

By: Uresti

H.B. No. 81

A BILL TO BE ENTITLED

AN ACT

1
2 relating to permitting certain military personnel entitled to
3 receive a tuition and fee exemption to transfer the exemption to a
4 child.

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

6 SECTION 1. Section 54.203, Education Code, is amended by
7 amending Subsection (a), as amended by House Bill No. 503, Acts of
8 the 79th Legislature, Regular Session, 2005, as effective May 20,
9 2005, Subsection (e), and Subsection (g), as amended by Senate Bill
10 No. 1528, Acts of the 79th Legislature, Regular Session, 2005, as
11 effective September 1, 2005, and adding Subsections (k) and (l) to
12 read as follows:

13 (a) The governing board of each institution of higher
14 education shall exempt the following persons from the payment of
15 all dues, fees, and charges, including fees for correspondence
16 courses but excluding property deposit fees, student services fees,
17 and any fees or charges for lodging, board, or clothing, provided
18 the persons seeking the exemptions were citizens of Texas at the
19 time they entered the services indicated and have resided in Texas
20 for at least the period of 12 months before the date of
21 registration:

22 (1) all nurses and honorably discharged members of the
23 armed forces of the United States who served during the
24 Spanish-American War or during World War I;

1 (2) all nurses, members of the Women's Army Auxiliary
2 Corps, members of the Women's Auxiliary Volunteer Emergency
3 Service, and all honorably discharged members of the armed forces
4 of the United States who served during World War II except those who
5 were discharged from service because they were over the age of 38 or
6 because of a personal request on the part of the person that the
7 person [~~he~~] be discharged from service;

8 (3) all honorably discharged men and women of the
9 armed forces of the United States who served during the national
10 emergency which began on June 27, 1950, and which is referred to as
11 the Korean War; and

12 (4) all persons who were honorably discharged from the
13 armed forces of the United States after serving on active military
14 duty, excluding training, for more than 180 days and who served a
15 portion of their active duty during:

16 (A) the Cold War which began on the date of the
17 termination of the national emergency cited in Subdivision (3) and
18 ended on December 26, 1991 [~~of this subsection~~];

19 (B) the Vietnam era which began on December 21,
20 1961, and ended on May 7, 1975;

21 (C) the Grenada and Lebanon era which began on
22 August 24, 1982, and ended on July 31, 1984;

23 (D) the Panama era which began on December 20,
24 1989, and ended on January 21, 1990;

25 (E) the Persian Gulf War which began on August 2,
26 1990, and ends on the date thereafter prescribed by Presidential
27 proclamation or September 1, 1997, whichever occurs first;

1 (F) the national emergency by reason of certain
2 terrorist attacks that began on September 11, 2001; or

3 (G) any future national emergency declared in
4 accordance with federal law.

5 (e) An [~~The~~] exemption from fees provided for in Subsection
6 (a) or (k) [~~of this section~~] does not apply to a person if at the
7 time of the person's [~~his~~] registration the person [~~he~~] is eligible
8 for educational benefits under federal legislation in effect at the
9 time of [~~his~~] registration if the value of those benefits is equal
10 to or exceeds the value of the exemption, except that the person
11 must first utilize the federal benefit for which the person [~~he~~] is
12 eligible and the combined amount of the federal benefit plus the
13 amount of this waiver shall not exceed the maximum value of the
14 waiver. A person is covered by the exemptions if the person's [~~his~~]
15 right to benefits under federal legislation is extinguished at the
16 time of [~~his~~] registration, except that a person is not eligible for
17 an exemption from fees under this section if the person's right to
18 benefits under federal legislation is extinguished because the
19 person is in default of repayment of a loan made to the person under
20 a federal program to provide or guarantee loans for educational
21 purposes. A person is not eligible for the exemption if the person
22 is in default on a loan made or guaranteed for educational purposes
23 by the State of Texas.

24 (g) The governing board of a junior college district may
25 establish a fee for extraordinary costs associated with a specific
26 course or program and may provide that the exemptions provided by
27 Subsections (a), [and] (b), and (k) do not apply to this fee.

1 (k) The Texas Higher Education Coordinating Board by rule
2 shall prescribe procedures to allow a person who becomes eligible
3 for an exemption provided by Subsection (a) before September 1,
4 2015, to waive the person's right to any unused portion of the
5 maximum number of cumulative credit hours for which the person
6 could receive the exemption and assign the exemption for the unused
7 portion of those credit hours to one of the person's children. The
8 procedures shall provide:

9 (1) the manner in which a person may waive the
10 exemption and designate a child to receive the exemption;

11 (2) a procedure permitting the person to designate a
12 different child to receive the exemption if the child previously
13 designated to receive the exemption has never received an exemption
14 under this section; and

15 (3) a method of documentation to enable institutions
16 of higher education to determine the eligibility of the designated
17 person to receive the exemption.

18 (1) To be eligible to receive an exemption under Subsection
19 (k), a person must:

20 (1) be an undergraduate student who is classified as a
21 resident under Subchapter B when the person enrolls in an
22 institution of higher education;

23 (2) make satisfactory academic progress toward a
24 degree or certificate as determined by the institution at which the
25 person is enrolled, except that the institution may not require the
26 person to enroll in a minimum course load;

27 (3) in each academic year in which the person receives

1 an exemption for any of the credit hours assigned to the person
2 under Subsection (k), perform a number of hours of community
3 service equal to one-third of the total number of credit hours
4 assigned to the person under Subsection (k) for each of the
5 following:

6 (A) a veterans organization; and

7 (B) the institution in which the person is
8 enrolled; and

9 (4) be less than 28 years old, except that the
10 coordinating board by rule shall prescribe procedures by which a
11 person who suffered from a severe illness or other debilitating
12 condition that affected the person's ability to use the exemption
13 before reaching that age may be granted additional time to use the
14 exemption corresponding to the time the person was unable to use the
15 exemption because of the illness or condition.

16 SECTION 2. (a) The change in law made by this Act to Section
17 54.203(a)(4), Education Code, applies only to a person who is
18 honorably discharged from the armed forces of the United States on
19 or after the effective date of this Act.

20 (b) Section 54.203, Education Code, as amended by this Act,
21 applies beginning with tuition and other fees charged for the 2006
22 spring semester. Tuition and other fees charged for an academic
23 period before the 2006 spring semester are covered by the law in
24 effect immediately before the effective date of this Act, and the
25 former law is continued in effect for that purpose.

26 (c) The Texas Higher Education Coordinating Board shall
27 prescribe the procedures required by Sections 54.203(k) and (l),

1 Education Code, as added by this Act, as soon as practicable after
2 the effective date of this Act. For that purpose, the coordinating
3 board may adopt the initial rules prescribing those procedures in
4 the manner provided by law for emergency rules.

5 SECTION 3. This Act takes effect November 1, 2005.