

SENATE AMENDMENTS

2nd Printing

By: Hochberg

H.B. No. 4244

A BILL TO BE ENTITLED

1 AN ACT
2 relating to resident tuition rates for certain competitive
3 scholarship recipients at public institutions of higher education.

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

5 SECTION 1. Section 54.064, Education Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) An institution of higher education may charge a
9 nonresident [A] student who holds a competitive scholarship of at
10 least \$1,000 for the academic year or summer term for which the
11 student is enrolled resident tuition and fees [~~and who is either a~~
12 ~~nonresident or a citizen of a country other than the United States~~
13 ~~of America is entitled to pay the fees and charges required of Texas~~
14 ~~residents~~] without regard to the length of time the student has
15 resided in Texas. The student must compete with other students,
16 including Texas residents, for the scholarship and the scholarship
17 must be awarded by a scholarship committee officially recognized by
18 the administration and be approved by the Texas Higher Education
19 Coordinating Board under criteria developed by the coordinating
20 board.

21 (c) A student who would be entitled to pay resident tuition
22 in the 2009-2010 academic year under this section as this section
23 existed on January 1, 2009, because the student is awarded a
24 competitive scholarship for that academic year in the amount

1 prescribed by Subsection (a) before the beginning of the 2009 fall
2 semester is entitled to continue to pay resident tuition under this
3 section as this section existed on January 1, 2009, in each semester
4 or other term in which the student is awarded such a scholarship, as
5 long as the student remains enrolled in the same certificate or
6 degree program. This subsection expires August 1, 2014.

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

ADOPTED

MAY 26 2009

Aditya Sood
Secretary of the Senate

By: Hochberg/Zuffrini

H.B. No. 4244

Substitute the following for H.B. No. 4244:

By: Zuffrini

C.S. H.B. No. 4244

A BILL TO BE ENTITLED

AN ACT

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relating to certain competitive scholarship recipients at public institutions of higher education.

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

SECTION 1. Section 51.969(c), Education Code, as added by Chapter 422 (S.B. 1325), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(c) Before receiving [~~A person applying for~~] a scholarship originating from and administered by an institution of higher education or university system, a person must file a written statement with the institution or system [~~the application~~] indicating whether the person is related within the third degree by consanguinity or the second degree by affinity to a current member of the governing board of the institution or system.

SECTION 2. Section 54.064, Education Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) An institution of higher education may charge a nonresident [A] student who holds a competitive scholarship of at least \$1,000 for the academic year or summer term for which the student is enrolled resident tuition and fees [~~and who is either a nonresident or a citizen of a country other than the United States of America is entitled to pay the fees and charges required of Texas residents~~] without regard to the length of time the student has

1 resided in Texas. The student must compete with other students,
2 including Texas residents, for the scholarship and the scholarship
3 must be awarded by a scholarship committee officially recognized by
4 the administration and be approved by the Texas Higher Education
5 Coordinating Board under criteria developed by the coordinating
6 board.

7 (c) A student who would be entitled to pay resident tuition
8 in the 2009-2010 academic year under this section as this section
9 existed on January 1, 2009, because the student is awarded a
10 competitive scholarship for that academic year in the amount
11 prescribed by Subsection (a) before the beginning of the 2009 fall
12 semester is entitled to continue to pay resident tuition under this
13 section as this section existed on January 1, 2009, in each semester
14 or other term in which the student is awarded such a scholarship, as
15 long as the student remains enrolled in the same certificate or
16 degree program. This subsection expires August 1, 2014.

17 (d) The difference between tuition charged to the student
18 under this section and the tuition the student would be charged if
19 this section did not apply to the student shall not be accounted for
20 in such a way as to reduce the general revenue appropriation to an
21 institution of higher education that charges a nonresident student
22 resident tuition and fees under this section.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.

ADOPTED

Elit Shopleigh

FLOOR AMENDMENT NO. 1

MAY 26 2009

BY:

Atty. Gen. Paul
Secretary of the Senate

1 Amend H.B. No. 4244 by adding the following sections to the
2 bill, numbered appropriately, and by renumbering any subsequent
3 sections of the bill accordingly:

4 SECTION _____. Subchapter E, Chapter 54, Education Code, is
5 amended by adding Section 54.5351 to read as follows:

6 Sec. 54.5351. STUDENT ENDOWMENT FUND FEE; THE UNIVERSITY
7 OF TEXAS AT EL PASO. (a) The board of regents of The
8 University of Texas System may impose a student endowment fund
9 fee on each student enrolled at The University of Texas at El
10 Paso. The fee may not be imposed unless approved by a majority
11 vote of the students participating in a general student election
12 held at the university under Section 56.243.

13 (b) The amount of the fee may not exceed \$1 per semester
14 for each regular semester or summer session, unless the amount
15 is increased as provided by Subsection (c).

16 (c) The amount of the fee per semester may be increased
17 from one academic year to the next only if approved by a
18 majority vote of the students of the university participating in
19 a general student election held for that purpose or, if the
20 amount of the increase does not exceed five percent, by a
21 majority vote of the legislative body of the student government
22 of the university.

23 (d) A fee imposed under this section must be used to
24 establish a student endowment fund under Section 56.247.

25 (e) A fee imposed under this section is in addition to any
26 other fee authorized by law and may not be considered in
27 determining the maximum amount of student services fees that may
28 be imposed under Section 54.503(b).

29 (f) The fee may not be charged after the fifth academic

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1 year in which the fee is first charged unless, before the end of
2 that academic year, the institution has issued bonds payable
3 from the fee, in which event the fee may not be charged after
4 the academic year in which all such bonds, including refunding
5 bonds for those bonds, have been fully paid.

