

AN ACT

relating to authorizing a sports recreation and wellness facility fee at The University of Texas--Pan American.

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

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5421 to read as follows:

Sec. 54.5421. SPORTS RECREATION AND WELLNESS FACILITY FEE; THE UNIVERSITY OF TEXAS--PAN AMERICAN. (a) The board of regents of The University of Texas System may charge each student enrolled at The University of Texas--Pan American a sports recreation and wellness facility fee to finance, construct, operate, maintain, or improve sports recreation and wellness programs and facilities at the university. The amount of the fee may not exceed \$75 for each semester of the regular term or for each summer session.

(b) The fee may not be imposed unless the fee is approved by a majority vote of those students voting in a general student election called for that purpose.

(c) The board may not increase the amount of the fee from one academic year to the next unless the amount of the increase is approved by a majority vote of those students voting in a general student election called for that purpose.

(d) The board shall deposit the revenue from the fee in an account known as The University of Texas--Pan American sports recreation and wellness facility account.

1 (e) The board may pledge revenue from the fee to pay
2 obligations issued pursuant to the revenue financing system of The
3 University of Texas System.

4 (f) A fee imposed under this section may not be considered
5 in determining the maximum amount of student services fees that may
6 be charged under Section 54.503.

7 (g) The board may permit a person who is not enrolled at The
8 University of Texas--Pan American to use a facility financed with
9 revenue from a fee imposed under this section if:

10 (1) the person's use of the facility will not
11 materially interfere with student demand or use;

12 (2) the person is charged a fee that is not less than
13 the student fee and that is not less than the direct and indirect
14 cost to the university of providing for the person's use; and

15 (3) the person's use will not materially increase the
16 potential liability of the university.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect on the 91st day after the last day of the
22 legislative session.

President of the Senate

Speaker of the House

I certify that H.B. No. 258 was passed by the House on April 7, 2005, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 258 was passed by the Senate on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor