a future meeting.

11. U. T. Austin - Social Science and Humanities Library: Award of Contract to John J. Stokes dba Stokes Construction Company, San Marcos, Texas, for Construction and Additional Appropriation Therefor. --Due to the fact that the bids received for the construction contract for the Social Science and Humanities Library at The University of Texas at Austin were not within the authorized funds of \$20,000,000, the committee appointed by the Board of Regents at its meeting on February 1, 1974, to award a contract for the construction of this facility did not act and the bids were reported to the Buildings and Grounds Committee for consideration.

After receiving a report that an analysis of the eight bids received indicated that the bidders were in close competition and the market was properly tested, a contract was awarded to the low bidder, John J. Stokes dba Stokes Construction Company, San Marcos, Texas, for the construction of the Social Science

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and Humanities Library at The University of Texas at Austin, as follows:

Base Bid	\$ 17,397,371
Add Alternate No. 1 (Vinyl Wall Covering in Closed Studies)	<u>30,000</u>
Total Contract Award	<u>\$ 17,427,371</u>

A total project cost of \$21,700,000 to cover the building construction contract award, estimated costs of furniture, furnishings, and equipment, air balancing, landscaping, construction scheduling, fees and miscellaneous expenses was authorized and therefor an additional \$1,700,000 was appropriated from Interest on Revenue Bond Proceeds. It was noted that \$20,000,000 had been previously appropriated.

12. U. T. Austin - Expansion of Chilling Capacity in Central Water Chilling Stations Nos. 3 and 4: Award of Contract to The Trane Company, La Crosse, Wisconsin, for Water Chilling Equipment and Rejection of Bids for Centrifugal Pumps and Cooling Towers. -- For Chilling Stations Nos. 3 and 4 at The University of Texas at Austin, a contract was awarded to the low bidder, The Trane Company, La Crosse, Wisconsin, for Water Chilling Equipment, Item No. 1, in the amount of \$733,062.

All bids on Items Nos. 2 and 3, Centrifugal Pumps and Cooling Towers, respectively, were rejected. The Director of the Office of Facilities Planning and Construction was authorized to make the necessary administrative and technical changes required and readvertise for bids to be submitted to the Board of Regents at a later meeting for consideration.

It was noted that there are sufficient funds in the project account to cover the contract awarded to The Trane Company.

13. U. T. Austin: Appointment of Pitts, Phelps & White, Houston and Beaumont, Texas, Planning Consultant for Development of Balcones Research Center Master Plan. -- At the meeting on December 7, 1973, the Board of Regents authorized a special advance of \$20,000 for an engineering study started by Dr. Wm. R. Hazard, Lecturer in Architectural Engineering, to be continued under the supervision of the Office of Facilities Planning and Construction for the development of a Master Plan for the Balcones Research Center at The University of Texas at Austin.

System Administration reported that the Office of Facilities Planning and Construction had reached a stage where a planning consultant is needed. Whereupon, the firm of Pitts, Phelps & White, Houston and Beaumont, Texas, was appointed Planning Consultant for the development plan for the Balcones Research Center. It was noted that the consultant's fee, necessary surveys, soil investigations and miscellaneous expenses are available within the special advance of \$20,000.

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14. U. T. Austin - McDonald Observatory - Observatory Control Building Adjacent to Millimeter Wave Telescope: Award of Contract to Oasis Builders, Inc., Kermit, Texas for Construction. --For the construction of the Observatory Control Building adjacent to the millimeter wave telescope at The University of Texas McDonald Observatory at Mt. Locke a contract was awarded to the only bidder, Oasis Builders, Inc., Kermit, Texas, as follows:

Base Bid	\$ 39,500
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The Administration reported that due to the impact of the energy crisis and cost escalation, along with the somewhat remote construction site and small size of this project, it was difficult to obtain bidder interest for work on the project. However, the only bid received compares realistically with the Architect's mid-February 1974 final estimate of \$36,500 (original estimate \$25,000).

A total project cost of \$48,000 to cover the building construction, movable furnishings and equipment, fees and miscellaneous expenses was approved.

It was noted that an appropriation of \$125,000 had been previously made for construction of the Visitors and Information Center, Physical Plant Building and Millimeter Wave Observatory Control Buildings at McDonald Observatory.

15. U. T. Dallas - Conference Center (Phase III): Authorization for Project, Appointment of Fisher and Spillman, Inc., Dallas, Texas, Project Architect, and Appropriation Therefor. --It was reported that studies conducted by the Administration of The University of Texas at Dallas show the need for a continuing education facility at this institution to offer cooperative programs sponsored and planned by U. T. Dallas and the business-professional community of North Central Texas.

Whereupon, authorization was given to construct a Conference Center (Phase III) of approximately 60,000 square feet to include seminar rooms, conference rooms, a small auditorium and required administrative and support areas for continuing education at an estimated cost of \$3,000,000. The firm of Fisher and Spillman, Inc., Dallas, Texas, was appointed Project Architect with authorization to prepare a cost estimate and preliminary plans and specifications to be considered by the Board of Regents at a future meeting.

An appropriation of \$35,000 from Tuition Revenue Bond proceeds was authorized for miscellaneous expenses and fees through the preparation of preliminary plans and outline specifications.



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16. U. T. Dallas - Environmental Science Building: Report of Special Committee and Ratification of Its Approval of Preliminary Plans and Cost Estimate, and Appropriation Therefor. --A report was received from the committee appointed on February 1, 1974 (consisting of Committee Chairman Erwin, Board Vice-Chairman Williams, President Jordan, Deputy Chancellor Walker and Director Kirstoferson) for approval of preliminary plans and cost estimate for the building addition and modifications to the Environmental Science Building at The University of Texas at Dallas. These modifications are needed to house The Southwestern Legal Foundation. The special committee had approved the preliminary plans at an estimated construction cost of \$1,667,770, which plans include a 300 seat auditorium, structural modifications and partition changes, foundation changes, increased utilities service, and additional site improvements and parking.

The actions of the special committee were ratified. In addition thereto:

- a. the Project Architect was authorized to prepare the final plans and specifications to be presented to the special committee for approval;
- b. the Office of Facilities Planning and Construction was authorized to accomplish all necessary additions and modifications in the most expeditious manner, either through negotiations with the existing General Contractor after securing two independent cost estimates or by separate bidding procedures; and
- c. An appropriation of \$1,339,365 was authorized from Tuition Revenue Bond Proceeds to cover the building addition and modifications, furniture and equipment, architect's fees and miscellaneous project expenses.

It was noted that \$1,115,000 had been previously appropriated.

17. U. T. Dallas - Founders Building North: Authorization for Addition (Phase III), Appointment of Beran and Shelmire, Architects, Dallas, Texas, Project Architect and Authorization Therefor. --System Administration reported that the expansion of the campus of The University of Texas at Dallas has progressed in accordance with the Campus Development Plan approved in concept by the Board of Regents in 1970 to provide facilities for graduate education and upper division level education for an anticipated enrollment of 10,000 students by 1980. The existing food service needs to be expanded in Founders Building North to serve the projected student population and the population occasioned by the conferences on the campus.

Upon recommendation of President Jordan and System Administration, the Buildings and Grounds Committee authorized an addition to the Founders Building North (Phase III) at an estimated total project cost of \$1,500,000 and appropriated \$20,000 from Tuition Revenue Bond proceeds for miscellaneous expenses and fees through the preparation of preliminary plans and outline specifications.



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For the project, the firm of Beran and Shelmire, Architects, Dallas, Texas, was named Project Architect with authorization to prepare a cost estimate and preliminary plans and outline specifications to be presented to the Board of Regents for consideration at a future meeting.

18. U. T. Dallas: Physical Instruction Building, Eugene McDermott Library, Erik Jonsson Center and Cecil H. Green Center (Phase II) - Award of Contracts for Carpeting to Custom Contract Interiors, Inc., D. B. A. Reiser and Associates, Dallas, Texas, Auditorium Seating to Central Distributing Company, San Antonio, Texas, and Classroom Seating to American Desk Manufacturing Company, Temple, Texas. --Contracts were awarded as indicated below to the low bidders for the following at The University of Texas at Dallas:

- a. To Custom Contract Interiors, Inc., D.B.A. Reiser and Associates, Dallas, Texas, for carpeting of the Physical Instruction Building, Eugene McDermott Library, Erik Jonsson Center and Cecil H. Green Center, as follows:

Base Proposal "A" (Carpet)	\$372,425.10
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- b. To Central Distributing Company, San Antonio, Texas, for auditorium seating for the Erik Jonsson Center and Cecil H. Green Center, as follows:

Base Proposal "B" (Auditorium Seating)	47,490.90
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- c. To American Desk Manufacturing Company, Temple, Texas, for classroom seating for the Erik Jonsson Center and Cecil H. Green Center, as follows:

Base Proposal "C" (Classroom Seating)	40,698.25
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It was noted that the funds necessary to cover these contract awards totaling \$460,614.25 are available in the Furniture and Equipment Account for the project.

19. U. T. El Paso: Magoffin Auditorium - Award of Contracts for Carpet to Commercial Carpet Consultants and Auditorium Seating to Central Distributing Company. --Contracts were awarded to the low bidders for carpet and auditorium seating in Magoffin Auditorium at The University of Texas at El Paso, El Paso, Texas, as follow:

Commercial Carpet Consultants, Albuquerque, New Mexico	
Base Bid "A" (Carpet)	\$23,768.20

Central Distributing Company, San Antonio, Texas	
Base Bid "B" (Auditorium Seating)	54,723.80

Total Contract Awards	<u>\$78,492.00</u>
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It was noted that the funds necessary to cover these contract awards are available in the Furniture and Equipment Account for the project.

20. U. T. Permian Basin: Provisions for Faculty Offices, Permanent Campus Walk, Campus Modification for Security, Outdoor Furniture and Appropriation Therefor. --In order to provide interim office space for the growing faculty at The University of Texas of the Permian Basin until the Library-Administration Building (Phase II) currently in the planning stage is realized, System Administration was authorized to use movable metal partitions in the Phase I buildings (Classroom Building, Laboratory Building, Gymnasium) to provide thirty-six offices at an estimated total project cost of \$50,000.

It was further authorized that in the South Campus Complex there be installed a permanent concrete walk connecting the initial buildings [initial building and transition facilities (two classroom buildings and interim library building)] to the Phase I buildings. Authorization was also given for the installation of a new Library entrance, enclosed building connections, and a courtyard metal screen for building complex security at an estimated total project cost of \$42,500, and that there be provided outdoor furniture for the swimming pool at a cost of not more than \$7,500.

The Physical Plant staff of U. T. Permian Basin was instructed to perform the work authorized herein and an appropriation of \$100,000 was authorized from Tuition Revenue Bond proceeds for the faculty office project, the modification of the South Campus Complex and for outdoor furniture for the swimming pool.

