

1-1 By: Zaffirini, et al. S.B. No. 1443
1-2 (In the Senate - Filed March 16, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Higher Education;
1-4 April 29, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 29, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1443 By: Zaffirini

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

1-10 relating to the academic costs charged to resident undergraduate
1-11 students by general academic teaching institutions, to student
1-12 financial assistance funded by tuition set-asides, and to certain
1-13 reports regarding certain costs of those institutions.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter A, Chapter 54, Education Code, is
1-16 amended by adding Section 54.016 to read as follows:

1-17 Sec. 54.016. LIMITATION ON INCREASE IN TOTAL ACADEMIC COSTS
1-18 CHARGED TO RESIDENT UNDERGRADUATE STUDENTS. (a) In this section:

1-19 (1) "General academic teaching institution" has the
1-20 meaning assigned by Section 61.003.

1-21 (2) "Core operational costs" means those costs as
1-22 estimated by the Legislative Budget Board under Section 51.973.

1-23 (3) "Total academic costs":

1-24 (A) includes:

1-25 (i) tuition for which the rates are
1-26 prescribed by this chapter;

1-27 (ii) tuition charged by a general academic
1-28 teaching institution under Section 54.0513 or another law
1-29 authorizing a general academic teaching institution to establish
1-30 tuition rates;

1-31 (iii) mandatory academic fees; and

1-32 (iv) any other academic-related general
1-33 fees and course fees, including fees for laboratories, field trips,
1-34 access to Internet or multimedia service, equipment replacement,
1-35 and instructional technology; and

1-36 (B) does not include optional fees charged to a
1-37 student for voluntary services or a fee approved by students of the
1-38 institution in a referendum held at the institution for that
1-39 purpose.

1-40 (b) Subject to the additional limitations provided by
1-41 Subsections (c) and (d), if for any state fiscal biennium the
1-42 legislature appropriates to a general academic teaching
1-43 institution from undedicated general revenue an amount that is less
1-44 than the amount necessary to fully fund the institution's core
1-45 operational costs for that biennium, the total academic costs
1-46 charged by the institution to undergraduate students who are
1-47 residents of this state for an academic year of that biennium may
1-48 not exceed the amount that, when added to the amount of undedicated
1-49 general revenue appropriated to the institution for the
1-50 corresponding state fiscal year for that purpose, is equal to the
1-51 institution's core operational costs for that corresponding state
1-52 fiscal year.

1-53 (c) This subsection applies only to a general academic
1-54 teaching institution whose per student total academic costs for the
1-55 academic years covered by the most recent state fiscal biennium are
1-56 more than the amount of those per student costs charged by the
1-57 general academic teaching institution or institutions that are at
1-58 the median for those costs for those years, according to the list of
1-59 institutions certified by the Legislative Budget Board under
1-60 Section 51.973(a)(2). The limitation provided by this subsection
1-61 is in addition to the limitations provided by Subsections (b) and
1-62 (d) on the total academic costs that may be charged by a general
1-63 academic teaching institution. The total academic costs charged by

2-1 a general academic teaching institution in an academic year to an
 2-2 undergraduate student who is a resident of this state may not exceed
 2-3 the total academic costs that the institution would have charged to
 2-4 a similarly situated student in the preceding academic year, as
 2-5 that amount is adjusted for the current academic year for inflation
 2-6 as provided by this subsection. Not later than January 15 of each
 2-7 year, the Legislative Budget Board shall publish and certify to the
 2-8 governing board of each general academic teaching institution the
 2-9 inflation rate to be used for purposes of this subsection for the
 2-10 next academic year. For purposes of this subsection, the inflation
 2-11 rate is the average of the percentage increase, if any, as expressed
 2-12 in decimal form rounded to the nearest thousandth, in the consumer
 2-13 price index, as defined by Section 341.201, Finance Code, for each
 2-14 of the three most recent preceding calendar years as compared to the
 2-15 consumer price index for the year preceding each of those years. If
 2-16 the average percentage increase for those three years is less than
 2-17 zero, the inflation rate to be used for purposes of this subsection
 2-18 for the next academic year is zero.

