

BILL ANALYSIS

Senate Research Center
87R20758 KEL-F

C.S.S.B. 1467
By: Hinojosa
Higher Education
4/28/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Legislature established The University of Texas Rio Grande Valley (UTRGV) with passage of S.B. 24 in 2013. S.B. 24 established a new university in South Texas by merging The University of Texas at Brownsville (UTB) and The University of Texas-Pan American (UTPA), adding a medical school, and abolishing the legacy institutions. The new institution opened its doors in 2015 and the medical school opened in 2016.

The resulting integration of UTB and UTPA has required UTRGV to review and update numerous agreements, policies, and other operating documents to reflect today's reality and allow for continued growth into the first-class university we all want for South Texas. Sometimes this has meant simple name changes to current policies or agreements that work well for UTRGV's mission, and other times we have to make changes or adopt new policies or agreements that work best for UTRGV as it continues to grow and keep up with the needs of students and their campus.

In S.B. 24, the legislature ensured that UTRGV's enabling statute (Chapter 79, Education Code) carried over the statutory fees in existence for UTB and UTPA and authorized the university to impose and collect any fees as were authorized by prior law for UTB and UTPA. This is found at Section 79.02(g) of the Education Code. This approach worked well when UTRGV began six years ago in the fall of 2015.

This legislation would address strictly name and conforming changes only, updating references from UTPA or UTB to UTRGV and updating certain language. In some cases, UTRGV's name is substituted for UTB or UTPA. For student fees already being charged, one legacy school's fee statute is amended and the other repealed. S.B. 1467 also updates the UTB athletics fee statute for UTRGV, both making what students pay to support the athletics department more transparent and allowing the student services fee to be focused on supporting student programs and activities.

The committee substitute makes some housekeeping changes from the introduced version of the bill.

- SECTION 3 (amending Section 54.542(e)) removes capitalization of "student union fee account."
- SECTION 4 (amending Section 54.5421(g)) insert "university-owned" to clarify facility to which persons may be given access by UTRGV.
- SECTION 5 (amending Section 54.551(c)) clarifies when the reduction in student services fee begins.
- SECTION 12 (amending Section 490A.003(a)) updates the name of program.

C.S.S.B. 1467 amends current law relating to The University of Texas Rio Grande Valley, to student fees imposed by the university, and to the elimination of certain obsolete statutory references in relation to the university.

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 25.086(a), Education Code, to change a reference to The University of Texas at Brownsville (UT-Brownsville) to The University of Texas Rio Grande Valley (UT-Rio Grande Valley).

SECTION 2. Amends Section 54.223(a), Education Code, to provide that a person enrolled in UT-Rio Grande Valley or Texas Southmost College, rather than UT-Brownsville and Texas Southmost College, is entitled to pay tuition and fees at the rates provided for Texas residents if the person meets certain criteria.

SECTION 3. Amends Section 54.542, Education Code, as follows:

Sec. 54.542. New heading: STUDENT UNION FACILITIES FEE; THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY. (a) Authorizes the board of regents of The University of Texas (UT) System (board) to levy a student union fee, not to exceed \$30 for each student for each regular semester or \$15 for each student for each term of the summer session, for the sole purpose of financing, constructing, operating, maintaining, renovating, and improving student union facilities, rather than a student union building, for UT-Rio Grande Valley, rather than The University of Texas Pan American (UT-Pan American). Makes nonsubstantive changes.

(b) and (c) Makes no changes to these subsections.

(d) Makes a nonsubstantive change to this subsection.

(e) Requires that revenue from the fee collected under Subsection (a) be deposited to the credit of an account known as The University of Texas Rio Grande Valley student union fee account. Deletes existing text requiring the board to deposit student union fees levied under this section to the credit of an account known as The University of Texas Pan American Student Union Fee Account.

(f) Authorizes the board, after approving the budget, in accordance with this section, to levy the student union fees for that year in amounts sufficient to meet the budgetary needs of the student union facilities, rather than the budgetary needs of the student union building. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Section 54.5421, Education Code, as follows:

Sec. 54.5421. New heading: SPORTS RECREATION AND WELLNESS FACILITY FEE; THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY. (a) Prohibits the amount of a sports recreation and wellness facility fee from exceeding \$79 per student for each regular semester and \$39.50 per student for each term of the summer session, rather than \$75 per for each semester of the regular term or for each summer session. Makes conforming changes.

(b) Provides that a fee charged under this section is in addition to any other fee the board is authorized by law to charge. Deletes existing text prohibiting the fee from being imposed unless the fee is approved by a majority vote of those students voting in a general student election called for that purpose.

(c) Prohibits the board from increasing the amount of the fee by more than 10 percent in any academic year unless the amount of the increase is approved by a majority vote of those students participating in a general student election held at the institution and called for that purpose and a majority of the members of the legislative body of the student government of the institution. Deletes existing text

prohibiting the board from increasing the amount of the fee from one academic year to the next unless the amount of the increase is approved by a majority vote of those students voting in a general student election called for that purpose. Makes nonsubstantive changes.