21. Dallas Health Science Center (Dallas Medical School) - Remodeling of Cary Building (Phases A, B, C and D): Approval of Final Plans and Specifications for Phases B, C and D and Authorization to Advertise for Bids. --System Administration reported that in accordance with authorization given by the Board of Regents at its meeting on December 8, 1972, the Project Architect, Harper and Kemp of Dallas, Texas, had prepared the final plans and specifications for Phases B, C and D for remodeling of the Cary Building at the Dallas Medical School of The University of Texas Health Science Center at Dallas. This remodeling is being done in phases so that the occupants can continue to use the building. The original remodeling of the Cary Building was estimated to cover approximately 55,000 square feet but it has later been determined that all phases will cover approximately 83,000 gross square feet (Phase A - 11,000, Phases B and C - 61,000 and Phase D - 11,000).

The final plans and specifications for Phases B, C and D for this remodeling project were approved. The Director of the Office of Facilities Planning and Construction was authorized to advertise for bids at the earliest possible date on Phases B and C, and depending upon the results of these bids to advertise for Phase D at the appropriate time. It was understood that all bids will be submitted to the Board of Regents for consideration at future meetings.

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22. Dallas Health Science Center (Dallas Medical School) - Hoblitzelle Building: Approval of Final Plans and Specifications for Phases II, III, IV and V of Redesign of Air Conditioning System and Authorization to Advertise for Bids. -- Pursuant to authorization by the Board of Regents to redesign in phases the air conditioning system concurrently with certain remodeling, repair and refurbishing of the Hoblitzelle Building at the Dallas Medical School of The University of Texas Health Science Center at Dallas, in order to permit the continued use of the building, System Administration reported that the project is being done in five phases (I, II, III, IV and V) and that Phase I and the repair, remodeling and refurbishing work have been completed. The final plans and specifications for the remaining phases (II, III, IV and V) have been prepared by the Project Engineer, Gaynor and Sirmen, Inc., Dallas, Texas.

Thereafter, the final plans and specifications for these last four phases of the new air conditioning system were approved, and the Director of the Office of Facilities Planning and Construction was authorized to advertise for bids for these construction phases, singly or in combination, to be brought back to the Board of Regents for consideration at a later meeting.

It was noted that the estimated total project cost for the last four phases is \$1,801,000 and that only \$1,150,000 has been appropriated for these phases.

23. Dallas Health Science Center (Dallas Medical School): Approval of Inscriptions on Plaques for Eugene McDermott Academic Administration Building, Cecil H. and Ida Green Science Building, Fred F. Florence Bioinformation Center and Tom and Lula Gooch Auditorium and Cafeteria (Phase I Buildings). -- Approval was given to the plaques set out below to be placed on the Eugene McDermott Academic Administration Building, Cecil H. and Ida Green Science Building, Fred F. Florence Bioinformation Center and Tom and Lula Gooch Auditorium and Cafeteria (Phase I Buildings) at the Dallas Medical School of The University of Texas Health Science at Dallas:

**EUGENE McDERMOTT  
ACADEMIC ADMINISTRATION BUILDING**

1971

**BOARD OF REGENTS**

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Joe T. Nelson, M. D.  
Dan C. Williams

Charles A. LeMaistre, M.D.,  
Chancellor, The University  
of Texas System  
Charles C. Sprague, M. D.,  
Dean, The University of  
Texas Southwestern Medical  
School at Dallas

The Oglesby Group, Inc.,  
Project Architect  
Robert E. McKee, Inc.,  
Contractor

13-15-74

## CECIL H. AND IDA GREEN SCIENCE BUILDING

1971

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 Joe T. Nelson, M. D.  
 Dan C. Williams

Charles A. LeMaistre, M. D.,  
 Chancellor, The University  
 of Texas System  
 Charles C. Sprague, M. D.,  
 Dean, The University of  
 Texas Southwestern Medical  
 School at Dallas

Fisher and Spillman  
 Architects, Inc.,  
 Project Architect  
 Robert E. McKee, Inc.,  
 Contractor

## FRED F. FLORENCE BIOINFORMATION CENTER

1971

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 Dan C. Williams

Charles A. LeMaistre, M. D.,  
 Chancellor, The University  
 of Texas System  
 Charles C. Sprague, M. D.,  
 Dean, The University of  
 Texas Southwestern Medical  
 School at Dallas

Harrell and Hamilton,  
 Project Architect  
 Robert E. McKee, Inc.,  
 Contractor

## TOM AND LULA GOOCH AUDITORIUM

1971

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 Joe T. Nelson, M. D.  
 Dan C. Williams

Charles A. LeMaistre, M. D.,  
 Chancellor, The University  
 of Texas System  
 Charles C. Sprague, M. D.,  
 Dean, The University of  
 Texas Southwestern Medical  
 School at Dallas

Harwood K. Smith and  
 Partners, Project  
 Architect  
 Robert E. McKee, Inc.,  
 Contractor

## CAFETERIA

1971

## BOARD OF REGENTS

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 Joe T. Nelson, M. D.  
 Dan C. Williams

Charles A. LeMaistre, M. D.,  
 Chancellor, The University  
 of Texas System  
 Charles C. Sprague, M. D.,  
 Dean, The University of  
 Texas Southwestern Medical  
 School at Dallas

Beran and Shelmire, Project  
 Architect  
 Robert E. McKee, Inc.,  
 Contractor

24. Galveston Medical Branch - Six Tennis Courts and Putting Greens:  
Approval of Lease Agreement for Site with The Sealy and Smith  
Foundation for John Sealy Hospital. --In accordance with authori-  
 zation given at the meeting of the Board of Regents held on  
 December 7, 1973, six tennis courts and putting greens are to be  
 located on Lots 8, 9, 10, 11, 12, 13 and 14 of Block 602 plus the  
 adjoining East one-half of the vacated Third Street, City and  
 County of Galveston, Texas, for The University of Texas Medical  
 Branch at Galveston. System Administration reported that The  
 Sealy and Smith Foundation for the John Sealy Hospital is the  
 owner of this property and the foundation has offered to lease it  
 to The University of Texas Medical Branch at Galveston for a  
 period of 25 years at a nominal cost of \$1.00, with an option for  
 an additional 25 years. Upon recommendation of President Blocker  
 and System Administration, the lease under the terms proposed  
 was accepted.

Chairman McNeese was authorized to execute the lease agreement  
 consummating this transaction when the instrument has been  
 approved as to form by a University attorney and as to content by  
 the Deputy Chancellor for Administration

25. Houston Health Science Center (Houston Medical School) - Phase III  
Building: Authorization for Project, Appointment of Brooks, Barr,  
Graeber and White, Austin, Texas, Project Architect, and Appro-  
priation Therefor. --The following resolution was adopted:

WHEREAS, Since the initial authorization for the Houston  
 Medical School of The University of Texas Health Science  
 Center at Houston in June 1969, the Phase I, John H. Freeman  
 Building, has been completed and the contract for Phase II  
 was awarded in July 1973;

WHEREAS, The Phase II building was reduced in scope to  
 accommodate an entering class of only 100 medical  
 students because of lack of federal support;

WHEREAS, Plans should be made for growth of the Houston  
 Medical School in order to accomplish the original goal  
 of accommodating an entering class of 200 students; and

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WHEREAS, Federal funds are again available for expansion of medical facilities to expand student enrollment and grant application therefor for construction contract is being filed:

BE IT RESOLVED by the Board of Regents (a) that Phase III building project be authorized; (b) that the firm of Brooks, Barr, Graeber and White of Austin, Texas, be appointed Project Architect with authorization to prepare a cost estimate and to prepare the preliminary plans and outline specifications to be presented to the Board of Regents at a future meeting, and (c) that \$200,000 be appropriated from Tuition Revenue Bond proceeds for miscellaneous expenses and fees through the preparation of preliminary plans and outline specifications.

26. Houston Health Science Center (Houston Dental Branch) - Houston Dental Branch Building - Expansion of Animal Facility on 5th Floor: Approval of Preliminary Plans and Specifications and Authorization to Include Reroofing of Houston Dental Branch Building and Other Work. --Authorization was given to include in the expansion of the Animal Facility on the 5th floor of the Houston Dental Branch Building for The University of Texas Health Science Center at Houston the reroofing of the entire Houston Dental Branch Building. The preliminary plans and outline specifications at an estimated total project cost of \$485,000 were approved with authorization to Wilson/Crain/Anderson, Project Architect, to prepare the final plans and specifications to be considered by the Board of Regents at a later meeting. From Repair and Rehabilitation Projects \$85,000, which had been reserved for reroofing the Houston Dental Branch Building, was transferred to the Animal Facility Project.
27. University Cancer Center (M. D. Anderson) - Lutheran Hospital Addition and Outpatient Clinic Expansion: Authorization to Issue Change Order for 11th and 12th Floors. --System Administration reported that in accordance with the contract award approved by the Board of Regents on December 8, 1972, construction has proceeded on the Lutheran Hospital Addition and Outpatient Clinic Expansion of M. D. Anderson of The University of Texas System Cancer Center. The contract award included the 11th and 12th floors as shelled space to be finished at a future date with assistance of a construction grant. Subsequent action by the Board of Regents at meetings held on June 1, 1973, and July 27, 1973, authorized the completion of the shelled floors and accepted a National Cancer Institute Grant in the amount of \$3,548,541 for completion thereof and for construction of the Radiotherapy Addition.

It was further reported that plans for completion of the 11th and 12th floors prepared by the Project Architect are in the process of final review by the granting agency and the Office of Facilities Planning and Construction and that final construction cost estimates are being obtained from two competent professional estimating firms for use in negotiating a change order with the contractor.

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After due consideration, the following recommendations of President Clark and System Administration were approved:

- a. Authorize the Director of the Office of Facilities Planning and Construction to negotiate with the General Contractor, Manhattan Construction Company, Houston, Texas, for the completion of the 11th and 12th floors as a change order to the existing contract
  - b. Upon completion of successful negotiations within previously appropriated funds, authorize the award of work as a change order, subject to granting agency clearances
28. University Cancer Center (M. D. Anderson) - Environmental Science Park at Smithville - Two Metal Buildings: Approval of Preliminary Plans and Specifications for Completion Thereof. -- Preliminary plans and specifications for the completion of the two metal buildings that had been moved from the site of the Lutheran Hospital Addition and the Outpatient Clinic Expansion to the Environmental Science Park at Smithville (in some instances previously referred to "at Bastrop") of The University of Texas System Cancer Center prepared by the Project Engineer, Zumwalt and Vinther, Austin, Texas, at an estimated total project cost of \$575,000 were approved.

The Project Engineer was authorized to prepare final plans and specifications to be presented to the Board of Regents for consideration at a future meeting.

29. San Antonio (Clinical) Nursing School: Additional Appropriation for Furniture and Equipment for Facility. -- System Administration reported that at the time of the original contract award for the construction of the San Antonio (Clinical) Nursing School facility it was anticipated that federal funds would be made available. However, federal funds were frozen and a grant was not received, and in addition thereto the price of furniture and equipment has escalated. Upon the recommendation of System Administration, an additional appropriation of \$31,000 was authorized from Tuition Revenue Bond proceeds to complete the initial equipping of the offices and teaching facilities in the new San Antonio (Clinical) Nursing School building.