2-19 (d) This subsection applies only to a general academic
 2-20 teaching institution whose per student total academic costs for the
 2-21 academic years covered by the most recent state fiscal biennium are
 2-22 more than the amount of those per student costs charged by the
 2-23 general academic teaching institution or institutions that are at
 2-24 the median for those costs for those years according to the list of
 2-25 institutions certified by the Legislative Budget Board under
 2-26 Section 51.973(a)(2). The limitation provided by this subsection
 2-27 is in addition to the limitations provided by Subsections (b) and
 2-28 (c) on the total academic costs that may be charged by a general
 2-29 academic teaching institution. The total academic costs charged by
 2-30 a general academic teaching institution in an academic year to an
 2-31 undergraduate student who is a resident of this state may not exceed
 2-32 the total academic costs that the institution would have charged to
 2-33 a similarly situated student in the preceding academic year by more
 2-34 than five percent.

2-35 (e) Notwithstanding Section 54.0513(c), the legislature in
 2-36 an appropriations Act may provide for an adjustment of general
 2-37 revenue appropriated to a general academic teaching institution for
 2-38 a state fiscal year to account for an increase in the amount of
 2-39 total academic costs charged by the institution in that fiscal year
 2-40 to an individual student of the institution to whom this section
 2-41 applies, in excess of an amount specified in the appropriations
 2-42 Act, if the legislature specifies such an amount in that Act.

2-43 (e-1) This subsection applies to total academic costs
 2-44 charged to students for the 2009-2010 academic year by a general
 2-45 academic teaching institution other than an institution to which
 2-46 Subsection (e-3) applies. Subsections (b), (c), and (d) do not
 2-47 apply to those costs charged by an institution to which this
 2-48 subsection applies in an academic year to which this subsection
 2-49 applies. In an academic year to which this subsection applies, the
 2-50 total academic costs charged by a general academic teaching
 2-51 institution to an undergraduate student who is a resident of this
 2-52 state may not exceed the total academic costs that the institution
 2-53 would have charged to a similarly situated student in the 2008-2009
 2-54 academic year by more than the greater of:

- 2-55 (1) five percent; or
- 2-56 (2) \$315.

2-57 (e-2) This subsection applies to total academic costs
 2-58 charged to students for the 2010-2011 academic year by a general
 2-59 academic teaching institution to which Subsection (e-3) does not
 2-60 apply that did not increase the rate of designated tuition charged
 2-61 to any student under Section 54.0513 in the 2008-2009 academic year
 2-62 from the rate charged by the institution to a similarly situated
 2-63 student under that section in the 2007-2008 academic year. This
 2-64 subsection also applies to total academic costs charged to students
 2-65 for the 2010-2011 academic year by a general academic teaching
 2-66 institution that in the 2008-2009 academic year did not yet operate
 2-67 as an independent general academic teaching institution and at
 2-68 which the rate of designated tuition charged to any student under
 2-69 Section 54.0513 in the 2008-2009 academic year did not exceed the

3-1 rate charged to a similarly situated student under that section in
 3-2 the 2007-2008 academic year. Subsections (b), (c), and (d) do not
 3-3 apply to those costs charged by an institution to which this
 3-4 subsection applies in an academic year to which this subsection
 3-5 applies. In an academic year to which this subsection applies, the
 3-6 total academic costs charged by a general academic teaching
 3-7 institution to an undergraduate student who is a resident of this
 3-8 state may not exceed the total academic costs that the institution
 3-9 would have charged to a similarly situated student in the preceding
 3-10 academic year by more than the greater of:

3-11 (1) five percent; or

3-12 (2) \$315.

3-13 (e-3) This subsection applies to total academic costs
 3-14 charged to students for the 2009-2010 and 2010-2011 academic years
 3-15 by a general academic teaching institution that before April 15,
 3-16 2009, established rates for total academic costs for the 2009-2010
 3-17 academic year that will result in an amount of total academic costs
 3-18 charged for that academic year to an undergraduate student who is a
 3-19 resident of this state that exceeds the total academic costs that
 3-20 the institution would have charged to a similarly situated student
 3-21 in the preceding academic year by more than five percent.
 3-22 Subsections (b), (c), and (d) do not apply to those costs charged by
 3-23 an institution in an academic year to which this subsection
 3-24 applies. In an academic year to which this subsection applies, the
 3-25 total academic costs charged by a general academic teaching
 3-26 institution to an undergraduate student who is a resident of this
 3-27 state may not exceed the total academic costs that the institution
 3-28 would have charged to a similarly situated student in the 2008-2009
 3-29 academic year by more than \$630.

