

1-1 By: Naishtat, et al. (Senate Sponsor - Shapleigh) H.B. No. 3353
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on Higher
1-4 Education; May 22, 2009, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to an environmental service fee at public institutions of
1-9 higher education.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter E, Chapter 54, Education Code, is
1-12 amended by adding Section 54.5041 to read as follows:

1-13 Sec. 54.5041. ENVIRONMENTAL SERVICE FEE. (a) The
1-14 governing board of an institution of higher education may charge
1-15 each student enrolled at the institution an environmental service
1-16 fee, if the fee has been approved by a majority vote of the students
1-17 enrolled at the institution who participate in a general student
1-18 election called for that purpose.

1-19 (b) Unless increased in accordance with Subsection (d), the
1-20 amount of the fee may not exceed:

1-21 (1) \$5 for each regular semester or summer term of more
1-22 than six weeks; or

1-23 (2) \$2.50 for each summer session of six weeks or less.

1-24 (c) The fee may be used only to:

1-25 (1) provide environmental improvements at the
1-26 institution through services related to recycling, energy
1-27 efficiency and renewable energy, transportation, employment,
1-28 product purchasing, planning and maintenance, or irrigation; or

1-29 (2) provide matching funds for grants to obtain
1-30 environmental improvements described by Subdivision (1).

1-31 (d) The amount of the fee may not be increased unless the
1-32 increase has been approved by a majority vote of the students
1-33 enrolled at the institution who participate in a general student
1-34 election called for that purpose. The fee may not be increased
1-35 under this subsection if the increase would result in a fee under
1-36 this section in an amount that exceeds:

1-37 (1) \$10 for each regular semester or summer term of
1-38 more than six weeks; or

1-39 (2) \$5 for each summer session of six weeks or less.

1-40 (e) An institution that imposes the environmental service
1-41 fee may not use the revenue generated by the fee to reduce or
1-42 replace other money allocated by the institution for environmental
1-43 projects.

1-44 (f) Any fee revenue that exceeds the amount necessary to
1-45 cover current operating expenses for environmental services and any
1-46 interest generated from that revenue may be used only for purposes
1-47 provided under Subsection (c).

1-48 (g) The fee is not considered in determining the maximum
1-49 amount of student services fees that an institution of higher
1-50 education may charge.

1-51 (h) The fee may not be charged after the fifth academic year
1-52 in which the fee is first charged unless, before the end of that
1-53 academic year, the institution has issued bonds payable in whole or
1-54 in part from the fee, in which event the fee may not be charged after
1-55 the academic year in which all such bonds, including refunding
1-56 bonds for those bonds, have been fully paid.

1-57 SECTION 2. The change in law made by this Act applies only
1-58 to fees imposed for a semester or term that begins on or after the
1-59 effective date of this Act.

1-60 SECTION 3. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this
1-64 Act takes effect September 1, 2009.

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