LAND AND INVESTMENT COMMITTEE (Pages 30 - 38). -- Chairman McNeese recognized Regent Garrett, Chairman of the Land and Investment Committee. Committee Chairman Garrett presented each item on the agenda of the Land and Investment Committee and the actions as set out below were unanimously approved:

Though the Chairman of the Board of Regents has authority to execute any document authorized by the Board, either the Associate Deputy Chancellor for Investments, Trusts, and Lands or the Deputy Chancellor for Administration may execute, unless otherwise indicated in the report, all necessary instruments authorized in this report that relate to real estate or mineral interests held or controlled by the Board of Regents as a part of the Permanent University Fund or as a part of any Trust or Special Fund when each has been approved as to form by a University attorney and as to content by an appropriate official.



I. PERMANENT UNIVERSITY FUND

A. INVESTMENT MATTERS

Report of Clearances of Monies to Permanent University Fund and Available University Fund.--The following report with respect to monies cleared by the General Land Office to the Permanent University Fund and the Available University Fund for the current fiscal year through January 1974 was received from the Auditor, Auditing Oil and Gas Production, and made a part of this Committee's report as follows:

	January, 1974	Cumulative This Fiscal Year	Cumulative Preceding Fiscal Year (Averaged)
<u>Permanent University Fund</u>			
Royalty			
Oil	\$2,183,974.77	\$ 7,673,657.08	\$ 6,311,433.90
Gas - Regular	439,666.45	1,621,992.28	1,576,217.00
- F. P. C.	2.15	13.71	17,071.95
Water	11,134.56	63,314.66	54,563.80
Salt Brine	3,618.34	9,346.78	5,770.60
Rental on Mineral Leases	480.53	131,302.44	185,436.35
Rental on Water Contracts	- 0 -	31,643.51	5,850.60
Rental on Brine Contracts	- 0 -	100.00	41.65
Amendments and Extensions of Mineral Leases	- 0 -	73,680.52	387,844.30
	<u>2,638,876.80</u>	<u>9,605,050.98</u>	<u>8,544,230.15</u>
Bonuses, Mineral Lease Sales, (actual)	- 0 -	11,124,800.00	2,475,900.00
Total, Permanent University Fund	<u>2,638,876.80</u>	<u>20,729,850.98</u>	<u>11,020,130.15</u>
<u>Available University Fund</u>			
Rental on Easements	5,847.90	122,059.69	47,352.30
Interest on Easements and Royalty	54.33	534.47	2,186.20
Correction Fees-Easements	- 0 -	- 0 -	- 0 -
Transfer and Relinquishment Fees	81.00	1,494.74	1,577.85
Total, Available University Fund	<u>5,983.23</u>	<u>124,088.90</u>	<u>51,116.35</u>
Total, Permanent and Available University Funds	<u>\$2,644,860.03</u>	<u>\$20,853,939.88</u>	<u>\$11,071,246.50</u>

Oil and Gas Development - January 31, 1974

Acreage Under Lease	678,295
Number of Producing Acres	322,909
Number of Producing Leases	1,429



Easements and Surface Leases Nos. 3672-3704, Material Source Permits Nos. 440-441 and Assignment of Grazing Lease No. 1110.--Easements and Surface Leases Nos. 3672-3704, Material Source Permits Nos. 440-441 and Assignment of Grazing Lease No. 1110 were approved as set out below. All are within the policies of the Board of Regents and all have been approved as to form by a University attorney and as to content by an appropriate official:

Easements and Surface Leases Nos. 3672-3704

Payment has been received in advance unless otherwise indicated on each of the easements and surface leases which are on the University's standard forms and are at the standard rates.

No.	Company	Type of Permit	County	Location (Block#)	Distance or Area	Period	Consideration
3672	John A. Echols	Pipe Line	Crane	30	121 rds. 2 inch	1/1/74- 12/31/83	\$ 90.75
3673	Texas Electric Service Company (renewal of 1810)	Power Line	Andrews	9	1,020 rds. single pole	1/1/74- 12/31/83	714.00
3674	Southwestern Bell Telephone Company	Surface Lease (tower site)	Ward	16	0.23 acre	1/1/74- 12/31/83	1,500.00 (full)
3675	Gulf Refining Company	Pipe Line	Crane	30	42.11 rds. 4½ inch	1/1/74- 12/31/83	75.00 (Min.)
3676	Delhi Gas Pipeline Corporation	Pipe Line	Crockett	31	327.45 rds. 6-5/8 inch	12/1/73- 11/30/83	491.18
3677	West Texas Utilities Company (renewal of 1850)	Power Line	Reagan, Upton	1,4,8, 11,15	8,961.8 rds. H-frame	2/1/74- 1/31/84	10,306.07
3678	Community Public Service Company	Power Line	Ward	18	168.84 rds. single pole	12/1/73- 11/30/83	118.19

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Land Matters - Continued--

No.	Company	Type of Permit	County	Location (Block#)	Distance or Area	Period	Consideration
3679	El Paso Natural Gas Company (renewal of 1868)	Pipe Line	Andrews	1	13.333 rds. 4½ inch	4/1/74- 3/31/84	\$ 75.00 (Min.)
3680	Shell Pipe Line Corporation (renewal of 1866)	Surface Lease (pump station site)	Crane	35	5.959 acres	5/1/74- 4/30/84	1,370.57 (full)
3681	Phillips Petroleum Company	Pipe Line	Crane	30	463.12 rds. 4½ inch	11/1/73- 10/31/83	347.34
3682	Shell Pipe Line Corporation (renewal of 1870)	Surface Lease (pump station site)	Andrews	1	5 acres	5/1/74- 4/30/84	1,150.00 (full)
3683	Shell Pipe Line Corporation (renewal of 1867)	Pipe Line	Andrews	1	1,708.31 rds. 8.625 inch	5/1/74- 4/30/84	2,562.47
3684	Phillips Petroleum Company	Pipe Line	Andrews	4,7, 8	368.27 rds. 4½ inch 614.10 rds. 6-5/8 inch	11/1/73- 10/31/83	1,197.35
3685	Exxon Pipeline Company	Pipe Line	Andrews	9	248.85 rds. 4½ inch	1/1/73- 12/31/82	186.64
3686	Texas-New Mexico Pipe Line Company (renewal of 1813)	Pipe Line	Andrews	12, 14	725 rds. 4½ inch 315 rds. 6-5/8 inch	3/1/74- 2/28/84	1,016.25
3687	Clinton Oil Company	Pipe Line	Crane	30	212.1 rds. 2 inch	1/1/74- 12/31/83	159.08

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Land Matters - Continued--

No.	Company	Type of Permit	County	Location (Block#)	Distance or Area	Period	Consideration
3688	Gulf Oil Corporation (renewal of 1838)	Pipe Line	Crane	30	777.9 rds. 2, 3 and 4 inch	1/1/74- 12/31/83	\$ 583.43
3689	West Texas Utilities Company (renewal of 1920)	Power Line	Crane	30,31	2,484 rds. single pole	1/1/74- 12/31/83	1,738.80
3690	Big Bend Telephone Company	Surface Lease (dial office site)	Pecos	21	200' x 200'	3/1/74- 2/28/84*	200.00 (annually)
3691	El Paso Natural Gas Company (renewal of 1864)	Surface Lease (cathodic protection unit site)	Andrews	1	Less than 1/2 acre	4/1/74- 3/31/84	75.00 (full)
3692	Community Public Service Company	Power Line	Ward	16	360.3 rds. single pole	2/1/74- 1/31/84	252.21
3693	Texas Electric Service Company	Power Line	Andrews	4,5,7, 11	839.15 rds. single pole	3/1/74- 2/28/84	587.40
3694	Texas Electric Service Company (renewal of 1849)	Power Line	Andrews	1,5,9, 10,14	68.98 rds. single pole	2/1/74- 1/31/84	75.00 (Min.)
3695	Mobil Pipe Line Company (renewal of 1848)	Pipe Line	Andrews	13	2,127 rds. 6-5/8 inch 601 rds. 8-5/8 inch	3/1/74- 2/28/84	4,092.00
3696	Atlantic Richfield Company	Surface Lease (tank battery site)	Andrews	9	3 acres	2/1/74- 1/31/84	750.00 (full)

\*This lease was granted for a period of ten years, but consideration is to be paid annually.

Land Matters - Continued--

No.	Company	Type of Permit	County	Location (Block#)	Distance or Area	Period	Consideration
3697	Pecos County Commissioner's Office (renewal of 1698)	Pipe Line	Pecos	27,28	1,026.19 rds. 20 inch	4/1/73- 3/31/83	\$ 2,360.24
3698	Pecos County Commissioner's Office (renewal of 1699)	Surface Lease (tank farm site)	Pecos	27	3.44 acres	4/1/73- 3/31/83	791.20 (full)
3699	Mobil Pipe Line Company (renewal of 1871)	Pipe Line	Andrews	4	1,012 rds. 6-5/8 inch	4/1/74- 3/31/84	1,518.00
3700	Pech Pipe Line Company (renewal of 1856)	Pipe Line	Upton	14	146.04 rds. 3 inch	3/1/74- 2/28/84	109.53
3701	D. L. Dorland	Surface Lease (water injection plant site)	Andrews	14	3.2 acres	2/1/74- 1/31/84	750.00 (full)
3702	Mapco, Inc.	Pipe Line	Andrews	1,2, 14	3,588.79 rds. 8-5/8 inch	2/1/74- 1/31/84	5,383.19
3703	El Paso Natural Gas Company (renewal of 1852)	Pipe Line	Hudspeth	L	276.636 rds. 4½ inch	5/1/74- 4/30/84	207.48
3704	El Paso Natural Gas Company (renewal of 1906)	Pipe Line	Andrews	1,9	12.515 rds. 4½ inch	6/1/74- 5/31/84	75.00 (Min.)

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Material Source Permits Nos. 440-441

No.	Grantee	County	Location	Quantity	Consideration
440	Lewallen & Wilson Construction Company	Winkler	Block 21	70 cubic yards pad dirt	\$ 75.00
441	Lewallen & Wilson Construction Company	Ward	Block 18	300 cubic yards pad dirt	90.00

Grazing Lease No. 1110, Assignment of

No.	Assignor	Assignee	County	Location	Acreage	Period	Consideration
1110	Hilary George Bedford	Robert L. Snyder	Andrews	Block 11	9,656.67	3/15/74- 6/30/81	\$10,563.00*

\*One-half bonus for the assignment of the grazing lease.