3-30 (e-4) This subsection and Subsections (e-1), (e-2), and
 3-31 (e-3) expire September 1, 2011.

3-32 (f) For purposes of this section, students are similarly
 3-33 situated if they share the same residency status, degree program,
 3-34 course load, course level, tuition exemption status, and other
 3-35 circumstances affecting the total academic costs charged to the
 3-36 student.

3-37 (g) This section does not ensure that the total academic
 3-38 costs charged to an individual student will not increase by more
 3-39 than the limitation prescribed by Subsection (b) or (c) based on a
 3-40 change in the student's residency status, degree program, course
 3-41 load, course level, tuition exemption status, or other circumstance
 3-42 affecting the total academic costs charged to the student.

3-43 SECTION 2. Subchapter A, Chapter 54, Education Code, is
 3-44 amended by adding Section 54.017 to read as follows:

3-45 Sec. 54.017. STABILIZATION OF TOTAL ACADEMIC COSTS; STUDENT
 3-46 OPTION. (a) In this section:

3-47 (1) "Academic fees":

3-48 (A) include mandatory academic fees and any other
 3-49 academic-related general fees and course fees, including fees for
 3-50 laboratories, field trips, access to Internet or multimedia
 3-51 service, equipment replacement, and instructional technology; and

3-52 (B) do not include optional fees charged to a
 3-53 student for voluntary services or a fee approved by students of the
 3-54 institution in a referendum held at the institution for that
 3-55 purpose.

3-56 (2) "Coordinating board" means the Texas Higher
 3-57 Education Coordinating Board.

3-58 (3) "General academic teaching institution" has the
 3-59 meaning assigned by Section 61.003.

3-60 (4) "Tuition" includes:

3-61 (A) tuition for which the rates are prescribed by
 3-62 this chapter; and

3-63 (B) tuition charged by a general academic
 3-64 teaching institution under Section 54.0513 or another law
 3-65 authorizing a general academic teaching institution to establish
 3-66 tuition rates.

3-67 (b) The governing board of a general academic teaching
 3-68 institution may offer an eligible student the option to pay tuition
 3-69 and academic fees as provided by this section.

- 4-1 (c) This section applies only to an undergraduate student
4-2 who:
4-3 (1) enrolls at a general academic teaching
4-4 institution;
4-5 (2) after satisfying the requirement of Subdivision
4-6 (1), remains continuously enrolled at a general academic teaching
4-7 institution until graduation, except as provided under rules
4-8 adopted under Subsection (j);
4-9 (3) at all times while the student is enrolled at a
4-10 general academic teaching institution, is a resident of this state
4-11 for purposes of Subchapter B or is otherwise entitled to pay tuition
4-12 and fees at the rate provided for residents of this state; and
4-13 (4) elects to pay tuition and academic fees under this
4-14 section.
4-15 (d) Except as provided by Subsection (h) or by rules adopted
4-16 under Subsection (j), this section applies only to the amount of
4-17 tuition and academic fees charged under this chapter to a student as
4-18 follows:
4-19 (1) for a student enrolled in a four-year degree
4-20 program, on or before the fourth anniversary of the date the student
4-21 first enrolls in a general academic teaching institution;
4-22 (2) for a student enrolled in a degree program of any
4-23 other length, not later than the end of the standard completion
4-24 period for that program, as established by the general academic
4-25 teaching institution awarding the degree; or
4-26 (3) if the student is a transfer student, not later
4-27 than the end of the period established by the general academic
4-28 teaching institution for the completion of the student's degree
4-29 program based on the academic credit the student receives from the
4-30 transfer of courses.
4-31 (e) Notwithstanding any other provision of this chapter but
4-32 subject to the applicability provisions of this section, a general
4-33 academic teaching institution may not charge to a student for any
4-34 course in which the student enrolls after the student's freshman
4-35 year tuition at a rate that exceeds the rate in effect for that
4-36 course during the student's freshman year or, for a course that was
4-37 not offered during the student's freshman year, a rate that exceeds
4-38 the rate in effect for an equivalent course during the student's
4-39 freshman year.
4-40 (f) Notwithstanding any other provision of this chapter but
4-41 subject to the applicability provisions of this section, if a
4-42 student transfers to a general academic teaching institution from
4-43 another institution of higher education and the student has
4-44 remained continuously enrolled in an institution of higher
4-45 education beginning with the student's freshman year, the general
4-46 academic teaching institution to which the student transfers may
4-47 not charge to the student for any course in which the student
4-48 enrolls after the student's freshman year tuition at a rate that
4-49 exceeds the rate in effect for that course at the receiving
4-50 institution during the student's freshman year or, for a course
4-51 that was not offered at the receiving institution during the
4-52 student's freshman year, a rate that exceeds the rate in effect for
4-53 an equivalent course at the receiving institution during the
4-54 student's freshman year.
4-55 (g) Notwithstanding any other provision of this chapter, in
4-56 any semester or other academic term in which the amount of tuition
4-57 that a general academic teaching institution may charge a student
4-58 is limited by Subsection (e) or (f), the institution may not charge
4-59 the student an academic fee in an amount that exceeds the amount of
4-60 the fee that the institution would have charged the student in the
4-61 student's freshman year, regardless of whether the student was
4-62 enrolled in that institution in the student's freshman year. For an
4-63 academic fee that was not charged in the student's freshman year,
4-64 after the fee is initially charged, the institution may not
4-65 increase the amount of the fee charged to the student in any
4-66 subsequent semester or other term to which this subsection applies.
4-67 (h) Notwithstanding any other provision of this chapter,
4-68 after the period described by Subsection (d), a general academic
4-69 teaching institution may not charge a student to whom this section

