

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2009
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 269 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ketiv Van der Putte
Sen. Van de Putte, Chair

Lucio Lucio
Rep. Lucio, Chair

Eliot Shapleigh
Sen. Shapleigh

Lo Berman
Rep. Berman

Stephen Ogden
Sen. Ogden

Mark Gorte
Rep. Gorte

Sen. Duncan

Rep. Flores

Zaffirini
On the part of the Senate
Sen. Zaffirini

On the part of the House
Rep. Vaught

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 269

A BILL TO BE ENTITLED

AN ACT

1
2 relating to course credit for certain students at a public
3 institution of higher education.

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

5 SECTION 1. Subchapter F, Chapter 51, Education Code, is
6 amended by adding Section 51.3042 to read as follows:

7 Sec. 51.3042. AWARD OF COURSE CREDIT FOR MILITARY SERVICE.

8 (a) In this section, "institution of higher education" has the
9 meaning assigned by Section 61.003.

10 (b) An institution of higher education shall award to an
11 undergraduate student who is admitted to the institution, including
12 a student who is readmitted under Section 51.9242, course credit
13 for all physical education courses required by the institution for
14 an undergraduate degree and for additional semester credit hours,
15 not to exceed 12, that may be applied to satisfy any elective course
16 requirements for the student's degree program for courses outside
17 the student's major or minor if the student:

18 (1) graduated from a public or private high school
19 accredited by a generally recognized accrediting organization or
20 from a high school operated by the United States Department of
21 Defense; and

22 (2) is an honorably discharged former member of the
23 armed forces of the United States who:

24 (A) completed at least two years of service in

1 the armed forces; or

2 (B) was discharged because of a disability.

3 (c) This section does not prohibit an institution of higher
4 education from awarding additional course credit for a student's
5 military service as the institution considers appropriate.

6 (d) An institution of higher education may adopt rules
7 requiring reasonable proof from a student of the fact and duration
8 of the student's military service and of the student's military
9 discharge status.

10 SECTION 2. Subchapter 2, Chapter 51, Education Code, is
11 amended by adding Section 51.9112 to read as follows:

12 Sec. 51.9112. RESERVE OFFICERS' TRAINING CORPS (ROTC)
13 PROGRAM: FEES AND COURSE CREDIT. (a) The Texas Higher Education
14 Coordinating Board, in consultation with institutions of higher
15 education, shall determine a standard fee for a course offered
16 through a Reserve Officers' Training Corps (ROTC) program that
17 takes into account the average statewide cost per student to an
18 institution of higher education in providing the program, not
19 including any reimbursement or other amounts the institution
20 receives from the applicable military service or other source for
21 offering the course. Except as provided by Subsection (b), the
22 governing board of each institution of higher education may not
23 charge a student enrolled in an ROTC course any amount for the
24 course in excess of the fee as determined by the coordinating board
25 under this subsection.

26 (b) If the governing board of an institution of higher
27 education offers course credit toward a student's degree for a

1 course in which the student enrolls for the purposes of an ROTC
2 program, the governing board may charge the student tuition for
3 that course as otherwise provided by Chapter 54 after subtracting
4 any reimbursement or other amount the institution receives from the
5 applicable military service or other source for offering the
6 course.

7 (c) To the extent it will not adversely affect the
8 accreditation status of an institution of higher education with the
9 appropriate accrediting agency, the governing board of the
10 institution shall count courses in which a student enrolls for the
11 purposes of an ROTC program, including courses for which the
12 student does not receive course credit toward the student's degree,
13 in determining whether the student is enrolled as a full-time
14 student.

15 SECTION 3. Section 51.3042, Education Code, as added by
16 this Act, applies to a student attending an institution of higher
17 education, without regard to whether the student was admitted to
18 the institution before the effective date of this Act.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.

House Bill 269
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.3042, relating to awarding course credit for military service. Among other provisions, requires an institution of higher education to award to an undergraduate student who is admitted to the institution, including a student who is readmitted after withdrawing to perform active military service, course credit for all physical education courses required by the institution for an undergraduate degree and for additional semester credit hours, not to exceed 12, that may be applied to satisfy any elective course requirements for the student's degree program for courses outside the student's major or minor if the student meets certain requirements.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Sec. 51.9112, RESERVE OFFICERS' TRAINING CORPS (ROTC) PROGRAM: FEES AND COURSE CREDIT.

SECTION 3. Provides that Section 51.3042, Education Code, as added by this Act, applies to a student attending an institution of higher education, without regard to whether the student was admitted to the institution before the effective date of this Act.

No equivalent provision.

SENATE VERSION

SECTION 1. Same as House version except adds the specification that the additional semester credit hours required to be awarded to a student for military service may be applied to satisfy any *equivalent* elective course requirements for the student's degree program for courses outside the student's major or minor and adds a provision requiring the Texas Higher Education Coordinating Board to adopt rules establishing standards for determining the equivalency of military service experience to elective course requirements for which a student may receive credit.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION __. Specifies that this Act does not make an appropriation and that certain provisions are not mandatory during a fiscal period for which the

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

Same as House version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

legislature has not made a specific appropriation to implement the provision.

SECTION 4. Effective date.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: **HB269** by Lucio III (Relating to course credit for certain students at a public institution of higher education.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, an institution of higher education shall award to an undergraduate student course credit for all physical education courses required by the institution for an undergraduate degree and for additional credit hours (not to exceed 12) that may be applied to satisfy any elective requirements if the student graduated from a public or private high school in this state or from a high school operated by the United States Department of Defense and was discharged because of a disability. Depending on the number of students who would be granted course credit, there could be an indeterminate fiscal impact to the institutions based on tuition revenue not being collected and an indeterminate fiscal impact to the State based on formula funding derived from those credit hours.

The bill would require the Higher Education Coordinating Board, in consultation with institutions of higher education, to determine a standard fee for a course offered through a ROTC program that takes into account the average statewide costs per student to an institution in providing the program. This cost would not include any reimbursement or other amounts the institution receives from the applicable military service or other source for offering the course. Except as otherwise provided in the bill, the governing board of each institution may not charge a student enrolled in an ROTC course an amount for the course in excess of the fee as determined by the Higher Education Coordinating Board. It is assumed that any impact to institutions in terms of lost revenue associated with these courses would be minor.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 781 Higher Education Coordinating Board, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration

LBB Staff: JOB, KK, RT, GO

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 269 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Eddie Lucio III
(name)

5/30/09
(date)