

1-1 By: Swinford (Senate Sponsor - Zaffirini) H.B. No. 3114  
1-2 (In the Senate - Received from the House May 7, 2007;  
1-3 May 8, 2007, read first time and referred to Subcommittee on Higher  
1-4 Education; May 18, 2007, reported favorably from Committee on  
1-5 Education by the following vote: Yeas 8, Nays 0; May 18, 2007,  
1-6 sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to student fees at component institutions of The Texas A&M  
1-10 University System.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 54.5031(a), Education Code, is amended  
1-13 to read as follows:

1-14 (a) A student fee advisory committee is established at each  
1-15 institution of higher education except The University of Texas at  
1-16 Austin and the institutions of The Texas A&M University System to  
1-17 advise the governing board and administration of the institution on  
1-18 the type, amount, and expenditure of compulsory fees for student  
1-19 services under Section 54.503 of this code.

1-20 SECTION 2. Subchapter E, Chapter 54, Education Code, is  
1-21 amended by adding Section 54.5032 to read as follows:

1-22 Sec. 54.5032. STUDENT FEE ADVISORY COMMITTEE; THE TEXAS A&M  
1-23 UNIVERSITY SYSTEM. (a) A student fee advisory committee is  
1-24 established at each component institution of The Texas A&M  
1-25 University System to advise the board of regents and the  
1-26 administration of the institution on the type, amount, and  
1-27 expenditure of compulsory fees for student services under Section  
1-28 54.503, for student health and medical services under Section  
1-29 54.507, for student center facilities under Section 54.521, and for  
1-30 recreational sports under Section 54.539.

1-31 (b) Each committee is composed of the following nine  
1-32 members:

1-33 (1) five student members who are enrolled for not less  
1-34 than six semester credit hours at the institution and who are  
1-35 representative of all students enrolled at the institution,  
1-36 selected under Subsection (c); and

1-37 (2) four members who are representative of the entire  
1-38 institution, appointed by the president of the institution.

1-39 (c) If the institution has a student government, the student  
1-40 government shall appoint three students to serve two-year terms on  
1-41 the committee and two students to serve one-year terms on the  
1-42 committee. If the institution does not have a student government,  
1-43 the students enrolled at the institution shall elect three students  
1-44 to serve two-year terms on the committee and two students to serve  
1-45 one-year terms on the committee. A candidate for a position on the  
1-46 committee must designate whether the position is for a one-year or  
1-47 two-year term.

1-48 (c-1) This subsection expires September 1, 2009.  
1-49 Notwithstanding Subsection (c):

1-50 (1) a person serving on the student fee advisory  
1-51 committee under Section 54.5031 at an institution to which this  
1-52 section applies on the date this section takes effect is considered  
1-53 to be a member of the student fee advisory committee established at  
1-54 the institution under this section for the same term that the person  
1-55 is serving when this section takes effect; and

1-56 (2) a person appointed, elected, or otherwise selected  
1-57 to serve on the student fee advisory committee under Section  
1-58 54.5031 at an institution to which this section applies before the  
1-59 date this section takes effect for a term that was to begin on or  
1-60 after the date this section takes effect is considered to have been  
1-61 appointed, elected, or otherwise selected to serve on the student  
1-62 fee advisory committee established at the institution under this  
1-63 section for the same term.

1-64 (d) A student member of the committee who withdraws from the

2-1 institution must resign from the committee.

2-2 (e) A vacancy in an appointive position on the committee  
 2-3 shall be filled for the unexpired portion of the term in the same  
 2-4 manner as the original appointment. A vacancy in an elective  
 2-5 position on the committee shall be filled for the unexpired portion  
 2-6 of the term by appointment by the president of the institution.

2-7 (f) The committee shall:

2-8 (1) study the type, amount, and expenditure of the  
 2-9 compulsory fees imposed under Sections 54.503, 54.507, 54.521, and  
 2-10 54.539; and

2-11 (2) meet with appropriate administrators of the  
 2-12 institution, submit a written report on the study under Subdivision  
 2-13 (1), and recommend the type, amount, and expenditure of the  
 2-14 compulsory fees to be charged for the next academic year.

