

1-1 By: Brown of Brazos (Senate Sponsor - Shapiro) H.B. No. 120
1-2 (In the Senate - Received from the House April 23, 2007;
1-3 April 26, 2007, read first time and referred to Subcommittee on
1-4 Higher Education; May 15, 2007, reported adversely, with favorable
1-5 Committee Substitute from Committee on Education by the following
1-6 vote: Yeas 5, Nays 0; May 15, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 120 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to state funding and designated tuition charged for
1-11 courses provided during off-peak hours at certain public
1-12 institutions of higher education.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 61, Education Code, is
1-15 amended by adding Section 61.0592 to read as follows:

1-16 Sec. 61.0592. FUNDING FOR COURSES PROVIDED DURING OFF-PEAK
1-17 HOURS AT CERTAIN INSTITUTIONS. (a) The purposes of this section
1-18 are:

1-19 (1) to ensure that student demand for courses is met;
1-20 and

1-21 (2) to encourage the efficient use of existing
1-22 instructional facilities while reducing the need for new
1-23 instructional facilities.

1-24 (b) This section applies only to funding for a course
1-25 provided by:

1-26 (1) The University of Texas at Austin;

1-27 (2) Texas A&M University; or

1-28 (3) Texas Tech University.

1-29 (c) To carry out the purposes of this section, for each
1-30 institution of higher education listed under Subsection (b), the
1-31 board shall include in the formulas established under Section
1-32 61.059 funding in amounts sufficient to cover the institution's
1-33 revenue loss resulting from any reduction in tuition rates under
1-34 Section 54.061.

1-35 (d) In addition to the funding included under Subsection
1-36 (c), in the formulas established under Section 61.059, as an
1-37 incentive for the institutions to reduce tuition rates under
1-38 Section 54.061, the board may include additional funding that
1-39 represents a portion of the savings to the state resulting from the
1-40 institution's efficient use of resources.

1-41 SECTION 2. Subchapter B, Chapter 54, Education Code, is
1-42 amended by adding Section 54.061 to read as follows:

1-43 Sec. 54.061. REDUCED DESIGNATED TUITION RATES FOR COURSES
1-44 PROVIDED DURING OFF-PEAK HOURS AT CERTAIN INSTITUTIONS. (a) This
1-45 section applies only to a course offered by an institution of higher
1-46 education:

1-47 (1) beginning at 6 p.m. or later during a weekday;

1-48 (2) on weekends; or

1-49 (3) at other times when the institution's
1-50 instructional facilities would otherwise be underutilized, as
1-51 determined by the governing board of the institution.

1-52 (b) In accordance with coordinating board rules and for the
1-53 purposes stated in Section 61.0592, the governing board of an
1-54 institution of higher education to which Section 61.0592 applies
1-55 may establish tuition rates under Section 54.0513 for a course
1-56 described by Subsection (a) that are not more than 25 percent lower
1-57 than the rates that would otherwise apply to the course under that
1-58 section.

1-59 (c) This section applies only if the legislature
1-60 specifically appropriates money to institutions to which Section
1-61 61.0592 applies for the state fiscal biennium ending August 31,
1-62 2009, to cover the tuition revenue lost to the institutions by the
1-63 application of this section.

2-1 SECTION 3. As soon as practicable after the effective date
2-2 of this Act, the Texas Higher Education Coordinating Board shall
2-3 adopt rules under which public institutions of higher education may
2-4 establish lower tuition rates in accordance with Section 54.061,
2-5 Education Code, as added by this Act.

2-6 SECTION 4. This Act takes effect immediately if it receives
2-7 a vote of two-thirds of all the members elected to each house, as
2-8 provided by Section 39, Article III, Texas Constitution. If this
2-9 Act does not receive the vote necessary for immediate effect, this
2-10 Act takes effect September 1, 2007.

2-11 * * * * *