5-1 applies:

5-2 (1) tuition for any course at a rate that exceeds the
 5-3 rate the institution charges for the same or a similar course to a
 5-4 student who enrolls as a first-time resident freshman in the same
 5-5 academic year; or

5-6 (2) an academic fee in an amount that exceeds the
 5-7 amount of the fee the institution charges a first-time resident
 5-8 freshman student enrolled in the same degree program and with the
 5-9 same course load in the same semester or other academic term.

5-10 (i) In consultation with general academic teaching
 5-11 institutions, the coordinating board shall adopt any rules
 5-12 necessary to administer this section, including:

5-13 (1) rules relating to the equivalency of courses
 5-14 offered during a student's freshman year and courses in which the
 5-15 student enrolls after the student's freshman year;

5-16 (2) rules consistent with Subsection (f) that:

5-17 (A) provide for determining tuition rates for
 5-18 students who transfer between institutions of higher education; and

5-19 (B) prescribe the types of documentation a
 5-20 transfer student must submit to establish eligibility under that
 5-21 subsection; and

5-22 (3) rules as described by Subsection (j) to allow
 5-23 students to suspend their enrollment or giving students additional
 5-24 time to complete their degree programs.

5-25 (j) The coordinating board shall adopt rules to allow a
 5-26 student to pay tuition at the rates provided by Subsection (e) or
 5-27 (f), as applicable, and to pay academic fees in the amounts provided
 5-28 by Subsection (g) if the student satisfies the other requirements
 5-29 of this section but, solely as a result of a hardship or other good
 5-30 cause shown, is unable to remain continuously enrolled at a general
 5-31 academic teaching institution as required by Subsection (c)(2) or
 5-32 other institution of higher education as required by Subsection
 5-33 (f), or to complete the student's degree program before the
 5-34 applicable date described by Subsection (d). For purposes of this
 5-35 subsection, a hardship or other good cause shown includes a showing
 5-36 of:

5-37 (1) a severe illness or other debilitating condition
 5-38 that affects the student's ability to satisfy the requirement of
 5-39 Subsection (c)(2), (d), or (f); or

5-40 (2) the student's responsibility for the care of a
 5-41 sick, injured, or needy person if the provision of care affects the
 5-42 student's ability to satisfy the requirement of Subsection (c)(2),
 5-43 (d), or (f).

5-44 (k) The limitations on total academic costs that may be
 5-45 charged to a student provided under Sections 54.016(c) and (d) and
 5-46 under Section 54.016(e-1), (e-2), or (e-3), as applicable to the
 5-47 institution, do not apply to a student who elects to pay tuition and
 5-48 academic fees under this section during the period described by
 5-49 Subsection (d) applicable to the student. Beginning with the
 5-50 2010-2011 academic year, the amount of tuition and academic fees
 5-51 charged by an institution to a freshman student under this section
 5-52 for an academic year may not exceed the amount of tuition and
 5-53 academic fees that the institution would have charged to a
 5-54 similarly situated freshman student under this section in the
 5-55 preceding academic year by more than five percent.