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## II. TRUST AND SPECIAL FUNDS

### GIFT, BEQUEST AND ESTATE MATTERS

1. U. T. Austin - Hogg Foundation - Will C. Hogg Memorial Fund: Joinder with Miss Ima Hogg and Mrs. Alice Nicholson Hanszen in Extension of Oil and Gas Lease to Lloyd H. Smith (Previously to Lloyd N. Matthews) on Tract in Martin Varner League, Brazoria County, Texas. --Approval was given to join with Miss Ima Hogg and Mrs. Alice Nicholson Hanszen in the extension of the oil and gas lease originally to Lloyd N. Matthews, Trustee, and later assigned to Lloyd H. Smith, covering 100 acres in the Martin Varner League, Brazoria County, Texas, for one year beginning February 11, 1974, and ending February 10, 1975. The cash consideration will be equal to the annual delay rental in the amount of \$500 of which the University will receive \$145.84.
  
2. University Cancer Center (M. D. Anderson): Acceptance of Bequest Under Will of Charles B. Barker, Deceased. --A report was received from the Administration that The First National Bank of Miami, Executor of the Estate of Charles B. Barker, deceased, of Hollywood, Florida, had notified the University of the bequest of Mr. Barker. The Will provides for no restrictions on the bequest as outlined in the following provision of the Will:

"ITEM FIVE: I give, devise and bequeath all the rest, residue and remainder of my estate and property, real, personal and mixed, of whatsoever kind and nature and wheresoever situated, of which I shall die seized and possessed or to which I shall be in anywise entitled to the M. D. ANDERSON HOSPITAL AND TUMOR INSTITUTE, Houston, Texas."

This bequest, which the Administration says will amount to something over \$400,000, was accepted with instructions that a report of the exact amount be provided at a future meeting of the Board of Regents.

### B. REAL ESTATE MATTERS

3. U. T. Austin - Cancellation of Lease to James A. Maines and Approval of Lease to Ray Brock on Boat Town Property, 3826 Lake Austin Boulevard, Austin, Texas (Brackenridge Tract). -- System Administration reported that Mr. Ray Brock of Austin, Texas, is attempting to purchase the assets of Boat Town of Texas, Inc., located at 3826 Lake Austin Boulevard (Brackenridge Tract) from Mr. James A. Maines who has the property under lease for a term expiring December 31, 1974. If Mr. Brock does purchase the assets, he wishes to lease this property as soon as the purchase is consummated.

The recommendation of the Administration was amended, and authorization was given to cancel the lease of Mr. James A. Maines effective March 31, 1974, if he sells the assets of Boat Town of Texas, Inc., to Mr. Brock, and to lease the property to

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Mr. Ray Brock effective April 1, 1974, at a monthly rental of \$275 for five years with an option to renew for an additional five years at a monthly rental of \$300 contingent upon (a) the improvements he proposes to make including a privacy fence, painting, landscaping, paving and repairs to the front or Lake Austin Boulevard side of the property, and (b) an option clause to cancel the lease upon 6 months' notice in the event of sale by the Board of Regents or in the event this property is needed by the University.

(Since the meeting, the Secretary has been notified by the Office of Investments, Trusts and Lands that Mr. Brock has declined to accept the contingencies of the lease agreement.)

4. U. T. El Paso - J. M. Beck Survey 42, Abilene, Taylor County, Texas (H. D. Fulwiler Gift): Sale to Abilene Town Mobile Home Sales, Inc. -- Authorization was given to sell 23.53 acres, more or less, out of the J. M. Beck Survey 42, Abilene Taylor County, Texas, to Abilene Town Mobile Home Sales, Inc., for a total consideration of \$29,412.50, payable as follows:

Cash (upon closing the sale)	\$ 16,812.50
Vendor's lien note, rate of 9 percent per annum, payable 120 equal monthly installments of \$159.63	<u>12,600.00</u>
	<u>\$ 29,412.50</u>

A commission of 6 percent will be paid by the University to Ray R. Lewis, Real Estate Broker, Abilene, Texas, plus the usual closing cost including title policy; and one-half of the cost of surveying will be borne by seller and one-half by purchaser.

This sale is subject to the zoning being changed from Residential Agriculture to Residential Trailer Homes, which application has been submitted to the Zoning Commission of the City of Abilene. If the zoning is not so changed, it will be reported no later than the Regents' meeting on June 14.

It was noted that this land was given in 1972 by H. D. Fulwiler and that under the terms of the gift the proceeds of this sale are to be used for the needs of the Athletic Department of The University of Texas at El Paso.

5. Galveston Medical Branch - Agnes Thelma Anderson Fund: Report of Details of Bequest and Sale of Residential Property (1714 Hawthorne Street) Houston, Texas, to H. A. and D. A. Shaner. -- The Administration reported that the bequest under the Will of Agnes Thelma Anderson, deceased, Houston, Texas, for the benefit of The University of Texas Medical Branch at Galveston (accepted by the Board of Regents on October 26, 1973) which will amount to approximately \$200,000 included the following:

- a. An undivided interest in the surface and minerals in 2,700 acres of land in Chambers County, Texas

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- b. Residential property at 1714 Hawthorne Street,  
Houston, Texas
- c. Cash and equivalents

The Land and Investment Committee authorized the sale of the residential property at 1714 Hawthorne Street, Houston, Texas, to H. A. and D. A. Shaner, through the realtor Pete Hawk, for \$28,500 cash with the University paying a 6% real estate commission.

It was noted that this property was appraised at \$28,500 when the title passed to the University.

### III. OTHER MATTERS

Report of Securities Transactions for Permanent University Fund and for Trust and Special Funds for the Months of December 1973 and January 1974. -- The Report of Securities Transactions for Permanent University Fund and for Trust and Special Funds for December 1973 and January 1974, submitted by the Office of Investments, Trusts and Lands, was received. It is attached (Attachment No. 2 ) following Page N-5 of Attachment No. 1 and made a part of these Minutes.

In this connection, Committee Chairman Garrett reported that he attended the second meeting of the Investment Advisory Committee and that Associate Deputy Chancellor Lobb made a very constructive presentation at this meeting which delineated the set up of the University.

Galveston Medical Branch: Proposed Professorship Received Too Late for Agenda Under H. B. No. 3, 63rd Leg., R. S., 1973. -- Committee Chairman Garrett reported that Chancellor LeMaistre had submitted to him on the day of the meeting a proposed gift of \$201,035 from The Cone Foundation, together with a Trust Indenture, for the establishment of The Robert Earl Cone Professorship in Urology at The University of Texas Medical Branch at Galveston. Under H. B. No. 3, 63rd Leg., R. S., 1973, the agenda for the Regents' meeting had been posted with the Secretary of State on March 11, 1974, and this item could not be finally considered at this meeting. Committee Chairman Garrett reported the item merely as a matter of information, and it will be listed on the agenda and submitted for approval at the Regents' meeting on May 3, 1974.



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MEDICAL AFFAIRS COMMITTEE (Pages 39 - 41 ). --In the absence of Regent Nelson, Chairman of the Medical Affairs Committee, Board Chairman McNeese presented to the Board of Regents the items on the agenda of the Medical Affairs Committee. These recommendations were approved unanimously as set out below:

1. Dallas Health Science Center (Dallas Medical School): Appointment of Dr. Paul MacDonald to Cecil H. and Ida Green Chair in Reproductive Biology. --Upon recommendation of President Sprague, concurred in by Chancellor LeMaistre, Dr. Paul MacDonald, Chairman of the Department of Obstetrics and Gynecology at The University of Texas Health Science Center at Dallas, was named the initial holder of the Cecil H. and Ida Green Chair in Reproductive Biology at the Dallas Medical School effective March 15, 1974.
2. Galveston Medical Branch (Galveston Medical School): Dr. George Herrmann Named Ashbel Smith Professor Emeritus. -- Upon recommendation of President Blocker, concurred in by Chancellor LeMaistre, Dr. George Herrmann, retired Ashbel Smith Professor of Medicine of The University of Texas Medical Branch at Galveston, was named Ashbel Smith Professor Emeritus effective with the date of his retirement, January 1, 1974.
3. Galveston Medical Branch (Galveston Allied Health Sciences School): Affiliation Agreements for Clinical Training of Allied Health Students with Shriners Hospitals for Crippled Children (Burns Institute), Galveston, Texas, The Children's Development Center, Dallas, Texas, and Community Living Center, Houston, Texas. --For the clinical training of allied health students at the Galveston Allied Health Sciences School of The University of Texas Medical Branch at Galveston, affiliation agreements were authorized with the facilities listed below. These agreements conform to the standard affiliation agreement approved by the Board of Regents on March 6, 1970, and the advance approval of these agreements conforms to the action taken by the Board of Regents on July 30, 1971, amending the processing procedure as approved on March 6, 1970. The Chairman of the Board of Regents was authorized to execute each of these agreements when it has been approved as to form by a University attorney and as to content by the Assistant to the Chancellor for Health Affairs and the Deputy Chancellor for Administration:

<u>Clinical Facility</u>	<u>Location</u>	<u>Specialty</u>
Shriners Hospitals for Crippled Children (Burns Institute)	Galveston	Occupational Therapy
The Children's Development Center	Dallas	Occupational Therapy
Community Living Center	Houston	Occupational Therapy

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4. System Nursing School: Affiliation Agreement with Audie L. Murphy Memorial Veterans Hospital in San Antonio. -- Upon the recommendation of President Willman, concurred in by Chancellor LeMaistre, the following Memorandum of Understanding between the Board of Regents of The University of Texas System, for and on behalf of The University of Texas School of Nursing, and the Audie L. Murphy Memorial Veterans Hospital in San Antonio was approved.

The Chairman of the Board of Regents was authorized to execute this document when it has been approved as to form by a University attorney and as to content by the Assistant to the Chancellor for Health Affairs and the Deputy Chancellor for Administration.

THE STATE OF TEXAS

COUNTY OF TRAVIS

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This MEMORANDUM OF UNDERSTANDING is executed on \_\_\_\_\_, 1974, between the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM, for and on behalf of The University of Texas System School of Nursing, hereinafter sometimes referred to as "University" in this document and the Audie L. Murphy Memorial Veterans Hospital, hereinafter sometimes referred to as "Facility" in this agreement,

WITNESSETH:

It is mutually agreed by the University and the Facility, that practical experience for students in the nursing program will be provided at the Facility.

The faculty of the University will assume responsibility for the selection and assignment of students to the learning experiences. There will be close planning between the Facility and the University faculty members prior to the learning experiences and continuous with them, including scheduling and work assignments. While in the Facility, students will conduct themselves in accordance with the rules and regulations of the Veterans Administration.

The Facility will retain full responsibility for the care of patients and will maintain administrative and professional supervision of students insofar as their presence affects the operation of the Facility and/or the direct or indirect care of patients.

Students will receive a thorough orientation to the hospital setting; and faculty members and Facility professional nursing personnel will evaluate student performance by mutual consultation and according to the guidelines outlined in the curriculum published by the University.

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The University does not and will not discriminate against any employee or applicant for employment or registration in the course of study because of race, color, creed, sex, or national origin.

An annual review of program and policies will be made.

This Memorandum of Understanding may be terminated by either party upon notice to the other six months in advance of the next training experience.

