

BILL ANALYSIS

S.B. 2182
By: Shapleigh
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As the future of our environment becomes more uncertain, it is important that citizens do as much as possible to protect it. There are many students enrolled in public colleges and universities in Texas who wish to minimize their harmful effects on the environment. A simple yet effective way for students to do this would be through an environmental service fee that is only implemented once a majority of the institution's student body approves the fee.

By implementing an environmental service fee, institutions of higher education would have the opportunity to reduce energy consumption, pollution, and waste. Additional funds from collected fees could be used for campuses to upgrade current facilities so that they will remain compliant with new environmental regulations. New projects could potentially be undertaken, such as efficiency upgrades, recycling, or onsite renewable energy generation. Environmentally efficient buildings are often less costly to operate and sustain for many years in the future. Because upgrades would pay for themselves many times over in the long run, they would actually provide a financial benefit to the school and its students.

Because a majority of the institution's student body must approve the fee before it is applied, it would not be unjustly charged at any school where most of the students did not support it. An example of this fee that already exists is at Texas State University in San Marcos, which was created when the 78th Legislature, Regular Session, 2003, passed S.B. 1230. The fee is administered through an Environmental Service Committee (ESC) comprised of four students and three faculty members. The ESC accepts applications for funding and chooses projects based on criteria relating to beneficiaries, sustainably, and budgets of the proposed projects. Recent projects have included a cardboard collection campaign, Texas Recycles Day, river clean-ups, and an ongoing recycling container grant.

S.B. 2182 authorizes the governing board of an institution of higher education to impose an environmental service fee on each student enrolled at the institution subject to approval by a majority vote of the students enrolled at the institution.

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. 2182 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.

S.B. 2182 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 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.

S.B. 2182 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.