5-56 (l) This section does not apply to a student who enters an
 5-57 institution of higher education for the first time before the 2009
 5-58 fall semester. This subsection expires January 1, 2015.

5-59 SECTION 3. Section 54.0513, Education Code, is amended by
 5-60 amending Subsection (c) and adding Subsection (g) to read as
 5-61 follows:

5-62 (c) Amounts collected by an institution of higher education
 5-63 under this section are institutional funds as defined by Section
 5-64 51.009 [of this code] and shall be accounted for as designated
 5-65 funds. These funds shall not be accounted for in a general
 5-66 appropriations act in such a way as to reduce the general revenue
 5-67 appropriation to a particular institution except as provided by
 5-68 Section 54.016(e).

5-69 (g) In setting the rate or rates of tuition to be charged

6-1 under this section for an academic year, the governing board of each
6-2 institution to which this section applies shall take into account
6-3 any reduction in the percentage of that tuition that will be
6-4 required to be set aside for student financial assistance under
6-5 Subchapter B, Chapter 56, from the percentage required to be set
6-6 aside in the preceding academic year, and shall ensure that any
6-7 increase in the rate or rates of tuition charged under this section
6-8 that the governing board would otherwise have made for that
6-9 academic year is reduced accordingly.

6-10 SECTION 4. Section 54.0515, Education Code, is amended by
6-11 amending Subsections (e) and (f) and adding Subsections (f-1) and
6-12 (f-2) to read as follows:

6-13 (e) It is the legislature's intent that each institution of
6-14 higher education~~[, as a condition to tuition deregulation under~~
6-15 ~~Section 54.0513,]~~ reasonably implement the following:

6-16 (1) each institution shall make satisfactory progress
6-17 towards the goals provided in its master plan for higher education
6-18 and in "Closing the Gaps," the state's master plan for higher
6-19 education; and

6-20 (2) each institution shall meet acceptable
6-21 performance criteria, including measures such as graduation rates,
6-22 retention rates, enrollment growth, educational quality, efforts
6-23 to enhance minority participation, opportunities for financial
6-24 aid, and affordability.

6-25 (f) The committee shall:

6-26 (1) meet at the call of either chair;

6-27 (2) monitor and regularly report to the legislature on
6-28 each institution of higher education's compliance with the
6-29 requirements of Subsection (e); and

6-30 (3) receive and review information concerning the
6-31 affordability and accessibility of higher education~~[, including~~
6-32 ~~the impact of tuition deregulation].~~

6-33 (f-1) The committee shall oversee the Legislative Budget
6-34 Board's development of:

6-35 (1) the methodology under Section 51.973(a)(1) used
6-36 for estimating the core operational costs of general academic
6-37 teaching institutions under that subdivision; and

6-38 (2) the list of general academic teaching institutions
6-39 certified under Section 51.973(a)(2) used for determining the
6-40 institutions to which Sections 54.016(c) and (d) apply.

6-41 (f-2) It is the intent of the legislature, not later than
6-42 the 2014-2015 academic year, to phase out the requirements provided
6-43 by Subchapter B, Chapter 56, that a portion of tuition charged under
6-44 Section 54.0513 be set aside for student financial assistance. The
6-45 committee shall examine and make recommendations for an appropriate
6-46 timetable and procedures for phasing out the set-aside
6-47 requirements, including recommendations regarding replacing
6-48 revenue lost as a result of the phase-out from the general revenue
6-49 fund or other appropriate sources. For that purpose, the committee
6-50 shall solicit relevant information and recommendations from
6-51 affected institutions of higher education, including information
6-52 regarding the types of financial assistance that are funded from
6-53 the amounts set aside, and the impact that phasing out the set-aside
6-54 requirement would have on the financial assistance program of each
6-55 institution.

