

BILL ANALYSIS

S.B. 256
By: Estes
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Midwestern State University's intercollegiate athletics program is funded through gifts, gate receipts, advertising income, student service fee income, and local tuition. During the 2007-2008 academic year, a group of the university's students recognized the need for an intercollegiate athletics fee and advocated for the fee to the university's student government association. The association found that more than half of Texas' 35 public universities have legislative authority to assess a fee to support intercollegiate athletics. Because approximately \$500,000 of student fee funds are used to support athletics each year, students were interested in a new fee that would release current funding to be used for a growing need of student services, while not taking much-needed funding for athletics.

Approval of an intercollegiate athletics fee for the university not only would provide funding to address Title IX gender equity issues and facilities upgrades but would also supplement funding for the academic support center for advising and tutoring services and release approximately \$500,000 of student services fee funds to support additional needed student services. In January 2008, 75 percent of the university's students voting at an election approved an intercollegiate athletics fee of \$10 per semester credit hour, up to a maximum of \$120 per regular semester.

S.B. 256 authorizes the board of regents of Midwestern State University to charge each student an intercollegiate athletics fee.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 256 amends the Education Code to authorize the board of regents of Midwestern State University to charge each student an intercollegiate athletics fee in an amount that may not exceed the lesser of \$10 per semester credit hour or \$120 for each regular semester or each summer session of more than six weeks, or \$60 for each summer session of six weeks or less. The bill prohibits the fee from being charged unless approved by a majority vote of the students enrolled at the university who participate in a general student election held for that purpose. The bill requires the fee to be used only to develop and maintain an intercollegiate athletics program at the university. The bill authorizes the board to increase the amount of the fee for a semester or summer session in excess of the cap provided above if the increase is approved by a majority vote of the students enrolled at the university who participate in a general student election called for that purpose or if the increase does not exceed 10 percent of the amount of the fee charged for the same semester or summer session in the preceding academic year.

S.B. 256 requires the university's chief fiscal officer to collect the fee and to deposit the revenue in an account to be known as the Midwestern State University intercollegiate athletics fee account. The bill specifies that the fee is not considered in determining the maximum amount of

student services fees that may be charged. The bill prohibits the fee from being charged after the fifth academic year in which the fee is first charged unless, before the end of that academic year, the institution of higher education has issued bonds payable from the fee, in which event the fee may not be charged after the academic year in which all such bonds, including refunding bonds for those bonds, have been fully paid.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.