

Suspending limitations on conference committee  
jurisdiction, H.B. No. 3646

By: Shapiro

S.R. No. 1106

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 3646 (public school finance and programs) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill by adding the following new SECTION to the bill:

SECTION 22. Section 29.190, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) A student is entitled to a subsidy under this section if:

(1) the student:

(A) [(1)] successfully completes the career and technology program of a school district in which the student receives training and instruction for employment in a current or emerging high-demand, high-wage, high-skill ~~[certain trade or]~~ occupation, as determined under Subsection (e); or

(B) is enrolled in a special education program under Subchapter A;

(2) the student passes a certification examination to qualify for a license or certificate for the ~~[trade or]~~ occupation; and

(3) the student submits to the district a written application in the form, time, and manner required by the district for the district to subsidize the cost of an examination described by Subdivision (2) [~~demonstrates financial need~~].

(c) On approval by the commissioner, the agency shall pay each school district [~~eligible student~~] an amount equal to the cost paid by the district or student for the certification examination. To obtain reimbursement for a subsidy paid under this section, a district [~~student~~] must:

(1) pay the fee for the examination or pay the student the amount of the fee paid by the student for the examination; and

(2) submit to the commissioner a written application on a form prescribed by the commissioner stating [~~demonstrating financial need and~~] the amount of the fee paid under Subdivision (1) [~~by the student~~] for the certification examination.

(e) The commissioner, in collaboration with the commissioner of higher education and the Texas Workforce Commission, shall determine as necessary the occupations that qualify for purposes of this section.

EXPLANATION: This addition is necessary to provide reimbursement to school districts for subsidies provided by districts to students who pass certification examinations for certain occupations.

(2) Senate Rule 12.03(4) is suspended to permit the

committee to add text on a matter not included in either version of the bill by adding the following new SECTION to the bill:

SECTION 90. (a) Section 5, Chapter 259 (H.B. 323), Acts of the 80th Legislature, Regular Session, 2007, is repealed.

(b) Section 547.701(e), Transportation Code, as added by Chapter 259 (H.B. 323), Acts of the 80th Legislature, Regular Session, 2007, takes effect September 1, 2009.

(c) Section 547.701, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) A school district is required to comply with Subsection (e) only to the extent that the Texas Education Agency pays or commits to pay the district for expenses incurred in complying with that subsection. The Texas Education Agency may make grants of appropriated money for the purpose of paying school districts under this subsection.

EXPLANATION: This addition is necessary to address the applicability of requirements regarding seat belts on a school bus and the provision of funding to meet those requirements.

(3) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill by adding the following new SECTION to the bill:

SECTION 96. (a) The commissioner of education shall determine the percentage of entitlement in the foundation school program or other program that represents the use of education stabilization funds received under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5). In order to receive

that percentage of total funds available to a school district or open-enrollment charter school under the foundation school program or other program, a district or school may be required to apply to the commissioner using an application developed by the commissioner. The commissioner may require an applicant to make assurances as to the use and monitoring of funds applied for or other requirements, consistent with the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5).

(b) If any of the funds received by the state under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) that were appropriated for the purpose of funding the foundation school program or other program are determined to be unavailable temporarily or permanently for that purpose, the commissioner shall reduce the total amount of funds to which a district or school is entitled under Chapters 41 and 42, Education Code, or other programs proportional to the percentage determined under Subsection (a) of this section. A reduction in funding under this subsection does not increase the entitlement of a district or school in any subsequent year.

(c) This section applies to funding provided under Chapters 41 and 42, Education Code, as amended by this Act, for the 2009-2010 and 2010-2011 school years. A decision by the commissioner under this section is final and may not be appealed.

EXPLANATION: This addition is necessary to provide for compliance with any requirements associated with the use of funds received by the state under the American Recovery and

S.R. No. 1106

Reinvestment Act of 2009 (Pub. L. No. 111-5) and to permit the commissioner of education to make funding modifications if necessary as a result of federal determinations regarding use of those funds.

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on June 1, 2009.

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Secretary of the Senate