

SENATOR JEFF WENTWORTH
SENATE DISTRICT 25



COMMITTEES

Chairman, Redistricting
Jurisprudence
Nominations

**COUNTIES IN
SENATE DISTRICT 25**

Bandera	Llano (part)
Bexar (part)	Mason
Blanco	Medina (part)
Comal (part)	Schleicher
Gillespie	Sutton (part)
Guadalupe (part)	Tom Green (part)
Kendall	Travis (part)
Kerr	Williamson (part)
Kimble	

**The Senate of
The State of Texas**

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RECEIVED
January 18, 2002

JAN 18 2002

OPINION COMMITTEE FILE # ML-42385-02

I.D. # 42385

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JAN 18 2002

OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

2624

The Honorable John Cornyn
Attorney General of Texas
Attn: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

HAND DELIVER

RQ-0500-JC

Re: May the University of Texas System Board of Regents adopt a mandatory infrastructure fee without first obtaining legislative approval?

Dear General Cornyn:

The purpose of this letter is to request an opinion on whether the University of Texas System Board of Regents may adopt a mandatory infrastructure fee without first obtaining legislative approval.

On January 10, 2002, the President of the University of Texas at Austin recommended to the University of Texas System Board of Regents that a \$230 mandatory per student per semester infrastructure fee be adopted. If adopted, the fee would be increased annually by \$50. The proposed fee is to be considered by the University of Texas System Board of Regents at a February board meeting. Thus, the critical and emergency nature of this request cannot be overstated, and I urge you to give this request an expedited review.

The proposed infrastructure fee would be the largest fee increase ever proposed. According to University of Texas officials, the Board is authorized to adopt such a fee under Section 55.16(a) of the Texas Education Code.

The Honorable John Cornyn
January 18, 2002
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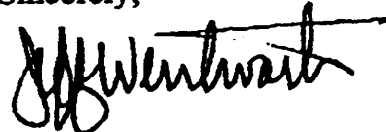
Section 55.16(a) states:

Each board shall be authorized to fix and collect rentals, rates, and charges from students and others for the occupancy, services, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or other facilities as provided by this section.

It is my opinion that the plain language of Section 55.16(a), Education Code, does not authorize the board of an institution of higher education in this state to fix and collect fees to support the institution's property or other components of its infrastructure. Such a fee may be authorized only by the legislature.

I respectfully request an opinion on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Wentworth", with a horizontal line extending from the end of the signature.

Jeff Wentworth

JW/ml