

Suspending limitations on conference committee jurisdiction, H.B. No. 3646 (Hochberg/Shapiro)

By: Shapiro

S.R. No. 1106

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 81st
2 Legislature, Regular Session, 2009, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on House
5 Bill 3646 (public school finance and programs) to consider and take
6 action on the following matters:

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

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

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

15 (1) the student:

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

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

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

1 and

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 96. (a) The commissioner of education shall
21 determine the percentage of entitlement in the foundation school
22 program or other program that represents the use of education
23 stabilization funds received under the American Recovery and
24 Reinvestment Act of 2009 (Pub. L. No. 111-5). In order to receive
25 that percentage of total funds available to a school district or
26 open-enrollment charter school under the foundation school program
27 or other program, a district or school may be required to apply to

1 the commissioner using an application developed by the
2 commissioner. The commissioner may require an applicant to make
3 assurances as to the use and monitoring of funds applied for or
4 other requirements, consistent with the American Recovery and
5 Reinvestment Act of 2009 (Pub. L. No. 111-5).

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

17 (c) This section applies to funding provided under Chapters
18 41 and 42, Education Code, as amended by this Act, for the 2009-2010
19 and 2010-2011 school years. A decision by the commissioner under
20 this section is final and may not be appealed.

21 EXPLANATION: This addition is necessary to provide for
22 compliance with any requirements associated with the use of funds
23 received by the state under the American Recovery and Reinvestment
24 Act of 2009 (Pub. L. No. 111-5) and to permit the commissioner of
25 education to make funding modifications if necessary as a result of
26 federal determinations regarding use of those funds.