2-15 (g) Before recommending the student fee budget to the board  
 2-16 of regents each year, the president of the institution shall  
 2-17 consider the report and recommendations of the committee. If the  
 2-18 president's recommendations to the board of regents are  
 2-19 substantially different from the committee's recommendations to  
 2-20 the president, the president of the institution shall notify the  
 2-21 committee not later than the last date on which the committee may  
 2-22 request an appearance at the meeting of the board of regents at  
 2-23 which the student fee budget will be considered. On request of a  
 2-24 member of the committee, the president of the institution shall  
 2-25 provide the member with a written report of the president's  
 2-26 recommendations to the board of regents.

2-27 SECTION 3. Sections 54.539(a), (c), (d), and (e), Education  
 2-28 Code, are amended to read as follows:

2-29 (a) If approved by student vote at an institution, the Board  
 2-30 of Regents of The Texas A&M University System may charge students at  
 2-31 a component institution of [~~such institutions within~~] The Texas A&M  
 2-32 University System a recreational sports fee not to exceed \$175 for  
 2-33 each regular [~~\$100 a~~] semester and not to exceed \$87.50 for each  
 2-34 term of each [~~or 12-week~~] summer session [~~or \$50 a six-week summer~~  
 2-35 session]. The fee may be used only for financing, constructing,  
 2-36 operating, maintaining, and improving new and existing  
 2-37 recreational sports facilities and programs at the designated  
 2-38 institution [~~university~~].

2-39 (c) The amount of the fee authorized by this section may not  
 2-40 be increased to an amount that exceeds by 10 percent or more the  
 2-41 total amount of the fee that is in effect on September 1, 2007, or as  
 2-42 last approved by a student vote under this subsection [~~from one~~  
 2-43 academic year to the next] unless the increase has been approved by  
 2-44 a majority vote of the students at the affected institution  
 2-45 participating in a general election called for that purpose[~~,~~  
 2-46 except that at Tarleton State University the fee may be increased by  
 2-47 not more than 10 percent from one academic year to the next without  
 2-48 holding an election]. The fee may not exceed the maximum amounts  
 2-49 provided by Subsection (a).

2-50 (d) If, in an academic year, the total compulsory fee  
 2-51 charged under this section is proposed to be increased by an amount  
 2-52 less than an amount that would require a student election under  
 2-53 Subsection (c), the board of regents of The Texas A&M University  
 2-54 System may, in lieu of an election, hold a public meeting on the  
 2-55 increase at which students have the opportunity to comment before  
 2-56 the increase takes effect [A fee may not be imposed under this  
 2-57 section until the semester in which a campus recreational sports  
 2-58 facility will be available for use].

2-59 (e) Each university shall collect any student recreational  
 2-60 sports fee imposed under this section and shall deposit the money  
 2-61 collected in an account to be known as the student recreational  
 2-62 sports account. [A recreational sports fee may not be collected  
 2-63 after the 20th anniversary of the date it is first collected or  
 2-64 after all bonded indebtedness for any campus recreational sports  
 2-65 facility for which the fee receipts are pledged is paid, whichever  
 2-66 is later.]

2-67 SECTION 4. Subchapter E, Chapter 54, Education Code, is  
 2-68 amended by adding Sections 54.5395, 54.5396, and 54.5397 to read as  
 2-69 follows:

3-1 Sec. 54.5395. INTERCOLLEGIATE ATHLETICS FEES; TEXAS A&M  
 3-2 INTERNATIONAL UNIVERSITY. (a) The board of regents of The Texas  
 3-3 A&M University System may impose an intercollegiate athletics fee  
 3-4 on each student enrolled at Texas A&M International University. The  
 3-5 fee may not be imposed unless approved by a majority vote of the  
 3-6 students participating in a general student election held at the  
 3-7 university for that purpose.

3-8 (b) The amount of the fee may not exceed \$5 per semester  
 3-9 credit hour for each regular semester or summer session, unless the  
 3-10 amount is increased as provided by Subsection (c).

3-11 (c) The amount of the fee may not be increased to an amount  
 3-12 that exceeds by 10 percent or more the total amount of the fee as  
 3-13 last approved by a student vote under Subsection (a) or this  
 3-14 subsection unless the increase has been approved by a majority vote  
 3-15 of the students enrolled at the university who participate in a  
 3-16 general student election held for that purpose.

3-17 (d) A student enrolled in more than 15 semester credit hours  
 3-18 shall pay the fee in an amount equal to the amount imposed on a  
 3-19 student enrolled in 15 semester credit hours during the same  
 3-20 semester or session.

