

1-1 By: Van de Putte S.B. No. 774
1-2 (In the Senate - Filed February 25, 2005; March 10, 2005,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; May 16, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 774 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to permitting certain military personnel entitled to
1-11 receive a tuition and fee exemption to transfer the exemption to a
1-12 child.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 54.203, Education Code, is amended by
1-15 amending Subsections (a), (e), and (g) and adding Subsections (h)
1-16 and (i) to read as follows:

1-17 (a) The governing board of each institution of higher
1-18 education shall exempt the following persons from the payment of
1-19 all dues, fees, and charges, including fees for correspondence
1-20 courses but excluding property deposit fees, student services fees,
1-21 and any fees or charges for lodging, board, or clothing, provided
1-22 the persons seeking the exemptions were citizens of Texas at the
1-23 time they entered the services indicated and have resided in Texas
1-24 for at least the period of 12 months before the date of
1-25 registration:

1-26 (1) all nurses and honorably discharged members of the
1-27 armed forces of the United States who served during the
1-28 Spanish-American War or during World War I;

1-29 (2) all nurses, members of the Women's Army Auxiliary
1-30 Corps, members of the Women's Auxiliary Volunteer Emergency
1-31 Service, and all honorably discharged members of the armed forces
1-32 of the United States who served during World War II except those who
1-33 were discharged from service because they were over the age of 38 or
1-34 because of a personal request on the part of the person that the
1-35 person ~~he~~ be discharged from service;

1-36 (3) all honorably discharged men and women of the
1-37 armed forces of the United States who served during the national
1-38 emergency which began on June 27, 1950, and which is referred to as
1-39 the Korean War; and

1-40 (4) all persons who were honorably discharged from the
1-41 armed forces of the United States after serving on active military
1-42 duty, excluding training, for more than 180 days and who served a
1-43 portion of their active duty during:

1-44 (A) the Cold War which began on the date of the
1-45 termination of the national emergency cited in Subdivision (3) and
1-46 ended on December 26, 1991 ~~[of this subsection]~~;

1-47 (B) the Vietnam era which began on December 21,
1-48 1961, and ended on May 7, 1975;

1-49 (C) the Grenada and Lebanon era which began on
1-50 August 24, 1982, and ended on July 31, 1984;

1-51 (D) the Panama era which began on December 20,
1-52 1989, and ended on January 21, 1990;

1-53 (E) the Persian Gulf War which began on August 2,
1-54 1990, and ends on the date thereafter prescribed by Presidential
1-55 proclamation or September 1, 1997, whichever occurs first; or

1-56 (F) any future national emergency declared in
1-57 accordance with federal law.

1-58 (e) An ~~The~~ exemption from fees provided for in Subsection
1-59 (a) or (h) ~~[of this section]~~ does not apply to a person if at the
1-60 time of the person's ~~his~~ registration the person ~~he~~ is eligible
1-61 for educational benefits under federal legislation in effect at the
1-62 time of ~~his~~ registration if the value of those benefits is equal
1-63 to or exceeds the value of the exemption, except that the person

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

2-14 (g) The governing board of a junior college district may
 2-15 provide that the exemptions provided by Subsections (a), ~~[and]~~ (b),
 2-16 and (h) do not apply to a course fee or training fee charged a
 2-17 student by the junior college district to cover the flight time
 2-18 costs associated with a course in aircraft flight training, to the
 2-19 extent those costs are incurred by a student:

2-20 (1) who does not have a private pilot rating; or

2-21 (2) who has a private pilot rating but is not actively
 2-22 seeking to fulfill the requirements of the Federal Aviation
 2-23 Administration for an additional certification or rating.

2-24 (h) The Texas Higher Education Coordinating Board by rule
 2-25 shall prescribe procedures to allow a person who becomes eligible
 2-26 for an exemption provided by Subsection (a) before September 1,
 2-27 2015, to waive the person's right to any unused portion of the
 2-28 maximum number of cumulative credit hours for which the person
 2-29 could receive the exemption and assign the exemption for the unused
 2-30 portion of those credit hours to one of the person's children. The
 2-31 procedures shall provide:

2-32 (1) the manner in which a person may waive the
 2-33 exemption and designate a child to receive the exemption;

2-34 (2) a procedure permitting the person to designate a
 2-35 different child to receive the exemption if the child previously
 2-36 designated to receive the exemption has never received an exemption
 2-37 under this section; and

2-38 (3) a method of documentation to enable institutions
 2-39 of higher education to determine the eligibility of the designated
 2-40 person to receive the exemption.

2-41 (i) To be eligible to receive an exemption under Subsection
 2-42 (h), a person must:

2-43 (1) be an undergraduate student who is classified as a
 2-44 resident under Subchapter B when the person enrolls in an
 2-45 institution of higher education;

2-46 (2) make satisfactory academic progress toward a
 2-47 degree or certificate as determined by the institution at which the
 2-48 person is enrolled, except that the institution may not require the
 2-49 person to enroll in a minimum course load;

2-50 (3) in each academic year in which the person receives
 2-51 an exemption for any of the credit hours assigned to the person
 2-52 under Subsection (f), perform a number of hours of community
 2-53 service equal to one-third of the total number of credit hours
 2-54 assigned to the person under Subsection (f) for each of the
 2-55 following:

2-56 (A) a veterans organization; and

2-57 (B) the institution in which the person is
 2-58 enrolled; and

2-59 (4) be less than 28 years old, except that the
 2-60 coordinating board by rule shall prescribe procedures by which a
 2-61 person who suffered from a severe illness or other debilitating
 2-62 condition that affected the person's ability to use the exemption
 2-63 before reaching that age may be granted additional time to use the
 2-64 exemption corresponding to the time the person was unable to use the
 2-65 exemption because of the illness or condition.

2-66 SECTION 2. (a) The change in law made by this Act to
 2-67 Subdivision (4), Subsection (a), Section 54.203, Education Code,
 2-68 applies only to a person who is honorably discharged from the armed
 2-69 forces of the United States on or after the effective date of this

3-1 Act.

3-2 (b) Section 54.203, Education Code, as amended by this Act,
3-3 applies beginning with tuition and other fees charged for the 2005
3-4 fall semester. Tuition and other fees charged for an academic
3-5 period before the 2005 fall semester are covered by the law in
3-6 effect immediately before the effective date of this Act, and the
3-7 former law is continued in effect for that purpose.

3-8 (c) The Texas Higher Education Coordinating Board shall
3-9 prescribe the procedures required by Subsections (h) and (i),
3-10 Section 54.203, Education Code, as added by this Act, as soon as
3-11 practicable after the effective date of this Act. For that purpose,
3-12 the coordinating board may adopt the initial rules prescribing
3-13 those procedures in the manner provided by law for emergency rules.

3-14 SECTION 3. This Act takes effect September 1, 2005.

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