

BILL ANALYSIS

Senate Research Center
79R10480 JRJ-D

H.B. 1102
By: Miller (Fraser)
Education
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

By statute, universities within The Texas A&M University System have the authority to assess a student center complex fee to construct, operate maintain, improve and equip a student center not to exceed \$100 per student each long semester and \$50 per student for each term of the summer session. Current law requires that initial assessment of the fee, as well as any increase in the fee be approved by a majority vote of the students. The student center complex fees are authorized at institutions across the state and many of these universities have the authority to raise the fee without a student referendum. In addition, universities within The Texas A&M University System may assess a recreational sports fee of up to \$100 per long semester for financing, constructing, operating, maintaining, and improving recreational sports facilities and programs. The fee may not be initially levied or increased from year to year unless approve by a majority vote of students voting in a general election.

Tarleton State University needs the flexibility to adjust student center complex fees and recreation sports fees for fluctuations in costs associated with programs supported by these fees. Students should have the ability to approve significant increases; the provision of increases up to 10 percent in a year does not impact their authority.

H.B. 1102 permits Tarleton State University to increase both the student center complex fee and the recreational sports fee up to 10 percent without a student referendum provided that the fees may still not exceed the maximum amounts provided by statute.

Additionally, H.B. 1102 authorizes Tarleton State University to assess an intercollegiate athletic fee not to exceed \$10 per semester credit hour upon receiving student approval through an election. Increases in the fee up to five percent would have to be approved by majority vote of the legislative body of the student government, and any increase above five percent would have to be approved by a student body vote.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.521(e), Education Code, to prohibit the fee authorized by this section (Student Center Complex Fees; Texas A&M System) from being increased from one academic year to the next unless the increase has been approved by a majority vote of the students at the affected institution participating in a general election called for that purpose, except that at Tarleton State University the fee is authorized to be increased by not more than 10 percent from one academic year to the next without holding an election.

SECTION 2. Amends Section 54.539(c), Education Code, to make conforming changes.

SECTION 3. Amends Subchapter E, Chapter 54, Education Code, by adding Section 54.5394, as follows:

Sec. 54.5394. INTERCOLLEGIATE ATHLETICS FEE: TARLETON STATE UNIVERSITY. (a) Authorizes the board of regents of The Texas A&M University

System to impose an intercollegiate athletics fee on each student enrolled at Tarleton State University in an amount not to exceed \$10 per semester credit hour.

(b) Prohibits the amount of the fee imposed on a student in a semester or session from exceeding the amount of the fee imposed on a student enrolled in 13 semester credit hours during the same semester or session.

(c) Prohibits the fee from being imposed unless approved by a majority vote of the students of the university participating in a general student election held for that purpose.

(d) Authorizes the amount of the fee per semester credit hour to be increased from one academic year to the next only if approved by a majority vote of the legislative body of the student government of the university. Requires the increase, if the amount of the increase exceeds five percent, to also be approved by a majority vote of the students of the university participating in a general student election held for that purpose.

(e) Authorizes a fee imposed under this section to be used to develop and maintain an intercollegiate athletics program at the university.

(f) Provides that a fee imposed under this section is in addition to any other fee authorized by law and may not be considered in determining the maximum amount of student services fees that is authorized to be imposed under Section 54.503 (Student Services Fees).

SECTION 4. Makes application of this Act prospective to the 2005 fall semester.

SECTION 5. Effective date: upon passage or September 1, 2005.