

AN ACT

relating to an environmental service fee at public institutions of higher education.

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

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5041 to read as follows:

Sec. 54.5041. ENVIRONMENTAL SERVICE FEE. (a) The governing board of an institution of higher education may 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 who participate in a general student election called for that purpose.

(b) Unless increased in accordance with Subsection (d), the amount of the fee may not exceed:

(1) \$5 for each regular semester or summer term of more than six weeks; or

(2) \$2.50 for each summer session of six weeks or less.

(c) The fee may be used only to:

(1) 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

(2) provide matching funds for grants to obtain environmental improvements described by Subdivision (1).

1 (d) The amount of the fee may not be increased unless the
2 increase has been approved by a majority vote of the students
3 enrolled at the institution who participate in a general student
4 election called for that purpose. The fee may not be increased
5 under this subsection if the increase would result in a fee under
6 this section in an amount that exceeds:

7 (1) \$10 for each regular semester or summer term of
8 more than six weeks; or

9 (2) \$5 for each summer session of six weeks or less.

10 (e) An institution that imposes the environmental service
11 fee may not use the revenue generated by the fee to reduce or
12 replace other money allocated by the institution for environmental
13 projects.

14 (f) Any fee revenue that exceeds the amount necessary to
15 cover current operating expenses for environmental services and any
16 interest generated from that revenue may be used only for purposes
17 provided under Subsection (c).

18 (g) The fee is not considered in determining the maximum
19 amount of student services fees that an institution of higher
20 education may charge.

21 (h) The fee may not be charged after the fifth academic year
22 in which the fee is first charged unless, before the end of that
23 academic year, the institution has issued bonds payable in whole or
24 in part from the fee, in which event the fee may not be charged after
25 the academic year in which all such bonds, including refunding
26 bonds for those bonds, have been fully paid.

27 SECTION 2. The change in law made by this Act applies only

1 to fees imposed for a semester or term that begins on or after the
2 effective date of this Act.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3353 was passed by the House on May 15, 2009, by the following vote: Yeas 136, Nays 8, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3353 was passed by the Senate on May 25, 2009, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor