

BILL ANALYSIS

Senate Research Center
81R28118 E

H.B. 3353
By: Naishtat, Brown, Fred (Shapleigh)
Higher Education
5/21/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

H.B. 3353 amends current law relating to an environmental service fee at public institutions of higher education.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 54, Education Code, by adding Section 54.5041, as follows:

Sec. 54.5041. ENVIRONMENTAL SERVICE FEE. (a) 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 who participate in a general student election called for that purpose.

(b) Prohibits the amount of the fee from exceeding, unless increased in accordance with Subsection (d), \$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.

(c) Authorizes the fee to be used 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 provide matching funds for grants to obtain environmental improvements described by Subdivision (1) (relating to the authorization of the fee to only be used to provide certain environmental improvements at the institution through certain services).

(d) Prohibits the amount of the fee from being increased unless the increase 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. Prohibits the fee from being increased under this subsection if the increase would result in a fee under this section in an amount that exceeds \$10 for each regular semester or summer term of more than six weeks, or \$5 for each summer session of six weeks or less.

(e) 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.

(f) Authorizes 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 only for purposes provided under Subsection (c).

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

(h) 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 is prohibited from being charged after the academic year in which all such bonds, including refunding bonds for those bonds, have been fully paid.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.