

A BILL TO BE ENTITLED

AN ACT

relating to tuition and fee exemption and course credit in connection with military service or military training.

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

SECTION 1. Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.3041 to read as follows:

Sec. 51.3041. AWARD OF COURSE CREDIT FOR MILITARY TRAINING.

(a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education shall consider, in determining whether to award to a student course credit toward a degree offered by the institution for the student's completion of certain military training:

(1) any official military record presented to the institution by the student that:

(A) describes the substance of the training completed by the student; and

(B) verifies the student's successful completion of that training; and

(2) whether the substance of that training satisfies the purpose of the course for which the student seeks credit as described in the institution's course catalog.

(c) This section applies to a student who has completed certain military training regardless of whether the student is

1 exempt from the payment of any dues, fee, or charges under Section
2 54.203(a).

3 SECTION 2. Section 54.203, Education Code, is amended by
4 amending Subsections (a), (e), and (g) and adding Subsections (h)
5 and (i) to read as follows:

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

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

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

25 (3) all honorably discharged men and women of the
26 armed forces of the United States who served during the national
27 emergency which began on June 27, 1950, and which is referred to as

1 the Korean War; and

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

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

9 (B) the Vietnam era which began on December 21,
10 1961, and ended on May 7, 1975;

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

13 (D) the Panama era which began on December 20,
14 1989, and ended on January 21, 1990;

15 (E) the Persian Gulf War which began on August 2,
16 1990, and ends on the date thereafter prescribed by Presidential
17 proclamation or September 1, 1997, whichever occurs first; or

18 (F) any future national emergency declared in
19 accordance with federal law.

20 (e) An [~~The~~] exemption from fees provided for in Subsection
21 (a) or (h) [~~of this section~~] does not apply to a person if at the
22 time of the person's [~~his~~] registration the person [~~he~~] is eligible
23 for educational benefits under federal legislation in effect at the
24 time of [~~his~~] registration if the value of those benefits is equal
25 to or exceeds the value of the exemption, except that the person
26 must first utilize the federal benefit for which the person [~~he~~] is
27 eligible and the combined amount of the federal benefit plus the

1 amount of this waiver shall not exceed the maximum value of the
2 waiver. A person is covered by the exemptions if the person's [~~his~~]
3 right to benefits under federal legislation is extinguished at the
4 time of [~~his~~] registration, except that a person is not eligible for
5 an exemption from fees under this section if the person's right to
6 benefits under federal legislation is extinguished because the
7 person is in default of repayment of a loan made to the person under
8 a federal program to provide or guarantee loans for educational
9 purposes. A person is not eligible for the exemption if the person
10 is in default on a loan made or guaranteed for educational purposes
11 by the State of Texas.

12 (g) The governing board of a junior college district may
13 provide that the exemptions provided by Subsections (a) ~~and~~ (b) ~~and~~
14 and (h) do not apply to a course fee or training fee charged a
15 student by the junior college district to cover the flight time
16 costs associated with a course in aircraft flight training, to the
17 extent those costs are incurred by a student:

- 18 (1) who does not have a private pilot rating; or
19 (2) who has a private pilot rating but is not actively
20 seeking to fulfill the requirements of the Federal Aviation
21 Administration for an additional certification or rating.

22 (h) The Texas Higher Education Coordinating Board by rule
23 shall prescribe procedures to allow a person who becomes eligible
24 for an exemption provided by Subsection (a) before September 1,
25 2015, to waive the person's right to any unused portion of the
26 maximum number of cumulative credit hours for which the person
27 could receive the exemption and assign the exemption for the unused

1 portion of those credit hours to one of the person's children. The
2 procedures shall provide:

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

5 (2) a procedure permitting the person to designate a
6 different child to receive the exemption if the child previously
7 designated to receive the exemption has never received an exemption
8 under this section; and

9 (3) a method of documentation to enable institutions
10 of higher education to determine the eligibility of the designated
11 person to receive the exemption.

12 (i) To be eligible to receive an exemption under Subsection
13 (h), a person must:

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

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

21 (3) in each academic year in which the person receives
22 an exemption for any of the credit hours assigned to the person
23 under Subsection (f), perform a number of hours of community
24 service equal to one-third of the total number of credit hours
25 assigned to the person under Subsection (f) for each of the
26 following:

27 (A) a veterans organization; and

1 (B) the institution in which the person is
2 enrolled; and

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

10 SECTION 3. (a) The change in law made by this Act to
11 Subdivision (4), Subsection (a), Section 54.203, Education Code,
12 applies only to a person who is honorably discharged from the armed
13 forces of the United States on or after the effective date of this
14 Act.

15 (b) Section 54.203, Education Code, as amended by this Act,
16 applies beginning with tuition and other fees charged for the 2005
17 fall semester. Tuition and other fees charged for an academic
18 period before the 2005 fall semester are covered by the law in
19 effect immediately before the effective date of this Act, and the
20 former law is continued in effect for that purpose.

21 (c) The Texas Higher Education Coordinating Board shall
22 prescribe the procedures required by Subsections (h) and (i),
23 Section 54.203, Education Code, as added by this Act, as soon as
24 practicable after the effective date of this Act. For that purpose,
25 the coordinating board may adopt the initial rules prescribing
26 those procedures in the manner provided by law for emergency rules.

27 SECTION 4. (a) The change in law made by this Act to

1 Chapter 51, Education Code, takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.

6 (b) The change in law made by this Act to Section 54.203,
7 Education Code, takes effect September 1, 2005.