

By: Thibaut

H.B. No. 364

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a fixed tuition rate provided by general academic
3 teaching institutions and public lower-division institutions of
4 higher education to certain undergraduate students.

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

6 SECTION 1. Subchapter A, Chapter 54, Education Code, is
7 amended by adding Section 54.016 to read as follows:

8 Sec. 54.016. FIXED TUITION RATE FOR UNDERGRADUATE STUDENTS.

9 (a) In this section:

10 (1) "Coordinating board" means the Texas Higher
11 Education Coordinating Board.

12 (2) "General academic teaching institution," "public
13 junior college," "public state college," and "public technical
14 institute" have the meanings assigned by Section 61.003.

15 (3) "Lower-division institution of higher education"
16 means a public junior college, public state college, or public
17 technical institute.

18 (b) Except as otherwise provided by this section, in a
19 semester or other academic term, the governing board of a general
20 academic teaching institution or lower-division institution of
21 higher education may not charge tuition to an undergraduate student
22 under Section 54.0513, or under any other law granting the
23 institution discretion to set the tuition rate, at a rate that
24 exceeds the rate the institution charged to the student during the

1 first semester or other academic term that the student enrolled at
2 the institution if the student is currently and at all times while
3 enrolled at the institution has been a resident of this state for
4 purposes of Subchapter B or was otherwise entitled to pay tuition at
5 the rate provided for residents of this state.

6 (c) For a student enrolled at a general academic teaching
7 institution other than a public state college, Subsection (b) does
8 not apply to the student after:

9 (1) the fourth anniversary of the date the student
10 first enrolls at any public institution of higher education,
11 regardless of whether the student transfers among any public or
12 private institutions of higher education after the initial
13 enrollment, if the student is enrolled in a degree program of four
14 years or less; or

15 (2) the fifth anniversary of the date the student
16 first enrolls at any public institution of higher education,
17 regardless of whether the student transfers among any public or
18 private institutions of higher education after the initial
19 enrollment, if the student is enrolled in a degree program of more
20 than four years.

21 (d) For a student enrolled at a lower-division institution
22 of higher education, Subsection (b) does not apply to the student
23 after the second anniversary of the date the student first enrolls
24 at any lower-division institution of higher education, regardless
25 of whether the student transfers among any public or private
26 institutions of higher education after the initial enrollment.

27 (e) Each general academic teaching institution or

1 lower-division institution of higher education shall notify each
2 entering undergraduate student, including each undergraduate
3 student who transfers to the institution, of the eligibility
4 requirements for a fixed tuition rate under this section.

5 (f) In consultation with the general academic teaching
6 institutions and lower-division institutions of higher education,
7 the coordinating board shall adopt any rules the coordinating board
8 considers appropriate for the administration of this section.

9 (g) This section does not apply to a student who enters a
10 general academic teaching institution or lower-division
11 institution of higher education for the first time before the 2010
12 fall semester. This subsection expires January 1, 2016.

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.