

BILL ANALYSIS

Senate Research Center

H.B. 3449
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Education
5/18/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas State University--San Marcos is seeking approval to implement an intercollegiate athletics fee at an initial rate not to exceed \$8.75 per semester credit hour in each regular semester and \$4.50 per semester credit hour in each summer session. Currently, athletics are funded through the student services fee; a separate athletic fee would provide a more predictable source of funds and assist with planning. The implementation of such a fee would also make student support of this purpose more transparent.

H.B. 3449 authorizes the board of regents of the Texas State University System to impose an intercollegiate athletics fee on each student enrolled at Texas State University--San Marcos in an amount not to exceed \$8.75 per semester credit hour for each regular semester and \$4.50 per semester credit hour for each summer session. The bill also establishes an intercollegiate athletics fee committee at the university to advise the board and the administration of the university regarding the expenditure of revenue generated by the imposition of the athletic fee.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 54, Education Code, by adding Section 42.5381, as follows:

Sec. 54.5381. INTERCOLLEGIATE ATHLETICS FEE: TEXAS STATE UNIVERSITY--SAN MARCOS. (a) Authorizes the board of regents of the Texas State University System (board) to impose an intercollegiate athletics fee on each student enrolled at Texas State University--San Marcos (university) in an amount not to exceed \$8.75 per semester credit hour for each regular semester; and \$4.50 per semester credit hour for each summer session.

(b) Prohibits the fee from being imposed unless approved by a majority vote of the students of the university for that purpose.

(c) Authorizes a fee imposed under this section to be used to develop and maintain an intercollegiate athletics program at the university.

(d) Authorizes the board, not more than once in an academic year, to increase the amount of the fee authorized by this section by not more than five percent if the increase is approved by the student government of the university. Requires an increase of more than five percent to be approved by a majority vote of the students of the university who participate in a general student election called for that purpose.

(e) Provides that a fee imposed under this section is in addition to any other fee authorized by law and prohibits it from being considered in determining the maximum amount of student services fees that may be imposed under Section 54.503.

(f) Provides that an intercollegiate athletics fee committee (committee) is established at the university to advise the board and the administration of the university regarding the expenditure of revenue generated by the fees imposed under this section. Sets forth the composition of the committee.

(g) Provides that a student member of the committee serves a one-year term. Requires a student member of the committee who withdraws from the university to resign from the committee. Requires a vacancy in an appointive position on the committee to be filled for the unexpired portion of the term in the same manner as the original appointment.

(h) Requires the committee to study the amounts of the fee imposed under this section and make recommendations to the appropriate administrators of the university regarding the expenditure of revenue generated by the fees imposed under this section.

(i) Requires the president of the university (president), before recommending the intercollegiate athletics fee budget to the board of regent each year, to consider the recommendations of the committee. Requires the president, if the president's recommendations to the board are substantially different from the committee's recommendations, to notify the committee not later than the last date on which the committee is authorized to request an appearance at the meeting of the board of regents at which the intercollegiate athletics fee budget will be considered. Requires the president, on request of a member of the committee, to provide the member with a written report of the president's recommendations to the board.

(j) Authorizes the board, if the imposition of a mandatory intercollegiate athletics fee as described by this section was approved by a majority vote of the students of the university who participated in a general student election held on or after January 1, 2005, to impose a fee as prescribed by the results of the election without calling an additional election. Provides that this subsection expires January 1, 2008.

SECTION 2. Makes application of this Act prospective to the 2007 fall semester.

SECTION 3. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE AMENDMENTS

Committee Amendment No. 1

Amends SECTION 1 of H.B. 3449 (House Engrossed Version), by striking added Subsection (d), Section 54.5381, Education Code (page 1, line 22, through page 2, line 4) and substituting Subsection (d), to authorize the board, not more than once in an academic year, to increase the amount of the fee authorized by this section. Requires an increase of more than five percent to be approved by a majority vote of the students of the university who participate in a general student election called for that purpose. Requires an increase of five percent or less to be approved by the student government of the university, except that if the increase would result in an amount of a fee that exceeds by 10 percent or more the total amount of the fee as last approved by a student vote under Subsection (b) or this subsection, the increase is required to be approved by a majority vote of the students of the university who participate in a general student election called for that purpose.