6 SECTION ____ . This Act applies beginning with the 2009 fall
7 semester.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4244 by Hochberg (Relating to certain competitive scholarship recipients at public institutions of higher education.), **As Passed 2nd House**

Depending on the number of students who, under provisions of the bill, would no longer be granted a tuition waiver and whether they would choose to enroll, there could be an indeterminate fiscal impact to institutions of higher education. The bill would also authorize a student endowment fund fee at the University of Texas at El Paso

Under provisions of the bill, an institution would be allowed to charge resident tuition and fees to a student who holds a certain scholarship and who is not a resident of Texas regardless of the length of time the student has resided in Texas. Under current law, these students are entitled to pay the fees and charges required of Texas residents.

Until August 1, 2014, a student who was granted the waiver under current law and paid resident tuition in the 2009-2010 academic year would be entitled to continue to pay resident tuition as long as the student remains enrolled in the same certificate or degree program.

It is unknown whether institutions would continue to grant these waivers or whether students who would no longer receive waivers would enroll in Texas institutions.

The bill also authorizes a student endowment fund fee, not to exceed \$1.00 per term, at The University of Texas at El Paso. The fee must be used to establish a student endowment fund. The fee is in addition to any other fee authorized by law and may not be considered in determining the maximum amount of student services fees that may be imposed. The fee could not be charged after the fifth academic year in which the fee is first charged unless, before the end of that academic year, the institution has issued bonds payable from the fee, in which event the fee may not be charged after the academic year in which all such bonds, including refunding bonds for those bonds, have been fully paid. The University of Texas System has indicated that if the fee is imposed it would begin with the 2010 fall semester and generate approximately \$47,500 in fiscal year 2011 with slight increases in the subsequent years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, KK, RT, GO, SSh

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4244 by Hochberg (relating to certain competitive scholarship recipients at public institutions of higher education.), **Committee Report 2nd House, Substituted**

Depending on the number of students who, under provisions of the bill, would no longer be granted a tuition waiver and whether they would choose to enroll, there could be an indeterminate fiscal impact to institutions of higher education.

Under provisions of the bill, an institution would be allowed to charge resident tuition and fees to a student who holds a certain scholarship and who is not a resident of Texas regardless of the length of time the student has resided in Texas. Under current law, these students are entitled to pay the fees and charges required of Texas residents.

Until August 1, 2014, a student who was granted the waiver under current law and paid resident tuition in the 2009-2010 academic year would be entitled to continue to pay resident tuition as long as the student remains enrolled in the same certificate or degree program.

It is unknown whether institutions would continue to grant these waivers or whether students who would no longer receive waivers would enroll in Texas institutions.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, KK, RT, GO, SSh

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4244 by Hochberg (Relating to resident tuition rates for certain competitive scholarship recipients at public institutions of higher education.), **As Engrossed**

<p>Depending on the number of students who, under provisions of the bill, would no longer be granted a tuition waiver and whether they would choose to enroll, there could be an indeterminate fiscal impact to institutions of higher education.</p>
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Under provisions of the bill, an institution would be allowed to charge resident tuition and fees to a student who holds a certain scholarship and who is not a resident of Texas regardless of the length of time the student has resided in Texas. Under current law, these students are entitled to pay the fees and charges required of Texas residents.

Until August 1, 2014, a student who was granted the waiver under current law and paid resident tuition in the 2009-2010 academic year would be entitled to continue to pay resident tuition as long as the student remains enrolled in the same certificate or degree program.

It is unknown whether institutions would continue to grant these waivers or whether students who would no longer receive waivers would enroll in Texas institutions.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, KK, RT, GO, SSh

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 21, 2009

TO: Honorable Dan Branch, Chair, House Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4244 by Hochberg (relating to resident tuition rates for certain competitive scholarship recipients at public institutions of higher education.), **Committee Report 1st House, Substituted**

Depending on the number of students who, under provisions of the bill, would no longer be granted a tuition waiver and whether they would choose to enroll, there could be an indeterminate fiscal impact to institutions of higher education.

Under provisions of the bill, an institution would be allowed to charge resident tuition and fees to a student who holds a certain scholarship and who is not a resident of Texas regardless of the length of time the student has resided in Texas. Under current law, these students are entitled to pay the fees and charges required of Texas residents.

Until August 1, 2014, a student who was granted the waiver under current law and paid resident tuition in the 2009-2010 academic year would be entitled to continue to pay resident tuition as long as the student remains enrolled in the same certificate or degree program.

It is unknown whether institutions would continue to grant these waivers or whether students who would no longer receive waivers would enroll in Texas institutions.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, KK, RT, GO, SSh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 7, 2009

TO: Honorable Dan Branch, Chair, House Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4244 by Hochberg (Relating to resident tuition for competitive scholarship recipients.),
As Introduced

Depending on the number of students who, under provisions of the bill, would no longer be granted a tuition waiver and whether they would choose to enroll, there could be an indeterminate fiscal impact to institutions of higher education.

Under provisions of the bill, a student who holds a certain scholarship and who is not a resident of Texas may be allowed by an institution to pay the fees and charges required of Texas residents without regard to the length of time the student has resided in Texas. Under current law, these students are entitled to pay the fees and charges required of Texas residents.

Until August 1, 2014, a student who was granted the waiver under current law and paid resident tuition in the 2009-2010 academic year would be entitled to continue to pay resident tuition as long as the student remains enrolled in the same certificate or degree program.

It is unknown whether institutions would continue to grant these waivers or whether students who would no longer receive waivers would enroll in Texas institutions.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

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