

By: Brown of Brazos

H.B. No. 120

A BILL TO BE ENTITLED

1 AN ACT

2 relating to state funding and tuition charged for courses provided  
3 during off-peak hours at certain public institutions of higher  
4 education.

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

6 SECTION 1. Subchapter C, Chapter 61, Education Code, is  
7 amended by adding Section 61.0592 to read as follows:

8 Sec. 61.0592. FUNDING FOR COURSES PROVIDED DURING OFF-PEAK  
9 HOURS AT CERTAIN INSTITUTIONS. (a) The purposes of this section  
10 are:

11 (1) to ensure that student demand for courses is met;  
12 and

13 (2) to encourage the efficient use of existing  
14 instructional facilities while reducing the need for new  
15 instructional facilities.

16 (b) This section applies only to funding for a course  
17 provided by:

18 (1) The University of Texas at Austin;

19 (2) Texas A&M University; or

20 (3) Texas Tech University.

21 (c) To carry out the purposes of this section, for each  
22 institution of higher education listed under Subsection (b), the  
23 board shall include in the formulas established under Section  
24 61.059 funding in amounts sufficient to cover the institution's

1 revenue loss resulting from any reduction in tuition rates under  
2 Section 54.061.

3 (d) In addition to the funding included under Subsection  
4 (c), in the formulas established under Section 61.059, as an  
5 incentive for the institutions to reduce tuition rates under  
6 Section 54.061, the board may include additional funding that  
7 represents a portion of the savings to the state resulting from the  
8 institution's efficient use of resources.

9 SECTION 2. Subchapter B, Chapter 54, Education Code, is  
10 amended by adding Section 54.061 to read as follows:

11 Sec. 54.061. REDUCED TUITION RATES FOR COURSES PROVIDED  
12 DURING OFF-PEAK HOURS AT CERTAIN INSTITUTIONS. In accordance with  
13 coordinating board rules and for the purposes stated in Section  
14 61.0592, the governing board of an institution of higher education  
15 to which Section 61.0592 applies may establish resident and  
16 nonresident tuition rates that are lower than the applicable rates  
17 otherwise required or authorized by this chapter for a course  
18 offered:

19 (1) during the evening;

20 (2) on weekends; or

21 (3) at other times that the institution's  
22 instructional facilities would otherwise be underutilized, as  
23 determined by the board.

24 SECTION 3. As soon as practicable after the effective date  
25 of this Act, the Texas Higher Education Coordinating Board shall  
26 adopt rules under which public institutions of higher education may  
27 establish lower tuition rates in accordance with Section 54.061,

1 Education Code, as added by this Act.

2 SECTION 4. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2007.