EXECUTED by the parties on the day and year first above written.

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM

WITNESSES:

\_\_\_\_\_  
Secretary

By \_\_\_\_\_  
Chairman

WITNESSES:

CLINICAL TEACHING FACILITY  
Audie L. Murphy Memorial Veterans Hospital

*Margaret L. Beck*  
\_\_\_\_\_  
Chief, Nursing Service

By *W. R. Byrd*  
\_\_\_\_\_  
W. R. BYRD  
Director, VA Hospital, San Antonio, TX

Approved as to Form:

Approved as to Content:

*Dunson Waldrep*  
\_\_\_\_\_  
University Attorney

*H. H. Kinsley*  
\_\_\_\_\_  
Assistant to the Chancellor for  
Health Affairs

*Carl D. Peltz*  
\_\_\_\_\_  
Deputy Chancellor for  
Administration

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## COMMITTEE OF THE WHOLE

The committee chairmen having completed the agenda of the various Standing Committees, Chairman McNeese presented as the next order of business the following items on the agenda of the Committee of the Whole, each of which was unanimously approved:

**REGENTS' RULES AND REGULATIONS, PART ONE: AMENDMENT TO CHAPTER VI, SECTION 6.5 (USE OF PHYSICAL FACILITIES BY OUTSIDE GROUPS).** --Upon the recommendation of Chancellor LeMaistre, the necessary rules were waived and Section 6.5 of Chapter VI of the Regents' Rules and Regulations, Part One, was amended by deleting Subsection 6.58 and by renumbering the present Subsection 6.59 as Subsection 6.58.

**U. T. SYSTEM: ESTABLISHMENT OF UNIVERSITY OF TEXAS SYSTEM CHAIR IN HONOR OF EUGENE McDERMOTT.** --Chancellor LeMaistre recommended that in recognition of the many substantial gifts to several components of The University of Texas System made by the late Eugene McDermott there be established the Eugene McDermott University of Texas System Chair effective September 1, 1974. This recommendation was adopted, and in addition thereto the Chair was assigned for the use and benefit of The University of Texas at Dallas until directed otherwise by the Board of Regents.

**U. T. AUSTIN: ESTABLISHMENT OF JACK G. TAYLOR PROFESSORSHIP IN BUSINESS, COLLEGE OF BUSINESS ADMINISTRATION.** --Approval was given to establish as outlined below the Jack G. Taylor Professorship in Business in the College of Business Administration at The University of Texas at Austin in accordance with the policy governing endowed professorships and with the understanding that the appointment to this professorship shall be made annually by the Board of Regents of The University of Texas System after receiving recommendations from the appropriate University officials. The Board of Regents expressed deep appreciation and gratitude for Mr. Taylor's continuing interest in and generous support of The University of Texas at Austin and particularly the College of Business Administration:

Purpose

The Jack G. Taylor Professorship is established for the purpose of encouraging faculty research and scholarly activity in the study of investments and money management. The Professorship will be awarded on a rotating basis.

Qualifications and Appointment

Any member of the faculty of the Graduate School of Business who holds the title of Professor or Visiting Professor and who has demonstrated competence in investment research or who, through his publications, is recognized as having expertise in money management with special interest, skill, or knowledge in money management and investments is eligible to be appointed to the Jack G. Taylor Professorship. The individual selected will hold the title of "The Jack G. Taylor Professor" and will receive all benefits therefrom for a period of not less than 2 years and not more than 6 years.

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Selection

"The Jack G. Taylor Professor" will be selected by the Dean after consultation with all full professors of the Graduate School of Business and Mr. Jack G. Taylor. Confirmation and final approval will be subject to University administrative and Regental rules.

Terms of Appointment

Simultaneously with the selection of the individual, the Dean will also determine the number of years that the individual will be appointed, but in no instance will the initial appointment be less than 2 years. Prior to the expiration of the initial term of the appointment if less than 6 years and if no new candidates are considered, the Dean may extend the appointment for any period from 1 to 4 additional years for a maximum of 6 years. At the end of 6 years, the Dean must consider other candidates for appointment as "The Jack G. Taylor Professor." (This does not preclude the current holder of the Professorship as an appropriate candidate.) The candidate selected at that time will be reconfirmed by the President of The University of Texas at Austin and/or the Board of Regents as appropriate and will serve no less than 2 years or for a maximum of 6 years as explained above.

Other Recognition

Each individual honored as "The Jack G. Taylor Professor" will be awarded at the time of his appointment an appropriate gift or plaque suitably engraved to commemorate his tenure as "The Jack G. Taylor Professor."

U. T. AUSTIN: REQUEST TO ESTABLISH PEAT, MARWICK, MITCHELL PROFESSORSHIP IN ACCOUNTING POSTPONED. --At the request of President Spurr, the recommendation to establish at The University of Texas at Austin the Peat, Marwick, Mitchell Professorship in Accounting was deferred.

U. T. AUSTIN: FUNDS FOR PROFESSORSHIP IN LAW ESTABLISHED MARCH 5, 1973 (DONORS REQUEST ANONYMITY). --Two gifts to the Law School Foundation were reported in the Docket on Page A-15 which gifts complete the funding of the Professorship in Law at The University of Texas at Austin to be funded by the Law School Foundation. This professorship, which the donors request remain anonymous at the present time, was established by the Board of Regents on March 5, 1973. Each of the donors of these two gifts has requested that his name be withheld presently and has also further requested that his gift be accepted in writing for this purpose both by the President of the Law School Foundation and by the Board of Regents of The University of Texas System.

The Chairman of the Board of Regents was authorized to join the President of the Law School Foundation in accepting the gift letters outlined in the foregoing paragraph.

U. T. AUSTIN: PROPOSAL TO JOIN WITH EX-STUDENTS' ASSOCIATION IN SPONSORING SECOND INTERNATIONAL ALUMNI CONFERENCE, APPOINTMENT OF "BLUE RIBBON" COMMITTEE, AND APPROPRIATION THEREFOR POSTPONED.--Regent Clark requested that his recommendation that The University of Texas at Austin join with the Ex-Students' Association in sponsoring a Second International Alumni Conference in 1975 with the theme "World Energy" be deferred until the May meeting. Regent Clark said that he had just learned of another event that had been planned on the same theme.

U. T. AUSTIN: AMENDMENT TO DECLARATION OF TRUST EXECUTED BY BOARD OF TRUSTEES OF STUDENT PUBLICATIONS (FORMERLY CALLED TEXAS STUDENT PUBLICATIONS, INC.). --The members of the Board of Regents received from President Spurr through appropriate channels a revised Declaration of Trust proposed by the Board of Operating Trustees for Student Publications (referred to as Texas Student Publications, Inc., prior to dissolution on October 1, 1971) at The University of Texas at Austin as well as a statement from the Law Office of The University of Texas regarding the revisions proposed. The Declaration of Trust was approved by the Board of Regents on September 8, 1971.

The statement from the Law Office advised that "the revisions suggested by the Board of Operating Trustees in the Preamble, Sections 4, 6, 9, and 23 delete material related to the initial organization and administration of Texas Student Publications under the Declaration of Trust and that such deletions for housekeeping purposes are not in keeping with good legal practice. In their opinion such a complete revision would be appropriate only where the Declaration of Trust was being renegotiated. The basic instrument should remain intact and any amendments concurred in by the Trustees and the Board of Operating Trustees should be attached thereto with an appropriate reference to the respective minute orders of approval. The provisions which the Board of Operating Trustees seek to delete are important to an understanding of the intent of the parties to the trust agreement with regard to the present status of the property and employees of the dissolved Texas Student Publications, Inc."

Chairman McNeese called on Chancellor LeMaistre to discuss the proposed changes in the Declaration of Trust executed by the Board of Trustees for Student Publications. In turn, Dr. LeMaistre called on President Spurr who presented Dr. Michael L. Moore, Chairman of the Board of Operating Trustees for Student Publications, who reviewed the changes proposed by his trustees.

Thereafter, the recommendation of President Spurr, concurred in by Chancellor LeMaistre, to amend Section 5A to read as follows and to disapprove the other proposed revisions was approved:

- A. Four undergraduate students out of the Journalism Department or Advertising Department of The University of Texas at Austin, elected (two to be elected in even-numbered years and two to be elected in odd-numbered years after the initial election; at the initial election under these rules all four shall be elected with provision for staggered terms as hereinafter set out) by those students certified by the chairman of such department as

being journalism or advertising majors, and those students with less than 60 hours who are registered in the School of Communication as certified by the Dean of that School. Said election is to be held at least three weeks before the spring government election each year pursuant to the rules established by the Operating Trustees. No student shall be eligible to be a candidate for a position on the Board of Operating Trustees unless he has completed or will have completed by the end of the spring semester in which the election is held twelve hours of journalism or advertising courses, is in good standing (not on scholastic probation), and has completed at least one semester in residence in the long term at The University of Texas at Austin. The eligibility of a candidate must be certified to by the chairman of the Department of Journalism or Advertising prior to the time of said election.

President Spurr was authorized to report this action to the Board of Operating Trustees and to report back to the Board of Regents at a later meeting whether the Board of Operating Trustees accepted or rejected the amendment to Section 5A. If the Board of Operating Trustees accepted the amendment, then President Spurr was instructed to report to the Board of Operating Trustees that the amendment as approved should be attached to the Declaration of Trust indicating the date of the minute order approving it.

**U. T. AUSTIN: CHANGES IN PRICES FOR 1974 FOOTBALL TICKETS FOR (1) STUDENT TICKETS FOR OUT-OF-TOWN NONCONFERENCE GAMES, (2) OKLAHOMA UNIVERSITY GAME, AND (3) KNOTHOLE TICKETS FOR HOME FOOTBALL GAMES.** --For 1974 football tickets at The University of Texas at Austin, authorization was given to make the following changes in the existing prices:

1. Student tickets for all out-of-town nonconference games shall be sold at the full established price.
2. Tickets for the Oklahoma University game in Dallas shall be \$8.50.
3. Knothole tickets for junior and senior high school students and servicemen for home football games shall be \$2.00. It was noted that this \$1.00 increase is in accordance with Southwest Conference Policy.

**U. T. AUSTIN - TOREADOR TRUST FUND FOR SALARY SUPPLEMENTATION SCHOOL OF LAW: REAPPOINTMENT OF ROBERT K. JEWETT AND APPOINTMENT OF MARK MARTIN, DIRECTORS OF TOREADOR ROYALTY CORPORATION.** --Authorization was given to vote the proxy for the re-election of Mr. Robert K. Jewett, Houston, Texas, and for the election of Mr. Mark Martin, Dallas, Texas, to succeed Mr. Sawnie Robertson, Dallas, Texas, deceased, as directors of Toreador Royalty Corporation at the next annual stockholders' meeting which will probably be in May 1974.



