



UNIVERSITY OF HOUSTON SYSTEM

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SG

RQ-47

March 18, 1991

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Opinion Committee

The Honorable Dan Morales  
Attorney General of Texas  
Supreme Court Building  
Austin, Texas 78711-2548

Re: Request for an Attorney General's Opinion  
1989 Tex. Gen. Laws, ch. 1263, §10, at 5670

Dear General Morales:

The Board of Regents of the University of Houston System has asked me to request your interpretation of the above-referenced provision of the Appropriations Act. Section 10 provides:

**TELEVISION STATIONS PROHIBITED.** None of the moneys appropriated in this Article may be expended for the acquisition, construction, or operation of television transmitter stations; provided, however, this provision shall not be construed so as to prevent the institutions of higher education named in this Article from using closed-circuit television for purely educational purposes, or to prevent institutions with existing transmitter stations to use them for educational purposes, or to prevent the continuance of operating arrangements with existing transmitter stations for purely educational purposes.

Our research indicates that this section has appeared in the Appropriations Act since at least 1958 and that there have been no changes in the wording of the section since that time.

The University of Houston System owns and operates KUHT, a public broadcasting station. The broadcasting license is held by the Board of Regents of the University of Houston System. The university does not expend state appropriated dollars in the operation of the station.

We request a general interpretation of the section. Additionally, your responses to the following specific questions would be appreciated:

1. Does the phrase ". . . however, this provision shall not be construed so as to . . . prevent institutions with existing transmitter stations to use them for educational purposes" allow the university to use state appropriated funds for the operation of an existing public broadcast station?

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2. If not, does section 10 absolutely prohibit the expenditure of state appropriated funds for anything having to do with KUHT? Are there activities, perhaps janitorial service or purchase of office supplies, which might be considered as collateral so as not to be considered part of the "operation of a television transmitter station?" Could we use appropriated funds for these collateral activities?
3. What constitutes an "educational purpose?" Presumably, a public broadcasting station licensed to an institution of higher education cannot engage in any programming activity which is not educational in nature.

As you know, the issue of funding is especially critical for all state agencies this fiscal year. Your guidance would be greatly appreciated.

Sincerely,



Alexander F. Schilt  
Chancellor

AFS/ars

cc: B. Dell Felder  
Grover Campbell  
Nancy Footer

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