

By: Schwertner

S.B. No. 235

A BILL TO BE ENTITLED

AN ACT

relating to limitations on increases in fees charged by certain public institutions of higher education.

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

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

Sec. 54.5001. LIMITATIONS ON FEE INCREASES WITHOUT STUDENT APPROVAL. (a) In this section, "general academic teaching institution" and "public state college" have the meanings assigned by Section 61.003.

(b) This section applies only to a general academic teaching institution other than a public state college.

(c) Notwithstanding any other provision of this subchapter or other law and except as provided by Subsection (d), the governing board of an institution to which this section applies may not increase the amount of a fee charged under this subchapter to an amount that is greater than the amount charged by the institution in the preceding academic year as adjusted for inflation according to the inflation rate determined under Subsection (e).

(c-1) Notwithstanding Subsection (c) and except as provided by Subsection (d), for the 2021-2022 academic year, the amount of a fee charged under this subchapter by an institution to which this section applies may not exceed the amount of the fee charged by that institution under this subchapter in the 2020-2021 academic year,

1 if the institution charged the fee in that academic year, except  
2 that if the institution's governing board, before January 1, 2021,  
3 gave final approval to an increase in the fee to be charged for the  
4 2021-2022 academic year, the institution may charge the fee for  
5 that year at that increased rate. This subsection expires  
6 September 1, 2022.

7 (d) Subsection (c) does not apply to an increase in the  
8 amount of a fee if the increase is approved by a vote of the students  
9 of the institution voting in a student election authorized by law  
10 for that purpose.

11 (e) Not later than January 31 of each year, or as soon  
12 thereafter as practicable, the Legislative Budget Board shall  
13 publish and certify to the governing board of each general academic  
14 teaching institution other than a public state college the  
15 inflation rate to be used for purposes of this section for the next  
16 academic year. The inflation rate is the percentage increase, if  
17 any, as expressed in decimal form rounded to the nearest thousandth  
18 of one percent, in the consumer price index, as defined by Section  
19 341.201, Finance Code, for the preceding calendar year as compared  
20 to the consumer price index for the year preceding that year.

21 (e-1) For purposes of applying this section for the  
22 2021-2022 academic year, the Legislative Budget Board shall publish  
23 and certify the applicable inflation rate as soon as practicable  
24 after this section takes effect. This subsection expires September  
25 1, 2022.

26 (f) This section does not:

27 (1) provide independent authority for the governing

1 board of an institution to which this section applies to increase  
2 the amount of a fee or to call a student election to approve an  
3 increase in the amount of a fee; or

4 (2) authorize the governing board of an institution to  
5 which this section applies to increase the amount of a fee charged  
6 under this subchapter to an amount that exceeds the maximum amount  
7 prescribed by the law authorizing the fee's imposition, if that law  
8 prescribes a maximum amount.

9 SECTION 2. Section 54.5001, Education Code, as added by  
10 this Act, applies beginning with fee increases for the 2021 fall  
11 semester.

12 SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2021.