**U. T. SAN ANTONIO: REQUEST FOR AUTHORIZATION TO SOLICIT PROPOSALS FOR OPERATION OF ON-CAMPUS BOOKSTORE POSTPONED.** --President Flawn's request, concurred in by Deputy Chancellor Walker and Chancellor LeMaistre, to solicit proposals for the operation of an on-campus bookstore (textbook and supply system) at The University of Texas at San Antonio by a third party for-profit entrepreneur was discussed at length and postponed until the May 1974 Regents' meeting. It was noted that this would be a departure from the procedure followed at all institutions with respect to leasing space in U. T. buildings to third party for-profit operators. Regent Erwin suggested that President Flawn confer with the presidents of the other institutions who have or will have similar problems.

**GALVESTON MEDICAL BRANCH (MARINE BIOMEDICAL INSTITUTE) LEE B. STONE APPOINTED MEMBER OF NATIONAL ADVISORY COMMITTEE.** --Mr. Lee B. Stone, Houston, Texas, upon the recommendation of President Blocker, concurred in by Chancellor LeMaistre, was appointed a member of the National Advisory Committee of the Marine Biomedical Institute of The University of Texas Medical Branch at Galveston.

Membership on this Advisory Committee is limited to twenty, and each member serves without fixed term. The present membership, including this appointment, is nineteen and is set out below:

Mr. Hines Baker, Houston  
 Mr. Rex G. Baker, Jr., Houston  
 Mr. William H. Bauer, La Ward  
 Dr. Cecil H. Green, Dallas  
 Mr. Marcus Greer, Houston  
 Dr. A. Baird Hastings, La Jolla, California  
 Mrs. John Leddy Jones, Dallas  
 Mr. Jack S. Josey, Houston  
 Dr. Blair Justice, Houston  
 Mr. Rai Kelso, Galveston  
 C. J. Lambertsen, M.D., Philadelphia, Pennsylvania  
 Dr. Willard H. Libby, Los Angeles, California  
 Mr. Carl A. Savit, Houston  
 Dr. Francis O. Schmidt, Boston, Massachusetts  
 Dr. Frederick Seitz, New York, New York  
 Dr. H. Burr Steinbach, Woods Hole, Massachusetts  
 Mr. Lee B. Stone, Houston  
 Mr. James C. Storm, Corpus Christi  
 Mr. Clark W. Thompson, Washington, D. C.

**SYSTEM NURSING SCHOOL: TRANSFER OF STATE APPROPRIATED FUNDS (ALLOCATION UNDER HOUSE BILL NO. 139, 63RD LEGISLATURE, R. S., 1973) TO LINE ITEM APPROPRIATIONS FOR INSTRUCTIONAL SALARIES.** --A report was received that the Coordinating Board, Texas College and University System, had approved at its meeting on March 8, 1974, the allocation of \$611,606 to The University of Texas System School of Nursing. This is the amount allocated by the Coordinating Board under House Bill 139, 63rd Legislature, R. S., 1973, to finance nursing student enrollment increases.



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Regent Erwin inquired as to why the allocation was less than had been anticipated. President Willman explained that (1) the doctoral program had not been approved by the Coordinating Board in time to be instituted in the Fall of 1973, (2) there were fewer students taking the masters' program and (3) a number of undergraduate level students registered for 12 hours rather than 15 hours so that the Fall 1973 semester credit hours produced were less than had been estimated.

Regent Erwin said that he was disturbed about the number of qualified applicants to the nursing schools who could not promptly be accepted but were told they would have to wait from 6 to 18 months before they could enter, and urged that every effort be put forth to increase the enrollment in the nursing schools of the System.

Thereafter, upon the request of President Willman, the Board of Regents authorized Deputy Chancellor Walker to submit to the State Comptroller for his approval (1) additions to be made to the line item appropriations for Instructional Salaries in each of the individual nursing schools from this allocation and (2) transfers from other nursing school appropriation line items resulting from the receipt of these additional General Revenue funds.

**U. T. AUSTIN: REORGANIZATION OF 1974-75 LONG SESSION STUDENT SERVICES FEE (REQUIRED), STUDENT SERVICES FEE (OPTIONAL), AND STUDENT SPOUSE SERVICES FEE (OPTIONAL), AND APPOINTMENT OF REGENTAL-ADMINISTRATIVE COMMITTEE TO ESTABLISH DOLLAR FEES FOR OPTIONAL SERVICES.** --Chairman McNeese called for consideration of the reorganization of 1974-75 Long Session Student Services Fee (Required), Student Services Fee (Optional), and Student Spouse Services Fee (Optional). The following material from the Administration was furnished to the Regents in support of the Administration's recommendations:

By letter dated January 7, 1974, President Spurr transmitted to System Administration his recommendation for the establishment of an optional fee for Women's Intercollegiate Athletics.

By letter dated February 18, 1974, President Spurr forwarded to System Administration his recommendations regarding the 1974-75 Student Services Fee (Required), Student Services Fee (Optional), and Student Spouse Services Fee (Optional).

However, by letter dated January 31, 1974, the State Auditor requested the Attorney General to render his opinion as to the level of semester credit hour enrollment at which the maximum student services fee of \$30 should be attained under Section 54.503(b) of the Texas Education Code, as that section was amended by the 63rd Legislature in 1973. In his letter the Auditor correctly points out that under the several different interpretations of the section by the State's senior colleges and universities the maximum \$30 fee is attained at levels ranging all the way from 9 hours to 15 hours.

During the current 1973-74 school year the required student services fee at U. T. Austin is set at \$3.50 per semester credit hour with the \$30 maximum fee imposed for 9 or more semester credit hours, while at

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both U. T. Arlington and U. T. El Paso the fee is set at \$2 per semester credit hour with the \$30 maximum fee imposed for 15 or more semester credit hours. The substantially higher fee at U. T. Austin for the current year was necessitated by the fact that the amended version of Section 54.503(b) was not enacted until so late in the Legislative session that there was insufficient time for the student activities funded by the fee to reduce their budgeted expenditures in the current year by amounts that would have been required by a \$2 or \$2.50 fee.

Upon learning of the State Auditor's January 31 opinion request, System Administration inquired when the Attorney General's opinion would likely be available and was informally advised that the opinion would probably not be issued until well after the March 15th meeting of the Board of Regents. Upon inquiry, System Administration was unofficially advised by the staff of the Coordinating Board that the Attorney General's office had been obtaining relevant information from the Board and that it appeared that the Attorney General was likely to rule that the maximum \$30 fee should be attained at either the 12 hour level or the 15 hour level, which would have the effect of requiring U. T. Austin to reduce its fee to either \$2.50 per semester credit hour (if the maximum is attained at 12 hours) or \$2 per semester credit hour (if the maximum is attained at 15 hours). Either ruling would result in a drastic decrease in the amount of money produced by the fee at U. T. Austin.

Since the Vice-President for Business Affairs at U. T. Austin advised that he could not wait until the next (May 3rd) meeting of the Board of Regents to print the 1974-75 pre-registration material for U. T. Austin and since the Attorney General's opinion was unavailable, System Administration requested the U. T. Law Office to render its opinion as to the effect of the statute in question. A copy of the U. T. Law Office's opinion is on Page 53 and holds that under the statute the maximum fee at U. T. Austin should be attained at the level of 12 semester credit hours and, therefore, that the per semester credit hour fee should be set at \$2.50. The U. T. Law Office opinion relies on the purpose of the statutory amendment expressed in the bill caption and on the fact that at U. T. Austin 12 semester credit hours is the minimum academic load for full-time undergraduate students. (p. 80 of the U. T. Austin General Information Bulletin). However, that conclusion is also supported by the fact that when the Coordinating Board calls for the several state senior colleges and universities to report their mandatory charges and fees, it directs that the required student services fee be reported at the level of 12 semester credit hours, thereby appearing to agree that 12 semester credit hours is the minimum academic load for full-time undergraduate students.

On the other hand, when the Coordinating Board computes full-time equivalent statistics based on 12th class day enrollments, it divides the semester credit hours by 15, thereby indicating that 15 semester credit hours may be the load for full-time students, and if the Attorney General should adopt that view, the per semester credit hour fee at U. T. Austin would have to be set at \$2.

However, in reliance upon the U. T. Law Office opinion and in view of the other considerations outlined above, System Administration and U. T. Austin Administration recommend that the 1974-75 Student Services Fee (Required) be established at the rate of \$2.50 per semester credit hour, with the total

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fee per semester not to exceed \$30. This will result in all students registered for 12 or more semester credit hours paying the maximum fee. It will also result in graduate and part-time students registered for 11 hours or less paying lower fees per semester as follows:

	1973-74	1974-75
11 hours	\$ 30.00	\$ 27.50
10 hours	30.00	25.00
9 hours	30.00	22.50
8 hours	28.00	20.00
7 hours	24.50	17.50
6 hours	21.00	15.00
5 hours	17.50	12.50
4 hours	14.00	10.00
3 hours	10.50	7.50
2 hours	7.00	5.00
1 hour	3.50	2.50

Of course, if the Attorney General rules that the per semester credit hour fee can be levied at only \$2 per hour, U. T. Austin will have to make partial refunds to all students registered for less than 15 hours and further substantial reductions will have to be made in the amounts allocated to student activities out of the funds produced by the mandatory student services fee.

The 1973-74 Student Services Fee (Required) of \$3.50 per semester credit hour is estimated to produce approximately \$2,770,000 during the 12-month period ending August 31, 1974, and is budgeted as follows:

	1973-74 Budget
<b>ESTIMATED INCOME</b>	
Fall Semester	\$ 1,156,179
Spring Semester	1,088,693
Summer Session	525,000
Total Estimated Income	<u>\$ 2,769,872</u>
<b>BUDGETED TRANSFERS</b>	
Student Identification Cards	\$ 59,650
Student Health Center	1,324,408
Intramural Program	355,231
Shuttle Bus Service	744,000
Student Publications	136,650
Student Government Association (including \$51,054 for Student Attorney)	72,167
Senior Cabinet for Allocation to Student Councils	10,000
Total Transfers	<u>\$ 2,702,106</u>
<b>ESTIMATED EXCESS INCOME</b>	\$ 67,766

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Since the reduced fee of \$2.50 per semester credit hour is estimated to produce only \$2,539,000 in revenue (a reduction of more than \$230,000 below the current year), it is obvious that some activities previously funded from the Student Services Fee (Required) can no longer be supported - at least not at their present levels.

The situation is further aggravated by the fact that the University will be required to increase its payments for the Shuttle Bus Service by at least \$50,000 next year in order to compensate for the dramatic increase in the price of fuel that could not have been reasonably anticipated at the time the bus contract was executed.

Therefore, in view of (1) the necessity of new funding for the Women's Intercollegiate Athletic Program, (2) the substantial increase of the cost of the Shuttle Bus Service, and (3) the substantial reduction in the income that will be produced by the Student Services Fee (Required), it is recommended that effective with the beginning of the 1974-75 Long Session:

(1) The University pay from its funds the cost of the Student Identification Cards, thereby relieving the Student Services Fee (Required) of an annual expense of approximately \$60,000.

