AN ACT

1-1   relating to state formula funding to an institution of higher

1-2   education and tuition costs for certain resident doctoral students.

1-3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4   SECTION 1. Section 54.066, Education Code, is amended to

1-5   read as follows:

1-6   Sec. 54.066. TUITION RATES FOR CERTAIN DOCTORAL STUDENTS.

1-7   The governing board of an institution of higher education may

1-8   charge a resident doctoral student who has more semester credit

1-9   hours of doctoral work than allowed for purposes of state funding

1-10   for the current state fiscal biennium under Section 61.059(l)

1-11   tuition at the rate charged nonresident doctoral students. Tuition

1-12   charged at the rate provided by this section shall be accounted for

1-13   as if collected under Section 54.008.

1-14   SECTION 2. Subsection (l), Section 61.059, Education Code,

1-15   is amended to read as follows:

1-16   (l)(1) Except as provided by Subdivision (2), the [The]

1-17   board may not include in any formula under this section funding

1-18   based on the number of doctoral students who have a total of 100

1-19   [131] or more semester credit hours of doctoral work at an

1-20   institution of higher education.

1-21   (2) Notwithstanding Subdivision (1), the board may

1-22   approve formula funding for semester credit hours in excess of 100,

1-23   not to exceed 130 total semester credit hours, for a doctoral

2-1   student if the institution:

2-2   (A) provides the board with substantial evidence

2-3   that the particular field of study in which the student is enrolled

2-4   requires a higher number of semester credit hours to maintain

2-5   nationally competitive standards;

2-6   (B) provides the board with evidence that the

2-7   student's program or research is likely to provide substantial

2-8   benefit to medical or scientific advancement and that the program

2-9   or research requires the additional semester credit hours; or

2-10   (C) provides the board with other compelling

2-11   academic reasons that support the finding of an exception.

2-12   (3) The board shall report to the Legislative Budget

2-13   Board, as part of its report on formula funding recommendations, a

2-14   listing of the exceptions approved under Subdivision (2) and the

2-15   associated costs in formula-based funding.

2-16   SECTION 3. (a) The change in law made by Section 1 of this

2-17   Act applies beginning with the 1997 fall semester. For the

2-18   1997-1998 and 1998-1999 academic years, the number of semester

2-19   credit hours in excess of which Section 54.066, Education Code, as

2-20   amended by this Act, allows an institution to charge tuition at the

2-21   nonresident rate is 131 semester credit hours.

2-22   (b) Subsection (l), Section 61.059, Education Code, as

2-23   amended by this Act, applies only to formulas established under

2-24   Section 61.059, Education Code, for fiscal years that begin on or

2-25   after September 1, 1999.

3-1   (c) Any savings resulting from implementation of Subsection

3-2   (l), Section 61.059, Education Code, shall not serve as a basis for

3-3   reducing the amount of the total general revenue available for

3-4   funding any formula on a basis other than that prohibited by

3-5   Subsection (l), Section 61.059, Education Code.

3-6   SECTION 4. The importance of this legislation and the

3-7   crowded condition of the calendars in both houses create an

3-8   emergency and an imperative public necessity that the

3-9   constitutional rule requiring bills to be read on three several

3-10   days in each house be suspended, and this rule is hereby suspended,

3-11   and that this Act take effect and be in force from and after its

3-12   passage, and it is so enacted.

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President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 961 passed the Senate on

May 1, 1997, by the following vote: Yeas 31, Nays 0.

_____

Secretary of the Senate

    I hereby certify that S.B. No. 961 passed the House on

May 21, 1997, by a non-record vote.

_____

Chief Clerk of the House

Approved:

_____

Date

_____

Governor