

BILL ANALYSIS

Senate Research Center

S.B. 806
By: Ogden
Education
4-3-97
Committee Report (Substituted)

DIGEST

Currently, the practice of using student service fees and auxiliary enterprise revenues to fund intercollegiate athletics is widespread throughout public institutions of higher education in Texas. Most schools use these fees to compensate for the deficit in their athletic programs, or the difference between athletic department generated revenues and athletic expenditures. In many cases, students are not aware of the amount of their student fees being used to pay for athletics. This legislation would place a cap on the amount of student fees that can be used to pay for intercollegiate athletics and would prohibit governing boards at institutions of higher learning from using revenue derived from student fees to support athletics unless the institution informs the students of the amount that will be used to fund athletics and subjects the fee to approval by student election.

PURPOSE

As proposed, C.S.S.B. 806 prohibits student fees from being used to support intercollegiate athletics at a public institution of higher education under certain conditions.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 54A, Education Code, by adding Section 54.009, as follows:

Sec. 54.009. USE OF FEES TO SUPPORT INTERCOLLEGIATE ATHLETICS. Prohibits the governing board of an institution of higher education from using revenue derived from any student fee to support intercollegiate athletics. Authorizes an institution of higher education to support intercollegiate athletics with funds from certain sources. Authorizes an institution of higher education to support intercollegiate athletics with certain funds. Authorizes the governing board of an institution of higher education to use a student fee, general use fee, or revenue derived from a fee to support intercollegiate athletics under certain conditions. Prohibits the total amount of student fees that may be used to support intercollegiate athletics from exceeding \$100 per student for a semester or 12-week summer term or \$35 for a summer term shorter than 12 weeks. Provides that this section applies to all student fees and general use fees, including student fees adopted or approved before this section became law, except that a fee approved at an election of the student body before the date this section became law is subject to Subsection (c)(2) only if the amount of the fee is increased. Defines "student fee" and "general use fee."

SECTION 2. Effective date: September 1, 1997. Provides that this Act applies beginning with fees charged for the spring semester of 1998. Provides that if in the fall semester of 1997, an institution of higher education is charging a total amount of student fees and general use fees to support intercollegiate athletics in excess of the amount allowed under Section 54.009, Education Code, as added by this Act, the institution shall comply with the provisions of Section 54.009, Education Code, as added by this Act, not later than the fall semester of 1998.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 54.009, Education Code, to prohibit the governing board of an institution of higher education from using revenue derived from any student fee to support intercollegiate athletics. Authorizes an institution of higher education to support intercollegiate athletics with funds from certain sources. Authorizes an institution of higher education to support intercollegiate athletics with certain funds. Authorizes the governing board of an institution of higher education to use a student fee, general use fee, or revenue derived from a fee to support intercollegiate athletics under certain conditions. Prohibits the total amount of student fees that may be used to support intercollegiate athletics from exceeding \$100 per student for a semester or 12-week summer term or \$35 for a summer term shorter than 12 weeks. Sets forth the application of Section 54.009, Education Code.

SECTION 2.

Adds a reference to general use fees to Subsection (b).