

1-1 By: Pena (Senate Sponsor - Hinojosa) H.B. No. 258
1-2 (In the Senate - Received from the House April 11, 2005;
1-3 April 12, 2005, read first time and referred to Subcommittee on
1-4 Higher Education; May 9, 2005, reported favorably to Committee on
1-5 Education; May 16, 2005, reported favorably from Committee on
1-6 Education by the following vote: Yeas 5, Nays 0; May 16, 2005,
1-7 sent to printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to authorizing a sports recreation and wellness facility
1-11 fee at The University of Texas--Pan American.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter E, Chapter 54, Education Code, is
1-14 amended by adding Section 54.5421 to read as follows:

1-15 Sec. 54.5421. SPORTS RECREATION AND WELLNESS FACILITY FEE;
1-16 THE UNIVERSITY OF TEXAS--PAN AMERICAN. (a) The board of regents of
1-17 The University of Texas System may charge each student enrolled at
1-18 The University of Texas--Pan American a sports recreation and
1-19 wellness facility fee to finance, construct, operate, maintain, or
1-20 improve sports recreation and wellness programs and facilities at
1-21 the university. The amount of the fee may not exceed \$75 for each
1-22 semester of the regular term or for each summer session.

1-23 (b) The fee may not be imposed unless the fee is approved by
1-24 a majority vote of those students voting in a general student
1-25 election called for that purpose.

1-26 (c) The board may not increase the amount of the fee from one
1-27 academic year to the next unless the amount of the increase is
1-28 approved by a majority vote of those students voting in a general
1-29 student election called for that purpose.

1-30 (d) The board shall deposit the revenue from the fee in an
1-31 account known as The University of Texas--Pan American sports
1-32 recreation and wellness facility account.

1-33 (e) The board may pledge revenue from the fee to pay
1-34 obligations issued pursuant to the revenue financing system of The
1-35 University of Texas System.

1-36 (f) A fee imposed under this section may not be considered
1-37 in determining the maximum amount of student services fees that may
1-38 be charged under Section 54.503.

1-39 (g) The board may permit a person who is not enrolled at The
1-40 University of Texas--Pan American to use a facility financed with
1-41 revenue from a fee imposed under this section if:

1-42 (1) the person's use of the facility will not
1-43 materially interfere with student demand or use;

1-44 (2) the person is charged a fee that is not less than
1-45 the student fee and that is not less than the direct and indirect
1-46 cost to the university of providing for the person's use; and

1-47 (3) the person's use will not materially increase the
1-48 potential liability of the university.

1-49 SECTION 2. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect on the 91st day after the last day of the
1-54 legislative session.

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