

AN ACT

relating to an intercollegiate athletics fee at Midwestern State University.

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

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5442 to read as follows:

Sec. 54.5442. INTERCOLLEGIATE ATHLETICS FEE; MIDWESTERN STATE UNIVERSITY. (a) The board of regents of Midwestern State University may charge each student enrolled at the university an intercollegiate athletics fee in an amount that, except as authorized under Subsection (d), may not exceed:

(1) the lesser of \$10 per semester credit hour or \$120 for each regular semester or each summer session of more than six weeks; or

(2) \$60 for each summer session of six weeks or less.

(b) The fee may not be 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.

(c) The fee may be used only to develop and maintain an intercollegiate athletics program at the university.

(d) The board of regents may increase the amount of the fee for a semester or summer session in excess of the applicable amount provided by Subsection (a) if the increase:

(1) is approved by a majority vote of the students

1 enrolled at the university who participate in a general student
2 election called for that purpose; or

3 (2) does not exceed 10 percent of the amount of the fee
4 charged for the same semester or summer session in the preceding
5 academic year.

6 (e) The chief fiscal officer of the university shall collect
7 the fee and shall deposit the revenue from the fee in an account to
8 be known as the Midwestern State University intercollegiate
9 athletics fee account.

10 (f) The fee is not considered in determining the maximum
11 amount of student services fees that may be charged under Section
12 54.503.

13 (g) A fee may not be charged after the fifth academic year in
14 which the fee is first charged unless, before the end of that
15 academic year, the institution of higher education has issued bonds
16 payable from the fee, in which event the fee may not be charged
17 after the academic year in which all such bonds, including
18 refunding bonds for those bonds, have been fully paid.

19 SECTION 2. The change in law made by this Act applies only
20 to fees imposed for a semester or term that begins on or after the
21 effective date of this Act.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 256 passed the Senate on April 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 256 passed the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor