

By: Gallego

H.B. No. 2691

A BILL TO BE ENTITLED

1 AN ACT

2 relating to benefits for certain members of the Texas National
3 Guard.

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

5 SECTION 1. This Act may be cited as the Rick Noriega
6 Military Assistance Act.

7 SECTION 2. Subchapter D, Chapter 54, Education Code, is
8 amended by adding Section 54.215 to read as follows:

9 Sec. 54.215. MEMBERS OF TEXAS NATIONAL GUARD. (a) In this
10 section, "tuition and fees" has the meaning assigned by Section
11 54.209.

12 (b) The governing board of an institution of higher
13 education shall exempt from the payment of tuition and fees a
14 resident of this state enrolled as a student at the institution who
15 is a member of the Texas National Guard.

16 (c) The Texas Higher Education Coordinating Board shall
17 adopt:

18 (1) rules governing the granting or denial of an
19 exemption under this section, including rules relating to the
20 determination of eligibility for an exemption; and

21 (2) a uniform application form for an exemption under
22 this section.

23 SECTION 3. Chapter 56, Education Code, is amended by adding
24 Subchapter G to read as follows:

1 SUBCHAPTER G. ADDITIONAL FINANCIAL ASSISTANCE

2 Sec. 56.101. ADDITIONAL FINANCIAL ASSISTANCE FOR MEMBERS OF
3 TEXAS NATIONAL GUARD. (a) Each institution of higher education
4 shall establish a program that provides reimbursement for the cost
5 of required textbooks and similar required course materials to
6 students of the institution who receive a tuition and fee exemption
7 under Section 54.215.

8 (b) To receive a reimbursement, a student must apply for the
9 reimbursement and provide proof of the expenditures for which
10 reimbursement is sought.

11 (c) The Texas Higher Education Coordinating Board shall
12 include funding for the program in its funding formulas under
13 Section 61.059.

14 SECTION 4. Section 431.090, Government Code, is amended by
15 adding Subsection (c-1) to read as follows:

16 (c-1) A person is not eligible for tuition assistance under
17 this section for any semester or other academic term for which the
18 person is exempted under Section 54.215, Education Code, from the
19 payment of tuition and fees.

20 SECTION 5. Chapter 431, Government Code, is amended by
21 adding Subchapter K to read as follows:

22 SUBCHAPTER K. LOANS TO NATIONAL GUARD MEMBERS CALLED
23 TO ACTIVE DUTY

24 Sec. 431.201. LOAN PROGRAM. The adjutant general shall
25 create a program to provide interest-free loans to support members
26 of the Texas National Guard who are called to federal active duty
27 and their families.

1 Sec. 431.202. NATIONAL GUARD TEMPORARY ASSISTANCE ACCOUNT.

2 (a) The national guard temporary assistance account is an account
3 in the general revenue fund.

4 (b) The money in the account may be appropriated only for
5 the purpose of making loans under this subchapter.

6 (c) The adjutant general shall deposit to the credit of the
7 account all loan payments made by a member of the Texas National
8 Guard for a loan under this subchapter.

9 Sec. 431.203. GIFTS AND GRANTS. The commission may solicit
10 and accept gifts and grants from any source, including any
11 governmental entity, any private or public corporation, and any
12 other person, for the purposes of this subchapter. The commission
13 shall deposit a gift or grant to the credit of the national guard
14 temporary assistance account.

15 Sec. 431.204. RULES. The adjutant general shall adopt
16 rules as necessary to administer the loan program, including rules
17 relating to the application procedure, financial qualifications,
18 loan repayment, and default.

19 SECTION 6. The heading to Subchapter G, Chapter 431,
20 Government Code, is amended to read as follows:

21 SUBCHAPTER G. DISABILITY OR DEATH IN THE LINE OF [~~MILITARY~~] DUTY

22 SECTION 7. Subchapter G, Chapter 431, Government Code, is
23 amended by adding Section 431.102 to read as follows:

24 Sec. 431.102. COMPENSATION FOR DEATH OF MEMBER ON ACTIVE
25 DUTY. (a) In this section, "heirs" has the meaning assigned by
26 Section 3, Texas Probate Code.

27 (b) The state shall pay \$100,000 to the heirs of a member of

1 the Texas National Guard who dies while on federal active duty. If
2 there is more than one heir, the surviving heirs are each entitled
3 to a pro rata share of the payment.

4 (c) The adjutant general shall administer this section and
5 prescribe forms and adopt rules necessary to implement the section,
6 including rules and procedures for making or proving a claim, or
7 appealing a decision on a claim.

8 SECTION 8. (a) Except as provided by Subsection (b) of this
9 section, Section 54.215, Education Code, as added by this Act,
10 Subchapter G, Chapter 56, Education Code, as added by this Act, and
11 Section 431.090(c-1), Government Code, as added by this Act, take
12 effect beginning with the 2006 fall semester.

13 (b) Not later than January 1, 2006, the Texas Higher
14 Education Coordinating Board shall adopt rules and forms for the
15 administration of Section 54.215, Education Code, as added by this
16 Act.

17 SECTION 9. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.