

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 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 4244 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.

Zaffirini

Judith Zaffirini, Chair

Kip Averitt

Kel Seliger

Eliot Shapleight

On the part of the Senate

Carlos Uresti
Carlos

Scott Hochberg

Scott Hochberg, Chair

Jimmie Don Aycock

Jimmie Don Aycock

Susan King

Susan King

Geanie M. Morrison

Geanie Morrison

Mike Villarreal

On the part of the House

Mike Villarreal

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. 4244

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain competitive scholarship recipients at public
3 institutions of higher education.

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

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

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

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

18 (a) An institution of higher education may charge a
19 nonresident [A] student who holds a competitive scholarship of at
20 least \$1,000 for the academic year or summer term for which the
21 student is enrolled resident tuition and fees [~~and who is either a~~
22 ~~nonresident or a citizen of a country other than the United States~~
23 ~~of America is entitled to pay the fees and charges required of Texas~~
24 ~~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.

House Bill 4244
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SECTION 1. Section 54.064, Education Code, is amended by amending Subsection (a) and adding Subsection (c) 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 resided in Texas. The student must compete with other students, including Texas residents, for the scholarship and the scholarship must be awarded by a scholarship committee officially recognized by the administration and be approved by the Texas Higher

SENATE VERSION

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 resided in Texas. The student must compete with other students, including Texas residents, for the scholarship and the scholarship must be awarded by a scholarship committee officially recognized by the administration and be approved by the Texas Higher

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

House Bill 4244
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

Education Coordinating Board under criteria developed by the coordinating board.

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

No equivalent provision.

SENATE VERSION

Education Coordinating Board under criteria developed by the coordinating board.

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

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

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

Sec. 54.5351. STUDENT ENDOWMENT FUND FEE; THE UNIVERSITY OF TEXAS AT EL PASO. (a) The board of regents of The University of Texas System may impose a student endowment fund fee on each student

CONFERENCE

Same as House version.

House Bill 4244
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Section-by-Section Analysis

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CONFERENCE

enrolled at The University of Texas at El Paso. The fee may not be imposed unless approved by a majority vote of the students participating in a general student election held at the university under Section 56.243.

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

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

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

(e) A fee imposed under this section 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 under Section 54.503(b).

(f) The fee may 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

House Bill 4244
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Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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

SENATE VERSION

SECTION __. This Act applies beginning with the 2009 fall semester.

SECTION 3. Same as House version.

CONFERENCE

Same as House version.

SECTION 3. 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: **HB4244** by Hochberg (Relating to certain competitive scholarship recipients at public institutions of higher education.), **Conference Committee Report**

The fiscal implications of the bill cannot be determined at this time

Local Government Impact

The fiscal implications of the bill cannot be determined at this time

Source Agencies:

LBB Staff: JOB, MN

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. 4244 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.

Scott Halberg
(name)

5/30/09
(date)