

## **BILL ANALYSIS**

C.S.H.B. 3670  
By: Naishtat  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recent legislation authorized the governing board of a public institution of higher education to charge students an environmental service fee if approved at a student election. Interested parties contend that students must approve the continuation of the environmental service fee by a majority vote after five years. There are concerns that current law is ambiguous as to whether the fee must be reapproved after five years. C.S.H.B. 3670 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 3670 amends the Education Code to add as an alternative condition under which an environmental service fee charged by an institution of higher education to each student enrolled at the institution may be charged after the fifth academic year in which the fee is first charged the continuation of the fee being approved every five years by a majority vote of the students enrolled at the institution who participate in a general student election called for that purpose.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3670 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Section 54.5041(h), Education Code, is amended to read as follows:  
(h) The fee may not be charged after the fifth academic year in which the fee is first charged unless;

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 54.5041(h), Education Code, is amended to read as follows:  
(h) The fee may not be charged after the fifth academic year in which the fee is first charged unless;

(1) [~~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; or  
(2) the continuation of the fee is approved by a majority vote of the students enrolled at the institution who participate in a general student election called for that purpose.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

(1) [~~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; or  
(2) the continuation of the fee is approved every five years by a majority vote of the students enrolled at the institution who participate in a general student election called for that purpose.

SECTION 2. Same as introduced version.