

By: Guillen

H.B. No. 2734

A BILL TO BE ENTITLED

AN ACT

relating to tuition and fee exemptions for certain military personnel and their dependents.

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

SECTION 1. Section 54.203, Education Code, is amended by adding Subsections (b-1) and (e-1) and amending Subsections (c), (e), and (g) to read as follows:

(b-1) The governing board of each institution of higher education shall exempt from the payment of all tuition and required fees:

(1) the child of a member or former member of the armed forces of the United States if the member:

(A) while in military service became permanently and totally disabled according to the disability ratings of the Department of Veterans Affairs or has completed not less than 20 years of active military service;

(B) while in military service, executed a document with the applicable military service that:

(i) indicated the member's permanent residence address to be in Texas; and

(ii) designated Texas as the member's place of legal residence for income tax purposes; and

(C) when the member became permanently and totally disabled while in military service or when the member

1 completed the member's 20th year of active military service, as  
2 applicable, was a noncommissioned officer or enlisted member; or

3 (2) the spouse of a member or former member of the  
4 armed forces of the United States who was married to the member  
5 during all or part of the member's military service if the member:

6 (A) while in military service became permanently  
7 and totally disabled according to the disability ratings of the  
8 Department of Veterans Affairs and has completed not less than 20  
9 years of active military service;

10 (B) while in military service, executed a  
11 document with the applicable military service that:

12 (i) indicated the member's permanent  
13 residence address to be in Texas; and

14 (ii) designated Texas as the member's place  
15 of legal residence for income tax purposes; and

16 (C) when the member became permanently and  
17 totally disabled while in military service and when the member  
18 completed the member's 20th year of active military service, was a  
19 noncommissioned officer or enlisted member.

20 (c) A person may not receive ~~[The]~~ exemptions provided for  
21 in Subsections ~~[Subsection]~~ (a) and (b-1) for more than ~~[of this~~  
22 ~~section shall not exceed]~~ a cumulative total of 150 credit hours.

23 (e) The exemptions ~~[exemption from fees]~~ provided for in  
24 Subsections ~~[Subsection]~~ (a) and (b-1) do ~~[of this section does]~~  
25 not apply to a person who, ~~[if]~~ at the time of ~~[his]~~ registration,  
26 ~~[he]~~ is eligible for educational benefits under federal legislation  
27 ~~[in effect at the time of his registration]~~ if the value of those

1 benefits is equal to or exceeds the value of the exemption. If the  
2 value of the federal benefits does not equal or exceed the value of  
3 the exemption, the [~~, except that the~~] person must first utilize the  
4 federal benefit, [~~for which he is eligible~~] and the combined amount  
5 of the federal benefit plus the amount of the exemption may [~~this~~  
6 ~~waiver shall~~] not exceed the maximum value of the exemption  
7 [~~waiver~~]. A person is covered by the exemptions if the person's  
8 [~~his~~] right to benefits under federal legislation is extinguished  
9 at the time of [~~his~~] registration, except that a person is not  
10 eligible for an exemption from fees under this section if the  
11 person's right to benefits under federal legislation is  
12 extinguished because the person is in default of repayment of a loan  
13 made to the person under a federal program to provide or guarantee  
14 loans for educational purposes.

15 (e-1) A person is not eligible for an [~~the~~] exemption under  
16 this section if the person is in default on a loan made or  
17 guaranteed for educational purposes by the State of Texas.

18 (g) The governing board of a junior college district may  
19 provide that the exemptions provided by Subsections (a) , [~~and~~] (b) ,  
20 and (b-1) do not apply to a course fee or training fee charged a  
21 student by the junior college district to cover the flight time  
22 costs associated with a course in aircraft flight training, to the  
23 extent those costs are incurred by a student:

24 (1) who does not have a private pilot rating; or

25 (2) who has a private pilot rating but is not actively  
26 seeking to fulfill the requirements of the Federal Aviation  
27 Administration for an additional certification or rating.

1           SECTION 2. Section 54.203, Education Code, as amended by  
2 this Act, applies beginning with tuition and other fees charged for  
3 the 2005 fall semester. Tuition and other fees charged for an  
4 academic period before the 2005 fall semester are covered by the law  
5 in effect immediately before the effective date of this Act, and the  
6 former law is continued in effect for that purpose.

7           SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2005.