

House Bill 120
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(1) to ensure that student demand for courses is met; and
(2) to encourage the efficient use of existing instructional facilities while reducing the need for new instructional facilities.

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

(1) The University of Texas at Austin;

(2) Texas A&M University; or

(3) Texas Tech University.

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

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

SENATE VERSION

Same as House version.

CONFERENCE

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

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

- (1) during the evening;
- (2) on weekends; or
- (3) at other times that the institution's instructional facilities would otherwise be underutilized, as determined by the board.

SENATE VERSION

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

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

- (1) beginning at 6 p.m. or later during a weekday;
 - (2) on weekends; or
 - (3) at other times when the institution's instructional facilities would otherwise be underutilized, as determined by the governing board of the institution.
- (b) In accordance with coordinating board rules and for the purposes stated in Section 61.0592, the governing board of an institution of higher education to which Section 61.0592 applies may establish tuition rates under Section 54.0513 for a course described by Subsection (a) that are not more than 25 percent lower than the rates that would otherwise apply to the course under that section.
- (c) This section applies only if the legislature specifically appropriates money to institutions to which Section 61.0592 applies for the state fiscal biennium ending August 31, 2009, to cover the tuition revenue lost to the institutions by the application of this section.

CONFERENCE

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

Same as House version.

SECTION 4. 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, 2007.

Same as House version.