

BILL ANALYSIS

C.S.H.B. 1102
By: Miller
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 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. The statute 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. Tarleton State University needs the flexibility to adjust student center complex fees for fluctuations in utilities, personnel, technology, and other operating costs without having to initiate a student vote. Students should have the right to approve significant increases; the provision of increases up to 10% in a year does not impact that important authority. This legislation would allow Tarleton State University to increase Student Center Complex fees up to 10% without a student referendum; any increase above 10%, would require one. The fee may still not exceed the maximum amounts provided in statute.

In addition, the Texas A&M University System may assess a recreational sports fee of up to \$100 per long semester for financing, construction, operating, maintaining, and improving new and existing recreational sports facilities and programs. The fee may not be initially levied or increased from year to year unless approved by a majority vote of students voting in a general election. Tarleton State University needs the flexibility to also adjust these fees up to 10% without a student referendum.

Currently, there have been seven public universities which have been granted legislative authority to assess an intercollegiate athletics fee which supports intercollegiate athletic programs. This substitute allows Tarleton State University to assess an intercollegiate athletic fee not to exceed \$10 per semester credit hour if the students approve through an election. Increases in the fee up to 5%, would have to be approved by majority vote of the legislative body of the student government, and any increase above 5%, would have to be approved by a student body vote.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Allows Tarleton State University to increase the Student Center Complex fee up to 10% from one academic year to the next without holding a student election.

SECTION 2. Allows Tarleton State University to increase the Recreational Sports fee up to 10% from one academic year to the next without holding a student election.

SECTION 3. Allows the board of regents of the Texas A&M University System to impose an intercollegiate athletic fee on enrolled students up to \$10 per semester credit hour.

The fee may not exceed the amount imposed on a student enrolled in 13 semester credit hours during the same semester or session.

The fee must be approved by the majority of students participating in the election held for this purpose.

The amount of the fee per semester credit hour may be increased from one academic year to the next only if approved by a majority vote of the legislative body of the student government. If the amount of the increase exceeds five percent, the increase must also be approved by a majority vote of the student population participating in the election held for this purpose.

The fee imposed may be used to develop and maintain an intercollegiate athletics program at the university.

The fee imposed under this section is in addition to any other fee authorized by law and may not be considered in determining the amount of student services fees that may be imposed under Section 54.503.

Section 4. This Act applies beginning with the 2005 fall semester.

Section 5. Effective date.

EFFECTIVE DATE

This Act takes effect immediately if it receives a two-thirds vote of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends the original measure to include changes for two other student fees for Tarleton State University.