(d) Requires the board to deposit the revenue from the fee to the credit of an account known as The University of Texas Rio Grande Valley sports recreation and wellness facility account. Requires that money in the account be used to the extent required in accordance with the terms of the settlement agreement between the board and the board of trustees of the Texas Southmost College District, as amended from time to time, terminating the partnership agreement authorized by former Section 78.02 (Establishment; Scope). Makes conforming and nonsubstantive changes.

(e) Authorizes the board to use revenue from the fee to pay an obligation issued to finance, construct, operate, maintain, renovate, or improve a wellness, recreational, and fitness complex owned by Texas Southmost College and used by the university under the terms of the settlement agreement between the board and the board of trustees of the Texas Southmost College District. Makes nonsubstantive changes.

(f) Makes no changes to this subsection.

(g) Authorizes the board to permit a person who is not enrolled at UT-Rio Grande Valley to use a university-owned facility financed with revenue from a fee under this section if the person meets certain criteria.

(h) Authorizes the board of trustees of the Texas Southmost College District to pledge revenue from a fee imposed under this section, whether received directly from a student or from UT-Rio Grande Valley, under the terms of the settlement agreement between the board and the board of trustees of the Texas Southmost College District, for the payment of obligations issued by Texas Southmost College District to finance the construction, operation, maintenance, renovation, and improvement of a wellness, recreational, and fitness complex owned by Texas Southmost College District and used by the university under the settlement agreement. Prohibits the board, if the fee imposed under this section is pledged to the payment of obligations issued by Texas Southmost College District, from pledging revenue from the fee for the payment of obligations issued for an authorized purpose under the revenue financing system of The UT System.

SECTION 5. Amends Section 54.551, Education Code, as follows:

Sec. 54.551. New heading: INTERCOLLEGIATE ATHLETICS FEE; THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY. (a) Authorizes the board to impose on each student enrolled at UT-Rio Grande Valley an intercollegiate athletics fee in an amount not to exceed \$15 per semester credit hour, rather than \$7 per semester credit hour, for each regular semester or summer session, unless the amount is increased as provided by Subsection (d). Makes a conforming change.

(b) Authorizes revenue from the fee charged under this section to be used only for financing, constructing, operating, maintaining, renovating, or improving an athletic facility or for operating an intercollegiate athletics program at the university. Deletes existing text requiring that money in the account be used in accordance with the terms of the partnership agreements entered into between UT-Brownsville and Texas Southmost College under Section 78.02. Makes a conforming change.

(c) Requires that the total amount of those fees charged to a student, if compulsory student services fees are charged to students enrolled at the university under Section 54.503 (Student Services Fees), be reduced by \$15 per semester

credit hour beginning with the first semester in which an intercollegiate athletics fee is charged under this section. Deletes existing text prohibiting the fee from being imposed unless approved by a majority vote of the students of the university who participate in a general student election held for that purpose.

(d) Prohibits the fee authorized by this section from being increased by more than 10 percent from one academic year to the next unless the increase has been approved by a majority vote of those students participating in a general student election held at the institution and called for that purpose. Deletes existing text prohibiting 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 (c) 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.

(e) Provides that a fee imposed under this section is in addition to any other fee the board is authorized by law to impose, and is prohibited from being considered in determining the maximum amount of student services fees that may be imposed under Section 54.503.

Deletes existing text requiring that, subject to the limitations of this section on the amount of the fee and any increase in the amount of the fee, the fee imposed under this section be in the same amount as the intercollegiate athletics fee charged a student at Texas Southmost College by the board of trustees of Southmost Union Junior College District. Deletes existing text authorizing a student attending either or both institutions to be charged an intercollegiate athletics fee by only one of the institutions. Deletes existing text prohibiting the board from imposing the fee authorized by this section on a student who is enrolled solely in online courses at the university.

SECTION 6. Amends Section 61.003(3), Education Code, to make conforming and nonsubstantive changes.

SECTION 7. Amends Section 69.22(e), Education Code, to make conforming changes.

SECTION 8. Amends Section 87.504(e), Education Code, to make conforming changes.

SECTION 9. Amends Section 88.601(2), Education Code, to make a conforming change.

SECTION 10. Amends Section 110.40(h), Education Code, to make a conforming change.

SECTION 11. Amends Section 155.003(b), Education Code, to make a conforming change.

SECTION 12. Amends Section 490A.003(a), Government Code, as follows:

(a) Provides that the founding members of the Texas Entrepreneurship Network (network) include certain entities, including the Texas Center for Border Economic and Enterprise Development at UT-RGV and the John F. Baugh Center for Entrepreneurship and Free Enterprise at Baylor University. Deletes existing text including CoSERVE at UT-Pan American as a founding member of the network.

SECTION 13. Amends Section 95.001(4), Health and Safety Code, to change a reference to UT-Pan American to UT-Rio Grande Valley.

SECTION 14. Repealer: Section 54.546 (Student Union Fees; The University of Texas at Brownsville), Education Code.

Repealer: Section 54.550 (Wellness, Recreational, and Fitness Complex Fee; The University of Texas at Brownsville), Education Code.

SECTION 15. Effective date: upon passage or September 1, 2021.