

By: Uresti

S.B. No. 571

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the tuition and fee exemption available to certain
3 military personnel and permitting those personnel to transfer the
4 exemption to a 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 (a), (e), and (g) and adding Subsections (k)
8 and (l) to read as follows:

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

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

21 (2) all nurses, members of the Women's Army Auxiliary
22 Corps, members of the Women's Auxiliary Volunteer Emergency
23 Service, and all honorably discharged members of the armed forces
24 of the United States who served during World War II except those who

1 were discharged from service because they were over the age of 38 or
2 because of a personal request on the part of the person that the
3 person [~~he~~] be discharged from service;

4 (3) all honorably discharged men and women of the
5 armed forces of the United States who served during the national
6 emergency which began on June 27, 1950, and which is referred to as
7 the Korean War; and

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

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

15 (B) the Vietnam era which began on December 21,
16 1961, and ended on May 7, 1975;

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

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

21 (E) the Persian Gulf War which began on August 2,
22 1990, and ends on the date thereafter prescribed by Presidential
23 proclamation or September 1, 1997, whichever occurs first;

24 (F) the national emergency by reason of certain
25 terrorist attacks that began on September 11, 2001; or

26 (G) any future national emergency declared in
27 accordance with federal law.

1 (e) The exemptions [~~exemption from fees~~] provided for by
2 this section do [~~in Subsection (a) of this section does~~] not apply
3 to a person who, [~~if~~] at the time of [~~his~~] registration, [~~he~~] is
4 eligible for educational benefits under federal law [~~legislation in~~
5 ~~effect at the time of his registration~~] if the value of those
6 benefits is equal to or exceeds the value of the exemption. If the
7 value of the federal benefits does not equal or exceed the value of
8 the exemption, [~~except that~~] the person must first utilize the
9 federal benefit, [~~for which he is eligible~~] and the combined amount
10 of the federal benefit plus the amount of the exemption may [~~this~~
11 ~~waiver shall~~] not exceed the maximum value of the exemption
12 [~~waiver~~]. A person is covered by the exemptions if the person's
13 [~~his~~] right to benefits under federal law [~~legislation~~] is
14 extinguished at the time of [~~his~~] registration, except that a
15 person is not eligible for an exemption from fees under this section
16 if the person's right to benefits under federal law [~~legislation~~]
17 is extinguished because the person is in default of repayment of a
18 loan made to the person under a federal program to provide or
19 guarantee loans for educational purposes. A person is not eligible
20 for an [~~the~~] exemption under this section if the person is in
21 default on a loan made or guaranteed for educational purposes by the
22 State of Texas.

23 (g) The governing board of a junior college district may
24 establish a fee for extraordinary costs associated with a specific
25 course or program and may provide that the exemptions provided by
26 this section [~~Subsections (a) and (b)~~] do not apply to this fee.

27 (k) The Texas Higher Education Coordinating Board by rule

1 shall prescribe procedures to allow a person who becomes eligible
2 for an exemption provided by Subsection (a) and has used all the
3 person's federal benefits as required by Subsection (b) before
4 September 1, 2017, to waive the person's right to any unused portion
5 of the maximum number of cumulative credit hours for which the
6 person could receive the exemption and assign the exemption for the
7 unused portion of those credit hours to one of the person's
8 children. The procedures shall provide:

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

11 (2) a procedure permitting the person to designate a
12 different child to receive the exemption if the child previously
13 designated to receive the exemption has never received an exemption
14 under this section; and

15 (3) a method of documentation to enable institutions
16 of higher education to determine the eligibility of the designated
17 person to receive the exemption.

18 (1) To be eligible to receive an exemption under Subsection
19 (k), a person must:

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

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

27 (3) in each academic year in which the person receives

1 an exemption for any of the credit hours assigned to the person
2 under Subsection (k), perform a number of hours of community
3 service equal to one-third of the total number of credit hours
4 assigned to the person under Subsection (k) for each of the
5 following:

6 (A) a veterans organization; and

7 (B) the institution in which the person is
8 enrolled; and

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

16 SECTION 2. (a) The change in law made by this Act to Section
17 54.203(a)(4), Education Code, applies only to a person who is
18 honorably discharged from the armed forces of the United States on
19 or after the effective date of this Act.

20 (b) Section 54.203, Education Code, as amended by this Act,
21 applies beginning with tuition and other fees charged for the 2007
22 fall semester. Tuition and other fees charged for an academic
23 period before the 2007 fall semester are covered by the law in
24 effect immediately before the effective date of this Act, and the
25 former law is continued in effect for that purpose.

26 (c) The Texas Higher Education Coordinating Board shall
27 prescribe the procedures required by Sections 54.203(k) and (l),

1 Education Code, as added by this Act, as soon as practicable after
2 the effective date of this Act. For that purpose, the coordinating
3 board may adopt the initial rules prescribing those procedures in
4 the manner provided by law for emergency rules.

5 SECTION 3. This Act takes effect September 1, 2007.