

By: Van de Putte

S.B. No. 774

A BILL TO BE ENTITLED

AN ACT

1
2 relating to permitting certain military personnel entitled to
3 receive tuition and fee exemptions 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 Subsections (c) and (g) and adding Subsections (h) and (i)
8 to read as follows:

9 (c) The exemptions provided for in Subsections [~~Subsection~~
10 (a) and (h) of this section shall not exceed a cumulative total of
11 150 credit hours.

12 (g) The governing board of a junior college district may
13 provide that the exemptions provided by Subsections (a) , [and] (b) ,
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 Veterans Commission by rule shall prescribe
23 procedures to allow a person eligible for an exemption provided by
24 Subsection (a) who has never received an exemption under that

1 subsection to waive the person's right to the exemption and assign
2 the exemption to one of the person's children. The procedures shall
3 provide:

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

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

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

13 (i) To be eligible to receive an exemption under Subsection
14 (h), a person must be classified as a resident under Subchapter B
15 when the person enrolls in an institution of higher education.

16 SECTION 2. (a) Section 54.203, Education Code, as amended
17 by this Act, applies beginning with tuition and other fees charged
18 for the 2005 fall semester. Tuition and other fees charged for an
19 academic period before the 2005 fall semester are covered by the law
20 in effect immediately before the effective date of this Act, and the
21 former law is continued in effect for that purpose.

22 (b) The Texas Veterans Commission shall prescribe the
23 procedures required by Section 54.203(h), Education Code, as added
24 by this Act, as soon as practicable after the effective date of this
25 Act. For that purpose, the commission may adopt the initial rules
26 prescribing those procedures in the manner provided by law for
27 emergency rules.

1 SECTION 3. This Act 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.