3-21 (e) A fee imposed under this section may be used to develop  
 3-22 and maintain an intercollegiate athletics program at the  
 3-23 university.

3-24 (f) A fee imposed under this section is in addition to any  
 3-25 other fee authorized by law and may not be considered in determining  
 3-26 the amount of student services fees that may be imposed under  
 3-27 Section 54.503.

3-28 Sec. 54.5396. INTERCOLLEGIATE ATHLETICS FEES; WEST TEXAS  
 3-29 A&M UNIVERSITY. (a) The board of regents of The Texas A&M  
 3-30 University System may impose an intercollegiate athletics fee on  
 3-31 each student enrolled at West Texas A&M University. The fee may not  
 3-32 be imposed unless approved by a majority vote of the students  
 3-33 participating in a general student election held at the university  
 3-34 for that purpose.

3-35 (b) The amount of the fee may not exceed \$10 per semester  
 3-36 credit hour for each regular semester or summer session, unless the  
 3-37 amount is increased as provided by Subsection (c).

3-38 (c) The amount of the fee may not be increased to an amount  
 3-39 that exceeds by 10 percent or more the total amount of the fee as  
 3-40 last approved by a student vote under Subsection (a) or this  
 3-41 subsection unless the increase has been approved by a majority vote  
 3-42 of the students enrolled at the university who participate in a  
 3-43 general student election held for that purpose.

3-44 (d) A student enrolled in more than 13 semester credit hours  
 3-45 shall pay the fee in an amount equal to the amount imposed on a  
 3-46 student enrolled in 13 semester credit hours during the same  
 3-47 semester or session.

3-48 (e) A fee imposed under this section may be used to develop  
 3-49 and maintain an intercollegiate athletics program at the  
 3-50 university.

3-51 (f) A fee imposed under this section is in addition to any  
 3-52 other fee authorized by law and may not be considered in determining  
 3-53 the amount of student services fees that may be imposed under  
 3-54 Section 54.503.

3-55 Sec. 54.5397. INTERCOLLEGIATE ATHLETICS FEES; TEXAS A&M  
 3-56 UNIVERSITY—COMMERCE. (a) The board of regents of The Texas A&M  
 3-57 University System may impose an intercollegiate athletics fee on  
 3-58 each student enrolled at Texas A&M University—Commerce. The fee  
 3-59 may not be imposed unless approved by a majority vote of the  
 3-60 students participating in a general student election held at the  
 3-61 university for that purpose.

3-62 (b) The amount of the fee may not exceed \$10 per semester  
 3-63 credit hour for each regular semester or summer session, unless the  
 3-64 amount is increased as provided by Subsection (c).

3-65 (c) The amount of the fee may not be increased to an amount  
 3-66 that exceeds by 10 percent or more the total amount of the fee as  
 3-67 last approved by a student vote under Subsection (a) or this  
 3-68 subsection unless the increase has been approved by a majority vote  
 3-69 of the students enrolled at the university who participate in a

4-1 general student election held for that purpose.

4-2 (d) A student enrolled in more than 13 semester credit hours  
4-3 shall pay the fee in an amount equal to the amount imposed on a  
4-4 student enrolled in 13 semester credit hours during the same  
4-5 semester or session.

4-6 (e) A fee imposed under this section may be used to develop  
4-7 and maintain an intercollegiate athletics program at the  
4-8 university.

4-9 (f) A fee imposed under this section is in addition to any  
4-10 other fee authorized by law and may not be considered in determining  
4-11 the amount of student services fees that may be imposed under  
4-12 Section 54.503.

4-13 SECTION 5. The change in law made by this Act applies  
4-14 beginning with a fee imposed for the 2007 fall semester. A fee  
4-15 imposed for an academic period before the 2007 fall semester is  
4-16 covered by the law in effect immediately before the effective date  
4-17 of this Act, and the former law is continued in effect for that  
4-18 purpose.

4-19 SECTION 6. This Act takes effect immediately if it receives  
4-20 a vote of two-thirds of all the members elected to each house, as  
4-21 provided by Section 39, Article III, Texas Constitution. If this  
4-22 Act does not receive the vote necessary for immediate effect, this  
4-23 Act takes effect September 1, 2007.

4-24 \* \* \* \* \*