

BILL ANALYSIS

Senate Research Center
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H.B. 3114
By: Swinford (Zaffirini)
S/C on Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Most public institutions of higher education charge student fees to pay for various services, facilities, and student-related activities. Institutions must have statutory authorization to levy student fees. During past legislative sessions, multiple components within The Texas A&M University System (A&M System) have brought forth recommendations for new fee statutes as well as modifications for the existing A&M System fees.

H.B. 3114 provides an omnibus student fee bill for the A&M System. This bill authorizes student fees for various A&M system component institutions. This bill creates a new student fee advisory committee at each institution of the A&M System that will review all increases and uses of student service-related system-wide fees. The bill authorizes new intercollegiate fees at Texas A&M International University, West Texas A&M University, and Texas A&M University--Commerce a student vote referendum to enact those fees. This bill requires the amount of the fees to not be increased to an amount that exceeds by 10 percent or more the total amount of the fees as last approved by a majority vote of the student bodies at those respective institutions.

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 54.5031(a), Education Code, to provide that a student fee advisory committee (committee) is not established at the institutions of The Texas A&M University System (A&M System).

SECTION 2. Amends Subchapter E, Chapter 54, Education Code, by adding Section 54.5032, as follows:

Sec. 54.5032. STUDENT FEE ADVISORY COMMITTEE; THE TEXAS A&M UNIVERSITY SYSTEM. (a) Establishes a committee at each component institution of the A&M System (institution) to advise the board of regents and the administration of the institution on the type, amount, and expenditure of compulsory fees for student services under Section 54.503 (Student Services Fees), for student health and medical services under Section 54.507, for student center facilities under Section 54.521 (Student Center Facility Fees: Texas A&M University System), and for recreational sports under Section 54.539 (Recreational Sports Fee: The Texas A&M University System).

(b) Sets forth the composition of each nine-member committee.

(c) Requires the student government, if the institution has a student government, to appoint three students to serve two-year terms on the committee and two students to serve one-year terms on the committee. Requires the students enrolled at an institution that does not have a student government to elect three students to serve two-year terms on the committee and two students to serve one-year terms on the committee. Requires a candidate for a position on the committee to designate whether the position is for a one-year or two-year term.

(c-1) Provides that this subsection expires September 1, 2009. Provides that, notwithstanding Subsection (c), a person serving on the committee under Section 54.5031 (Student Fee Advisory Committee) at an institution to which this section applies on the date this section takes effect is considered to be a member of the committee established at the institution under this section for the same term that the person is serving when this section takes effect and provides that a person appointed, elected, or otherwise selected to serve on the committee under Section 54.5031 at an institution to which this section applies before the date this section takes effect for a term that was to begin on or after the date this section takes effect is considered to have been appointed, elected, or otherwise selected to serve on the committee established at the institution under this section for the same term.

(d) Requires a student member of the committee who withdraws from the institution to resign from the committee.

(e) Requires a vacancy in an appointive position on the committee to be filled for the unexpired portion of the term in the same manner as the original appointment. Requires a vacancy in an elective position on the committee to be filled for the unexpired portion of the term by appointment by the president of the institution.

(f) Requires the committee to study the type, amount, and expenditure of compulsory fees imposed under Sections 54.503, 54.507, 54.521, and 54.539, and requires the committee to meet with appropriate administrators of the institution, to submit a written report on that study, and to recommend the type, amount, and expenditure of the compulsory fees to be charged for the next academic year.

(g) Requires the president of the institution to consider the report and recommendations of the committee before recommending the student fee budget to the board of regents each year. Requires the president of the institution, if the president's recommendations to the board of regents are substantially different from the committee's recommendations to the president, to notify the committee not later than the last date on which the committee is authorized to request an appearance at the meeting of the board of regents at which the student fee budget will be considered.

SECTION 3. Amends Sections 54.539(a), (c), (d), and (e), Education Code, as follows:

(a) Authorizes the Board of Regents of the Texas A&M University System (board), if approved by student vote at an institution, to charge students at an institution a recreational sports fee not to exceed \$175 for each regular semester and not to exceed \$87.50 for each term of each summer session, rather than not to exceed \$100 a semester or 12-week summer session or \$50 a six-week summer session. Makes a nonsubstantive change.

