

AN ACT

relating to tuition and fee exemptions and health benefits coverage subsidies for certain adopted children.

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

SECTION 1. Section 54.2111(a), Education Code, is amended to read as follows:

(a) A student is exempt from the payment of tuition and fees authorized by this chapter if the student:

(1) was adopted; and

(2) was the subject of an adoption assistance agreement under Subchapter D, Chapter 162, Family Code, that:

(A) provided monthly payments and medical assistance benefits; and

(B) was not limited to providing only for the reimbursement of nonrecurring expenses, including reasonable and necessary adoption fees, court costs, attorney's fees, and other expenses directly related to the legal adoption of the child.

SECTION 2. (a) Section 162.304, Family Code, is amended by adding Subsections (b-1), (b-2), and (g) to read as follows:

(b-1) The department shall pay a \$150 subsidy each month for the premiums for health benefits coverage for a child with respect to whom a court has entered a final order of adoption if the child:

(1) was in the conservatorship of the department at the time of the child's adoptive placement;

1 (2) after the adoption, is not eligible for medical
2 assistance under Chapter 32, Human Resources Code; and

3 (3) is younger than 18 years of age.

4 (b-2) The executive commissioner of the Health and Human
5 Services Commission shall adopt rules necessary to implement
6 Subsection (b-1), including rules that:

7 (1) limit eligibility for the subsidy under that
8 subsection to a child whose adoptive family income is less than 300
9 percent of the federal poverty level;

10 (2) provide for the manner in which the department
11 shall pay the subsidy under that subsection; and

12 (3) specify any documentation required to be provided
13 by an adoptive parent as proof that the subsidy is used to obtain
14 and maintain health benefits coverage for the adopted child.

15 (g) A child for whom a subsidy is provided under Subsection
16 (b-1) for premiums for health benefits coverage and who does not
17 receive any other subsidy under this section is not considered to be
18 the subject of an adoption assistance agreement for any other
19 purpose, including for determining eligibility for the exemption
20 from payment of tuition and fees for higher education under Section
21 54.2111, Education Code.

22 (b) The change in law made by this section to Section
23 162.304, Family Code, applies only to financial and medical
24 assistance available under Section 162.304, Family Code, as amended
25 by this section, for a child for whom a final order of adoption is
26 entered on or after the effective date of this section. Financial
27 and medical assistance for a child for whom a final order of

1 adoption is entered before the effective date of this section is
2 governed by the law in effect on the date the order was entered, and
3 the former law is continued in effect for that purpose.

4 (c) This section takes effect September 1, 2007.

5 SECTION 3. (a) Except as provided by Subsection (b) of this
6 section, the change in law made by this Act applies beginning with
7 tuition and fees charged at a public institution of higher
8 education for the 2007 fall semester. Tuition and fees charged for
9 an academic period before the 2007 fall semester are covered by the
10 law in effect immediately before the effective date of this Act, and
11 the former law is continued in effect for that purpose.

12 (b) The change in law made by this Act does not apply to a
13 student who was enrolled in a public institution of higher
14 education and qualified for an exemption from tuition and fees
15 under Section 54.2111(a), Education Code, for any academic term of
16 the 2006-2007 academic year. A student described by this
17 subsection is entitled to an exemption from tuition and fees under
18 Section 54.2111(a), Education Code, as that section existed
19 immediately before the effective date of this Act, until the
20 earlier of:

21 (1) the date the student completes the degree program
22 in which the student was last enrolled in the 2006-2007 academic
23 year or another degree program of the same level; or

24 (2) the fourth anniversary of the date the student
25 initially enrolled in the degree program in which the student was
26 last enrolled in the 2006-2007 academic year.

27 SECTION 4. Except as otherwise provided by this Act, this

H.B. No. 2702

1 Act takes effect immediately if it receives a vote of two-thirds of
2 all the members elected to each house, as provided by Section 39,
3 Article III, Texas Constitution. If this Act does not receive the
4 vote necessary for immediate effect, this Act takes effect
5 September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2702 was passed by the House on May 9, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2702 on May 25, 2007, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2702 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor