

BILL ANALYSIS

C.S.H.B. 3353
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Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, creating a student-supported environmental service fee requires a minimum of three to four years. This protracted process ensures that very few student priorities receive student-approved funding because creating a fee takes more time than many students spend completing a degree.

S.B. 1230, 78th Legislature, Regular Session, 2003, created an environmental service fee at Southwest Texas State University (now Texas State University) of \$1 per student per semester. Legislation is needed that would give the governing bodies of Texas public colleges and universities the opportunity to impose a student-approved environmental service fee, allowing students and their governing boards the option to spend up to \$5 per student per semester to improve the environmental integrity of their campuses.

C.S.H.B. 3353 authorizes the governing board of an institution of higher education to charge each student enrolled at the institution an environmental service fee, if the fee has been approved by a majority vote of the students enrolled at the institution voting in a general student election called for that purpose.

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

C.S.H.B. 3353 amends the Education Code to authorize the governing board of an institution of higher education to charge each student enrolled at the institution an environmental service fee, if the fee has been approved by a majority vote of the students enrolled at the institution voting in a general student election called for that purpose. The bill caps the amount of the fee, unless an increase has been approved by a majority vote of the students voting in a general election called for that purpose, at \$5 for each regular semester or summer term of more than six weeks or \$2.50 for each summer session of six weeks or less and authorizes use of the fee only to provide environmental improvements at the institution through services related to recycling, energy efficiency and renewable energy, transportation, employment, product purchasing, planning and maintenance, or irrigation, or to provide matching funds for grants to obtain such environmental improvements. The bill prohibits the amount of the fee from being increased without the approval by a majority vote of the students enrolled at the institution voting in a general student election called for that purpose and prohibits an increase that would result in a fee exceeding \$10 for each regular semester or summer term of more than six weeks or \$5 for each summer session of six weeks or less.

C.S.H.B. 3353 prohibits an institution that imposes the environmental service fee from using the revenue generated by the fee to reduce or replace other money allocated by the institution for environmental projects. The bill requires any fee revenue that exceeds the amount necessary to

cover current operating expenses for environmental services and any interest generated from that revenue to be used for the environmental improvements described above. The bill establishes that the fee is not considered in determining the maximum amount of student services fees that an institution of higher education may charge. 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 has issued bonds payable in whole or in part 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.

C.S.H.B. 3353 makes its provisions applicable only to fees imposed for a semester or term that begins on or after the effective date of this bill.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3353 adds provisions not in the original prohibiting the environmental service 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 has issued bonds payable in whole or in part 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.