

By: Ellis

S.B. No. 1389

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a limitation on increases in the total amount of tuition
3 and compulsory fees charged by public institutions of higher
4 education.

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

6 SECTION 1. Subchapter A, Chapter 54, Education Code, is
7 amended by adding Section 54.011 to read as follows:

8 Sec. 54.011. LIMITATION ON INCREASE IN TOTAL AMOUNT OF
9 TUITION AND COMPULSORY FEES. (a) In this section, "compulsory fee"
10 has the meaning assigned by Section 54.503.

11 (b) The total amount of tuition and compulsory fees charged
12 by an institution of higher education to a student in an academic
13 year may not exceed an amount equal to the sum of:

14 (1) as determined by the institution at the beginning
15 of the academic year, the lesser of:

16 (A) an amount equal to 10 percent of the amount of
17 the difference between the median income for four-person families
18 in this state, as determined by the United States Census Bureau,
19 during the most recent year for which that data is available and the
20 year preceding that year; or

21 (B) \$150; and

22 (2) the total amount of tuition and compulsory fees
23 charged by the institution to a similarly situated student in the
24 preceding academic year.

1 (c) For purposes of Subsection (b), students are similarly
2 situated if they share the same residency status, degree program,
3 course load, course level, tuition exemption status, and other
4 circumstances affecting the tuition and compulsory fees charged to
5 the student.

6 (d) Subsection (b) does not ensure that the total amount of
7 tuition and compulsory fees charged to an individual student does
8 not increase to an amount that exceeds the amount permitted by that
9 subsection based on a change in the student's residency status,
10 degree program, course load, course level, tuition exemption
11 status, or other circumstance affecting the tuition and compulsory
12 fees charged to the student.

13 (e) If as a result of a required statutory increase in
14 tuition or a compulsory fee an institution of higher education
15 would charge more in tuition and compulsory fees for an academic
16 period than permitted by Subsection (b) because the institution
17 does not have sufficient time before the beginning of the academic
18 period to adjust its tuition and compulsory fee charges:

19 (1) tuition for which rates are prescribed under
20 Section 54.051 or another provision prescribing tuition rates shall
21 be charged at those required rates; and

22 (2) the amount designated as tuition under Section
23 54.0513 or another provision authorizing an institution to
24 establish tuition rates, and the amount of a compulsory fee that is
25 not prescribed by law, must each be reduced by the same percentage
26 as necessary to comply with Subsection (b), except that the
27 institution is not required to reduce a fee that is approved by a

1 majority vote of the institution's students participating in a
2 general student election held for that purpose.

3 (f) The Texas Higher Education Coordinating Board may adopt
4 rules as necessary to administer this section.

5 SECTION 2. This Act applies beginning with the total amount
6 of tuition and compulsory fees charged by public institutions of
7 higher education for the 2005-2006 academic year.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.