6-56 SECTION 5. Subchapter Z, Chapter 51, Education Code, is
6-57 amended by adding Section 51.973 to read as follows:

6-58 Sec. 51.973. BIENNIAL REPORT BY LEGISLATIVE BUDGET BOARD
6-59 REGARDING CERTAIN UNIVERSITY COSTS. (a) Not later than September
6-60 1 of each even-numbered year, the Legislative Budget Board shall
6-61 submit to the Senate Finance Committee, the House Appropriations
6-62 Committee, and the standing committee of each house with primary
6-63 jurisdiction over higher education:

6-64 (1) for consideration by the members of those
6-65 committees in determining the amount of general revenue
6-66 appropriations to general academic teaching institutions and
6-67 tuition rates at those institutions, the Legislative Budget Board's
6-68 estimate of the core operational costs for the next state fiscal
6-69 biennium for each general academic teaching institution, based on a

7-1 methodology that:
 7-2 (A) projects for each year of the next biennium:
 7-3 (i) changes in student enrollment for each
 7-4 institution; and
 7-5 (ii) a rate of inflation; and
 7-6 (B) uses data from each institution's annual
 7-7 financial report regarding costs for instruction, academic
 7-8 support, institutional support, operations and maintenance of
 7-9 physical plants, and student services; and
 7-10 (2) for purposes of determining the general academic
 7-11 teaching institutions to which Sections 54.016(c) and (d) apply, a
 7-12 certified list of all general academic teaching institutions ranked
 7-13 according to the amount of total academic costs charged per student
 7-14 in the academic years covered by the current state fiscal biennium,
 7-15 including an indication of the institutions to which Sections
 7-16 54.016(c) and (d) apply.

7-17 (b) Beginning in 2013, the Legislative Budget Board shall
 7-18 submit with its estimate under Subsection (a)(1) a comparison of
 7-19 each institution's actual core operational costs for the preceding
 7-20 state fiscal biennium to the board's previous estimate of the
 7-21 institution's core operational costs for that biennium.

7-22 SECTION 6. Subsection (a), Section 56.011, Education Code,
 7-23 is amended to read as follows:

7-24 (a) The governing board of each institution of higher
 7-25 education shall cause to be set aside not less than 15 [~~20~~] percent
 7-26 of any amount of tuition charged to a resident undergraduate
 7-27 student under Section 54.0513 in excess of \$46 per semester credit
 7-28 hour. The funds set aside under this section by an institution
 7-29 shall be used to provide financial assistance for resident
 7-30 undergraduate students enrolled in the institution.

7-31 SECTION 7. Section 56.465, Education Code, is repealed.

7-32 SECTION 8. Not later than September 1, 2010, each general
 7-33 academic teaching institution shall submit to the Legislative
 7-34 Budget Board, the Senate Committee on Finance, the House
 7-35 Appropriations Committee, and the standing committee of each house
 7-36 with primary jurisdiction over higher education a detailed plan for
 7-37 reducing the institution's operational costs by at least five
 7-38 percent.

7-39 SECTION 9. The Texas Higher Education Coordinating Board
 7-40 shall adopt the rules required by Section 54.017, Education Code,
 7-41 as added by this Act, as soon as practicable after this Act takes
 7-42 effect. For that purpose, the coordinating board may adopt the
 7-43 initial rules in the manner provided by law for emergency rules.

7-44 SECTION 10. (a) The changes in law made by this Act to
 7-45 Subsection (a), Section 56.011, Education Code, apply beginning
 7-46 with tuition charged for the 2010-2011 academic year.

7-47 (b) The repeal by this Act of Section 56.465, Education
 7-48 Code, applies beginning with tuition charged for the 2010-2011
 7-49 academic year.

7-50 SECTION 11. (a) Except as provided by Subsection (b) of
 7-51 this section, this Act takes effect immediately if it receives a
 7-52 vote of two-thirds of all the members elected to each house, as
 7-53 provided by Section 39, Article III, Texas Constitution. If this
 7-54 Act does not receive the vote necessary for immediate effect, this
 7-55 Act takes effect September 1, 2009.

7-56 (b) Sections 6, 7, and 10 of this Act take effect August 1,
 7-57 2010, but only if the 81st Legislature, in an appropriations act
 7-58 enacted on or before that date, appropriates state revenue to the
 7-59 institutions of higher education to which Section 56.465, Education
 7-60 Code, applies for the express purpose of providing additional
 7-61 revenue for the Texas B-On-time loan program to replace the portion
 7-62 of tuition set aside for that program under Section 54.465,
 7-63 Education Code.

7-64 * * * * *