(2) The University pay from its funds all additional cost of the Shuttle Bus Service due to the increased cost of fuel, thereby relieving the Student Services Fee (Required) of an additional expense of at least \$50,000.

(3) The following activities continue to be funded from the Student Services Fee (Required) at their current levels except for the mandatory 3.4 percent salary increase required by legislation passed last year:

	<u>1974-75 Budget</u>
(a) Students Attorney	54,994
(b) Student Health Center	1,388,685
(c) Intramural Program	371,157
(d) Shuttle Bus Service	744,000
	<u>\$2,558,836</u>

(4) The following activities, which cannot be funded from the required fee, be made individually available to students on an optional positive check-off basis:

- (a) Men's Intercollegiate Athletics
- (b) Women's Intercollegiate Athletics
- (c) The Daily Texan
- (d) Cultural Entertainment
- (e) Student Government, \*including Student Association office, Election Commission, Senior Cabinet, and Student Councils
- (f) The Cactus
- (g) Parking -
- (h) Lockers

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\* Student Government is a general term for the items listed.

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(5) The following activities be made individually available to student spouses on an optional positive check-off basis:

- (a) Men's Intercollegiate Athletics
- (b) Women's Intercollegiate Athletics
- (c) Cultural Entertainment

It is further recommended that U. T. Austin, following consultation with the groups concerned, develop recommendations for the dollar amounts of the fees necessary to fund the activities included in the optional fee category and, since those fees must be fixed prior to the May meeting of the Board of Regents, that a Regental-Administrative Committee be appointed by the Chairman and authorized to establish the individual fees to be collected beginning in the Fall, 1974 for each of the above listed optional activities.

Finally, it should be noted that The Daily Texan, Cultural Entertainment, and Student Government are each fully funded by current student fees through August 31, 1974. By that date the Attorney General's opinion will have been forthcoming and the pre-registration results will have indicated what financial support these activities can expect to receive from the students on an optional basis. Therefore, there remains a five-month period within which appropriate financial adjustments can be made if they are deemed either necessary or desirable in order to meet situations that may arise during that period.

Sandy Kress, President of the Students' Association at The University of Texas at Austin, was recognized and appeared in opposition to the proposed reorganization of the 1974-75 Student Services Fees. His written statement is in the Secretary's files.

(Regent Clark retired from the meeting at 12:00 o'clock because of a prior commitment to leave the City.)

At the conclusion of Mr. Kress' presentation, he asked Chairman McNeese if Cappy McGarr, the Vice-President of the Students' Association, and Frank Fleming and Bill Parrish, the newly elected President and Vice-President, could appear before the Board. Chairman McNeese assented and all three appeared and spoke in opposition to the proposed reorganization. At the request of President Spurr, Dr. Michael Moore, Chairman of the Board of Operating Trustees of Student Publications, spoke briefly and requested that The Daily Texan be allowed to remain on the Student Services Fee (Required).

After these presentations, upon motion of Regent Erwin, seconded by Regent Bauerle, the foregoing recommendations of the Administration were approved, to-wit:

1. The Student Services Fee (Required) for 1974-75 was set at the rate of \$2.50 per semester credit hour with the total fee per semester not to exceed \$30.
2. The University will pay from its funds the cost of the Student Identification Cards, thereby relieving the Student Services Fee (Required) of an annual expense of approximately \$60,000.

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3. The University will pay from its funds all additional cost of the Shuttle Bus Service due to the increased cost of fuel, thereby relieving the Student Services Fee (Required) of an additional expense of at least \$50,000.
4. The following activities will continue to be funded from the Student Services Fee (Required) at their current levels except for the mandatory 3.4 percent salary increase required by legislation passed last year, and the allocation for the 1974-75 budget will be:

	1974-75 Budget
a. Students Attorney	\$ 54,994
b. Student Health Center	1,388,685
c. Intramural Program	371,157
d. Shuttle Bus Service	744,000
Total	<u>\$ 2,558,836</u>

5. Student Services Fee (Optional) for 1974-75 will include the following activities that will be made individually available to students on an optional positive check-off basis. These activities cannot be funded from the required fee:

- a. Men's Intercollegiate Athletics
- b. Women's Intercollegiate Athletics
- c. The Daily Texan
- d. Cultural Entertainment
- e. Student Government, including Student Association office, Election Commission, Senior Cabinet, and Student Councils
- f. The Cactus
- g. Parking
- h. Lockers

President Spurr in his presentation asked that (a) Men's Intercollegiate Athletics and (b) Women's Intercollegiate Athletics be bracketed.

6. Student Services Fee (Optional) will include the following activities that will be made individually available to student spouses on an optional positive check-off basis:

- a. Men's Intercollegiate Athletics
- b. Women's Intercollegiate Athletics
- c. Cultural Entertainment

7. Following consultation with the groups concerned, U. T. Austin was instructed to develop recommendations for the dollar amounts of the fees necessary to fund the activities included in the optional fee category; since those fees must be fixed prior to the May meeting of the Board of Regents in order to prepare pre-registration material, the Chairman of the Board of Regents was authorized to appoint a Regental-Administrative Committee to establish the individual fees to be collected at the beginning of the 1974 Fall Semester for each of the above listed optional activities.

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Since the meeting, Chairman McNeese has notified the Secretary that he had named the following Regental-Administrative Committee in compliance therewith:

Regent Erwin (Chairman)  
Deputy Chancellor Walker  
President Spurr

## MEMORANDUM

To: Charles A. LeMaistre, M.D.,  
Chancellor, The University of Texas System

From: W. O. Shultz, University Attorney

Subject: Method for Assessing Compulsory Student Services  
Fees Charged Pursuant to Section 54.503, Texas  
Education Code

In 1973 the 63rd Legislature amended Subsection (b) of Section 54.503 of the Texas Education Code relating to the assessment and collection of student services fees at institutions of higher education. The Attorney General of Texas has been requested by the State Auditor to rule as to how this amendment affects the assessment and collection of such fees. (A copy of the Auditor's request is attached hereto.) Since the fee schedules for 1974-75 registration must be prepared and sent to the printer before the probable release of the Attorney General's opinion, you have requested that this office review that same question and render its own opinion.

Prior to the amendment in question, Subsection (b) of Section 54.503 read as follows:

"(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."

In applying this subsection, all students were assessed a uniform amount as compulsory student services fees regardless of the number of semester credit hours for which a student may have registered. The only limitation observed was the maximum of thirty (\$30.00) dollars fixed by the statute.



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House Bill No. 83, Acts 1973, 63rd Legislature, Chapter 641, Page 1759, amended Subsection (b) of Section 54.503 to provide as follows:

"(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 services fees collected from a student for any one semester or summer session shall not exceed \$30. All compulsory student services fees charged and collected under this section by the governing board of an institution of higher education, other than a public junior college, shall be assessed in proportion to the number of semester credit hours for which a student registers. No fee for parking services or facilities may be levied on a student unless the student desires to use the parking facilities provided."

The substantive change to the subsection is the addition of the sentence which reads:

"All compulsory student services fees charged and collected under this section by the governing board of an institution of higher education, other than a public junior college, shall be assessed in proportion to the number of semester credit hours for which a student registers."

It is obvious that the addition of this language was intended to effect a change in the practice of assessing and collecting a uniform amount from all students as compulsory student services fees. Although it is clear from this language that the amount of such compulsory fees assessed a student is to be based upon the number of semester credit hours for which the student registers, it is not clear at which point the total amount of all compulsory student services must be paid.

To this extent, Subsection (b) of Section 54.503, as amended, is ambiguous, and, in order to resolve this ambiguity, we must ascertain what the Legislature intended to accomplish by enacting House Bill No. 83 and be guided by that intent. Gilmore v. Waples, 108 Tex. 167, 188 S.W. 1037(1916); Winder v. King, 1 S.W.2d 587(Tex.Comm.App. 1928). In arriving at the Legislative intent, we cannot look only to one phrase, clause, sentence, or section of House Bill No. 83. We must consider all parts of the Act, including the caption, body, and emergency clause. Popham v. Patterson, 121 Tex. 615, 51 S.W.2d 680(1932); Trawalter v. Schaefer, 142 Tex. 521, 177 S.W.2d 765(1944); State v. Aransas Dock & Channel Co., 365 S.W.2d 220(Tex.Civ.App. 1963, error ref.).

After considering all portions of the Act, we find that the intent of the Legislature is expressed in the caption, which reads as follows:

"An Act giving financial relief to part-time and graduate students enrolled in state-supported institutions of higher education, other than public junior



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junior colleges, by requiring that all building use and student services fees in such institutions be levied and collected on a per semester credit hour basis; amending Section 55.16, Texas Education Code, and Subsection (b), Section 54.503, Texas Education Code; providing for severability; repealing all laws in conflict; and declaring an emergency." (emphasis added)

It is evident from the caption that the enactment of House Bill No. 83 was motivated by a desire to correct what the legislature perceived to be an inequity in the existing statute, i.e., the assessment and collection of the same compulsory student services fees from part-time and graduate students as from full-time undergraduate students. It was well within the province of the Legislature to conclude that part-time and graduate students should not bear the same burden of financial support for student services as full-time undergraduate students, and to afford them relief by apportioning their financial responsibility for such services on the basis of the semester credit hours for which they are registered. We find no express intent on the part of the legislature to relieve the full-time student from payment of the total assessment for compulsory student services fees. That intent should not be implied. The only limitation upon the amount of such fees which may be assessed and collected from a full-time student is the thirty (\$30.00) dollar limit established by the statute.

The distinguishing feature for assessing and collecting compulsory student services fees under Subsection (b) of Section 54.503, Texas Education Code, as amended, is the status of the student. The application of the statute can best be illustrated by using The University of Texas at Austin as an example. Under the provisions on page 80 of the General Information Bulletin of the catalogue of that institution, an undergraduate student may not carry less than twelve hours a week without signed approval of his dean. We construe this to mean all undergraduate students registered for twelve semester credit hours are considered to be full-time students at that institution, and those registered for less than that number, with approval of their dean, are part-time students. Consequently, all undergraduate students registered at that institution for twelve or more semester credit hours may be charged a fixed amount not exceeding thirty (\$30.00) dollars as compulsory student services fees, and all part-time and graduate students may only be charged one-twelfth (1/12) of that amount per semester credit hour. If the maximum amount of thirty (\$30.00) dollars is charged full-time students, then part-time and graduate students may be charged only at the rate of \$2.50 per semester credit hour.

Please do not hesitate to call on this office if you have any additional questions about this matter.

Yours truly,

/s/ W. O. Shultz

W. O. Shultz  
University Attorney

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U. T. AUSTIN: AUTHORIZATION TO AMEND CONTRACT WITH MONSANTO COMPANY, ST. LOUIS, MISSOURI, FOR REPLACEMENT OF SYNTHETIC TURF AT MEMORIAL STADIUM AND PRACTICE FIELD AND APPROPRIATION THEREFOR. --A report was received from the Administration that the AstroTurf (guaranteed for 10 years) on the field of Memorial Stadium at The University of Texas at Austin has become faded and has had excessive wear in some portions of the field. Although Monsanto Company is obligated to keep the stadium in satisfactory playing condition, there is evidence that there is some water seepage in the base material and this has contributed to excessive wear and a deterioration of the playing surface.

