

By: Hinojosa, et al.

S.B. No. 105

A BILL TO BE ENTITLED

AN ACT

1
2 relating to limitations on increases in fees and designated tuition
3 charged by public institutions of higher education.

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

5 SECTION 1. Subchapter E, Chapter 54, Education Code, is
6 amended by adding Section 54.5001 to read as follows:

7 Sec. 54.5001. STUDENT APPROVAL REQUIRED FOR FEE INCREASE.
8 Unless the law authorizing the imposition of a fee expressly
9 provides that this section does not apply to the fee or that the fee
10 may be increased without student approval at a student election,
11 the governing board of an institution of higher education may not
12 increase the amount of a fee charged under this subchapter unless
13 the amount of the increase is approved by a majority vote of the
14 students of the institution voting in a general student election
15 called for that purpose.

16 SECTION 2. Section 54.0513, Education Code, is amended by
17 adding Subsections (g), (h), (i), (j), and (k) to read as follows:

18 (g) The amount of tuition the governing board of an
19 institution of higher education charges under this section to a
20 student for an academic year may not exceed the total amount of
21 tuition that the governing board would have charged under this
22 section to a similarly situated student in the preceding academic
23 year, as that amount is adjusted for each academic year for
24 inflation as determined under Subsection (h). The governing board

1 may not increase the amount of tuition charged under this section to
2 a student more than once in any academic year. For purposes of this
3 subsection, students are similarly situated if they share the same
4 residency status, degree program, course load, course level,
5 tuition exemption status, and other circumstances affecting the
6 tuition charged to the student.

7 (h) Not later than March 1 of each year, the Texas Higher
8 Education Coordinating Board by rule shall determine the inflation
9 rate to be used for purposes of Subsection (g) for the next academic
10 year and shall certify that rate to the governing board of each
11 institution of higher education. For purposes of Subsection (g),
12 the inflation rate is the percentage increase, if any, as expressed
13 in decimal form rounded to the nearest thousandth, in the consumer
14 price index, as defined by Section 341.201, Finance Code, for the
15 preceding calendar year as compared to the consumer price index for
16 the year preceding that year.

17 (i) The coordinating board may adopt rules as necessary to
18 administer this section.

19 (j) Notwithstanding Subsection (g), for the 2009-2010
20 academic year and the 2010-2011 academic year, the amount of
21 tuition charged to a student under this section may not exceed the
22 total amount of tuition that the institution would have charged
23 under this section to a similarly situated student in the 2008-2009
24 academic year. For purposes of this subsection, students are
25 similarly situated if they share the same residency status, degree
26 program, course load, course level, tuition exemption status, and
27 other circumstances affecting the tuition charged to the student.

1 This subsection expires September 1, 2011.

2 (k) If a student has paid an amount of tuition charged under
3 this section for the 2009 fall semester in excess of the maximum
4 amount permitted by this section, the institution, not later than
5 January 1, 2010, shall refund to the student the excess amount of
6 tuition paid. This subsection expires September 1, 2010.

7 SECTION 3. (a) Section 54.5001, Education Code, as added by
8 this Act, applies beginning with fee increases for the 2009 fall
9 semester.

10 (b) Section 54.0513, Education Code, as amended by this Act,
11 applies beginning with tuition charged by public institutions of
12 higher education for the 2009-2010 academic year. Tuition charged
13 by an institution of higher education in an academic year before
14 that academic year is covered by the law in effect before the
15 effective date of this Act, and the former law is continued in
16 effect for that purpose.

17 (c) The Texas Higher Education Coordinating Board may adopt
18 temporary rules under Section 54.0513(i), Education Code, as added
19 by this Act, for the 2009-2010 academic year in the manner provided
20 by law for the adoption of emergency rules.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2009.