(c) Prohibits the amount of the fee authorized by this section from being increased to an amount that exceeds by 10 percent or more the total amount of the fee that is in effect on September 1, 2007, or as last approved by a student vote under this subsection, rather than prohibiting the fee authorized by this section from being increased at all, 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. Deletes existing text authorizing the fee at Tarleton State University to be increased by not more than 10 percent from one academic year to the next without holding an election.

(d) Authorizes the board, if, in an academic year, the total compulsory fee charged under this section is proposed to be increased by an amount less than an amount that would require a student election under Subsection (c), to hold a public meeting, in lieu of an election, on the increase at which students have the opportunity to comment before the increase takes effect. Deletes existing text prohibiting a fee from being imposed under

this section until the semester in which a campus recreational sports facility will be available for use.

(e) Deletes existing text prohibiting a recreational sports fee from being collected after the 20th anniversary of the date it is first collected or after all bonded indebtedness for any campus recreational sports facility for which the fee receipts are pledged is paid, whichever is later.

SECTION 4. Amends Subchapter E, Chapter 54, Education Code, by adding Sections 54.5395, 54.5396, and 54.5397, as follows:

Sec. 54.5395. INTERCOLLEGIATE ATHLETICS FEES; TEXAS A&M INTERNATIONAL UNIVERSITY. (a) Authorizes the board to impose an intercollegiate athletics fee on each student enrolled at Texas A&M International University. Prohibits the fee from being imposed unless approved by a majority vote of the students participating in a general student election held at the university for that purpose.

(b) Prohibits the amount of the fee from exceeding \$5 per semester credit hour for each regular semester or summer session, unless the amount is increased as provided by Subsection (c).

(c) Prohibits the amount of the fee from being increased to an amount that exceeds by 10 percent or more the total amount of the fee as last approved by a student vote under Subsection (a) or this subsection unless the increase has been approved by a majority vote of the students enrolled at the university who participate in a general student election held for that purpose.

(d) Requires a student enrolled in more than 15 semester credit hour to pay the fee in an amount equal to the amount imposed on a student enrolled in 15 semester credit hours during the same semester or session.

(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 is prohibited from being considered in determining the amount of student services fees that are authorized to be imposed under Section 54.503.

Sec. 54.5396. INTERCOLLEGIATE ATHLETICS FEES; WEST TEXAS A&M UNIVERSITY. (a) Authorizes the board to impose an intercollegiate athletics fee on each student enrolled at West Texas A&M University. Prohibits the fee from being imposed unless approved by a majority vote of the students participating in a general student election held at the university for that purpose.

(b) Prohibits the amount of the fee from exceeding \$10 per semester credit hour for each regular semester or summer session, unless the amount is increased as provided by Subsection (c).

(c) Prohibits the amount of the fee from being increased to an amount that exceeds by 10 percent or more the total amount of the fee as last approved by a student vote under Subsection (a) or this subsection unless the increase has been approved by a majority vote of the students enrolled at the university who participate in a general student election held for that purpose.

(d) Requires a student enrolled in more than 13 semester credit hours to pay the fee in an amount equal to the amount imposed on a student enrolled in 13 semester credit hours during the same semester or session.

(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 is prohibited from being considered in determining the amount of student services fees that are authorized to be imposed under Section 54.503.

Sec. 54.5397. INTERCOLLEGIATE ATHLETICS FEES; TEXAS A&M UNIVERSITY--COMMERCE. (a) Authorizes the board to impose an intercollegiate athletics fee on each student enrolled at Texas A&M University--Commerce. Prohibits the fee from being imposed unless approved by a majority vote of the students participating in a general student election held at the university for that purpose.

(b) Prohibits the amount of the fee from exceeding \$10 per semester credit hour for each regular semester or summer session, unless the amount is increased as provided by Subsection (c).

(c) Prohibits the amount of the fee from being increased to an amount that exceeds by 10 percent or more the total amount of the fee as last approved by a student vote under Subsection (a) or this subsection unless the increase has been approved by a majority vote of the students enrolled at the university who participate in a general student election held for that purpose.

(d) Requires a student enrolled in more than 13 semester credit hours to pay the fee in an amount equal to the amount imposed on a student enrolled in 13 semester credit hours during the same semester or session.

(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 is prohibited from being considered in determining the amount of student services fees that are authorized to be imposed under Section 54.503.

SECTION 5. Makes application of this Act prospective to the 2007 fall semester.

SECTION 6. Effective date: upon passage or September 1, 2007.