System Administration reminded the Regents that the AstroTurf was installed five years ago in the Memorial Stadium and also on the practice field. However, it was installed on the practice field as an experiment and without cost to the University.

Professor J. Neils Thompson and members of System Administration staff have been negotiating with Monsanto Company with respect to the replacement of the AstroTurf at Memorial Stadium and at the practice field. After a discussion of an amendment to the original contract with Monsanto Company as had been proposed by Monsanto Company, the following action was taken:

1. The Chairman of the Board of Regents was authorized to execute an amendment to the original contract with Monsanto Company covering the installation of the Synthetic Turf (AstroTurf) at Memorial Stadium and the practice field at The University of Texas at Austin when the instrument has been approved as to form by a University attorney and as to content by Deputy Chancellor Walker. The amendment will cover the removal and replacement of the synthetic turf and base pads at a total cost of \$300,000.
2. Monsanto Company was authorized to proceed with the work on the practice field beginning March 18, 1974, and to proceed with the work on the stadium on July 1, 1974.
3. An appropriation of \$300,000 for this project was authorized: \$150,000 from U. T. Austin Intercollegiate Athletics Operating Reserve and \$150,000 from Interest on Permanent University Fund Bond Proceeds.

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## REPORT OF BOARD FOR LEASE OF UNIVERSITY LANDS

Regent Garrett, Vice-Chairman of the Board for Lease of University Lands, reported that the Board for Lease of University Lands last met in the General Land Office in Austin, Texas, on Monday, February 25, 1974.

At this meeting after a discussion of the various regulations that had been adopted by the Cost of Living Council and the Federal Energy Office of the U. S. Government and the applicable statutory and lease provisions concerning University Lands, the Board for Lease unanimously adopted a resolution requesting the Commissioner of the General Land Office and the Attorney General of Texas to take without dispatch any and all action necessary to recover for the benefit of the Permanent University Fund all of the oil royalties to which it may be entitled under the law.

## EXECUTIVE SESSION ITEMS

Chairman McNeese reported that the items on the agenda of the Committee of the Whole - Executive Session relating to potential litigation with respect to the Graduate School of Business Administration Building at The University of Texas at Austin and litigation arising out of a gift previously made to The University of Texas at Austin were discussed but no action was taken or any decisions reached.

## OTHER MATTERS

U. T. SYSTEM: AMENDMENT TO BANK DEPOSITORY PROGRAM. -- At the Request of Regent Bauerle, the amendment to the Bank Depository Program was deferred.

ITEM FOR THE RECORD - U. T. SYSTEM: RATIFICATION OF LEASE AGREEMENT WITH THE UNIVERSITY OF TEXAS FOUNDATION, INC., FOR BEECHCRAFT KING AIRE A-100 TURBO-PROP., REG. NO. 9050-V. --At the Regents' meeting on December 7, 1973, the Chairman of the Board of Regents was authorized to execute a lease agreement with The University of Texas Foundation, Inc., for the leasing of an airplane when the details had been incorporated and the instrument finalized and approved as to form by a University attorney and as to content by the Deputy Chancellor for Administration.

As requested, the document to be submitted to the Chairman for his signature was reported to the Board of Regents as an item for the record and was ratified. On Pages 58 - 62 is a copy of the lease agreement.

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LEASE AGREEMENT

This Agreement is between The University of Texas Foundation, Inc., a Texas non-profit corporation of Austin, Travis County, Texas, hereinafter called Lessor, and the Board of Regents of The University of Texas System, hereinafter called Lessee, acting on behalf of The University of Texas System.

For and in consideration of the considerations expressed herein, Lessor and Lessee agree as follows:

1. Property Leased. Lessor hereby leases to Lessee for the sole use and benefit of The University of Texas System a passenger airplane described as a Beechcraft King Aire A-100 turbo-prop, registration No. N 9050-V.
2. Maintenance and Repair. Lessor shall at all times maintain the leased aircraft in such state of repair and operating condition as may be necessary to qualify same for a currently effective Air Worthiness Certificate and to comply with all applicable requirements of the Federal Aviation Agency or any other state or federal governmental agency having jurisdiction with regard to the maintenance, condition or operation of said aircraft. All cost and expenses of required maintenance, repairs, certificates, permits, and licenses shall be paid by Lessor, and Lessor shall be entitled to all salvage from broken or worn out aircraft parts.
3. Location of Aircraft. Lessor shall maintain the leased aircraft in Austin, Travis County, Texas. Necessary and appropriate hangar facilities for such aircraft and office space for the pilots for such aircraft

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shall be provided at the cost of Lessor at Browning Aerial Service or such other private aircraft facility as may be mutually agreed upon in writing by Lessor and Lessee.

4. Pilots. The leased aircraft shall be in charge of two duly licensed pilots holding current, effective certificates issued by the Civil Aeronautics Board. The pilots shall be paid by the Lessor, shall be under the sole control of the Lessor, and shall be available to operate the Leased aircraft at such times as may be required by Lessee. The persons to be employed as pilots for the leased aircraft shall be mutually agreed upon by the Lessor and Lessee. The decision of the pilots with regard to the safety of the aircraft shall be final. If for any reason one or both of the regularly employed pilots shall be unavailable or unable to act as pilot of the leased aircraft at a time when Lessee shall require the use of same, one or two persons, whichever shall be required, who are duly qualified and licensed to pilot the leased aircraft, may be employed at the expense of the Lessor upon a temporary basis during the unavailability or disability of the regularly employed pilot or pilots. Should the occasion for the services of a temporary pilot or pilots arise the Lessee shall have the right to select same from a list of persons which shall be mutually agreed upon from time to time by the Lessor and Lessee.

5. Insurance and Indemnification. Lessor shall secure and pay for such policy or policies of workmens' compensation insurance as may be necessary to comply with the laws of the State of Texas or any other state in which the leased aircraft may be operated under this lease. The Lessor shall secure and pay for an insurance policy or policies protecting against loss, liability, or damage to

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persons (both passengers and non-passengers) and property arising out of the operation, possession, management, maintenance, repair, or control of the leased aircraft whether during flight, take off, landing, taxi-ing, or otherwise. The amount or amounts of such liability insurance policy or policies shall be mutually agreed upon in writing by the Lessor and Lessee. Lessor shall further secure and pay for an insurance policy which shall insure Lessor against loss of or damage to the leased aircraft as a result of storm, collision, fire, theft, pilferage, vandalism, crack-up, or any other act or occurrence which may result in loss of or damage to such aircraft. The lessor shall indemnify Lessee for and hold Lessee harmless against any loss, liability or damage arising out of any injury or claim of injury to person or property as a result of the operation of the leased aircraft under the provisions of and during the term of this lease agreement.

6. Restrictions. The leased aircraft shall not be operated by anyone other than a licensed pilot employed in accordance with the terms of this lease agreement; nor shall the leased aircraft be operated at anytime during the existence of any known defect which makes such aircraft unsafe for operation or when in the opinion of the pilot existing weather conditions make operation of the aircraft unsafe. Lessor shall be responsible for assuring that the leased aircraft is operated and maintained in compliance with all applicable federal, state, and local laws or regulations and Lessor shall be solely responsible for all fines, penalties, or forfeitures arising out of the violation thereof.

7. Scheduling. Lessor shall schedule the use of the leased aircraft pursuant to the directions of such person or persons as shall be designated by Lessee. Such person or persons

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shall be identified to Lessor by written designation of Lessee, and through such designated person or persons Lessee shall inform Lessor of all details relating to the use of the aircraft on a particular occasion, including the identity of the passengers who are to be transported.

8. Taxes. Lessor shall be solely responsible for the payment of all taxes of every kind which may become due and payable as a consequence of the ownership, maintenance, repair, or operation of the leased aircraft and same shall not be or become a charge against Lessee.

9. Consideration. For and in consideration of the performance of the covenants of this agreement by Lessor, the Lessee agrees and promises to pay to Lessor the sum of Two Hundred Dollars (\$200.00) for each hour of actual flying time that Lessee shall use the leased aircraft. The hours of actual flying time for which Lessee shall be obligated to pay shall be computed from the pilot's log which shall be maintained in connection with the operation of the leased aircraft. Lessor shall submit to Lessee on the first day of each month a statement of the actual flying time that Lessee has used the leased aircraft during the previous month and on or before the 10th day following receipt of such statement, the Lessee shall pay Lessor for such use at the rate stated herein. Should Lessee disagree with the statement of actual flying time submitted by Lessor, Lessee shall immediately notify Lessor and Lessee shall be entitled to verification of such statement by examination of the pilot's log.

10. Duration of Agreement. The initial period of this agreement shall be from the date of execution through the 31st day of August, 1975. Thereafter, at the option of Lessee, this agreement shall be renewable for the period of the then effective Appropriation Act passed by the Legislature of the



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State of Texas, and each like period thereafter. This agreement may be modified during any effective period only by mutual agreement of the Lessor and Lessee. Either party to this agreement may effect cancellation by at least six (6) months written notice to the other party.

Signed and executed for the consideration expressed herein this \_\_\_\_\_ day of \_\_\_\_\_, 1974.

ATTEST:

THE UNIVERSITY OF TEXAS FOUNDATION, INC.  
LESSOR

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

ATTEST:

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM  
LESSEE

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

By: *Cull Walker*  
Deputy Chancellor for  
Administration

By: *Rena Wilson*  
University Attorney



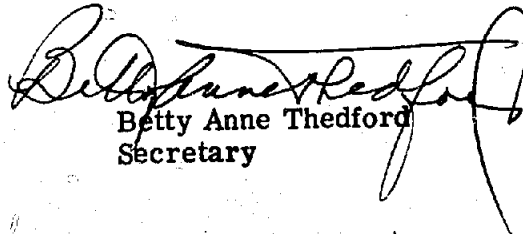
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**FUTURE MEETINGS OF THE BOARD.** --Before retiring to Room 209 for the Executive Session of the Committee of the Whole, Chairman McNeese reported that he had mentioned to Regent Nelson, who was absent, the desirability of scheduling all Regents' meetings in Austin until the energy problem is solved. He said he had not had an opportunity to mention this to Vice-Chairman Williams, who was also absent, but that he would like to ask the other members of the Board of Regents to consider this before the meetings were scheduled later in the session. He suggested that the Administration have as few people as possible from the institutions in attendance at the meetings.

The following meetings were scheduled:

May 3, 1974, in Austin  
June 14, 1974, in Austin  
July 19, 1974, in Austin  
September 20, 1974, in Austin

**ADJOURNMENT.** --There being no further business, the meeting was duly adjourned at 12:20 p. m.

  
Betty Anne Thedford  
Secretary

March 21, 1974