

AN ACT

relating to an exemption from tuition and mandatory fees for certain members of the Texas National Guard.

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

SECTION 1. Section 431.090, Government Code, is amended to read as follows:

Sec. 431.090. ~~[TUITION]~~ ASSISTANCE FOR TUITION AND FEES.

(a) Because the state military forces are the state's only organized, trained, and equipped military force under the direction of the governor available to respond to natural and man-made disasters, ~~[tuition]~~ assistance for tuition and mandatory fees is provided under this section to eligible members of the state military forces to encourage voluntary membership, to improve the education level of its members, to diversify the composition of the forces, and to enhance the state's workforce.

(b) In this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(c) To be eligible for ~~[tuition]~~ assistance for tuition and mandatory fees under this section, a person must:

(1) be a member in good standing, as certified by the adjutant general, of the Texas Army National Guard, Texas Air National Guard, or Texas State Guard who is:

(A) an enlisted member;

1 (B) a warrant officer of a grade from Warrant
2 Officer One through Chief Warrant Officer Three; or

3 (C) a commissioned officer of a grade from Second
4 Lieutenant through Captain; and

5 (2) meet any additional qualifications established by
6 the adjutant general to carry out the purposes of this section or to
7 further the institutional needs of the state military forces.

8 (d) The adjutant general shall grant ~~[tuition]~~ assistance
9 for tuition and mandatory fees under this section to a number of
10 eligible persons established by the adjutant general, considering
11 funds available for that assistance and the needs of the state
12 military forces. The adjutant general may apportion the number of
13 ~~[tuition]~~ assistance awards among the components of the state
14 military forces as the adjutant general considers necessary to meet
15 the recruitment and retention needs of those components. The
16 number of ~~[tuition]~~ assistance awards made to members of the Texas
17 State Guard may not exceed 30 for any semester, unless the adjutant
18 general finds a compelling need for additional awards to members of
19 the Texas State Guard.

20 (e) Assistance for tuition and mandatory fees ~~[Tuition~~
21 ~~assistance]~~ may be awarded under this section for tuition and
22 mandatory fees charged for any undergraduate or graduate course at
23 an institution of higher education or private or independent
24 institution of higher education, including a vocational or
25 technical course.

26 (f) A person may not receive ~~[tuition]~~ assistance for
27 tuition under this section for ~~+~~

1 ~~[(1)]~~ more than 12 semester credit hours in any
2 semester.

3 (g) A person may not receive assistance for tuition and
4 mandatory fees under this section for~~[, or~~

5 ~~[(2)]~~ more than five academic years or 10 semesters,
6 whichever occurs first for the person.

7 (h) ~~[(g)]~~ Before each semester at a time determined by the
8 adjutant general, the adjutant general shall certify to the
9 appropriate public and private institutions of higher education a
10 list of the persons to whom the adjutant general has awarded
11 ~~[tuition]~~ assistance for tuition and mandatory fees under this
12 section for that semester. The amount of ~~[tuition]~~ assistance
13 awarded by the adjutant general under this section may not exceed
14 the amount of money available to fund the ~~[tuition]~~ assistance
15 awards.

16 (i) ~~[(h)]~~ From money appropriated for purposes of this
17 section, the adjutant general shall authorize the comptroller to
18 reimburse an institution of higher education in an amount equal to
19 the amount of the ~~[tuition]~~ exemption from tuition and mandatory
20 fees the institution grants to a person under Section 54.2155,
21 Education Code.

22 (j) ~~[(i)]~~ From money appropriated for purposes of this
23 section, the adjutant general shall authorize the comptroller to
24 make a grant to a person attending a private or independent
25 institution of higher education to whom the adjutant general has
26 awarded ~~[tuition]~~ assistance for tuition and mandatory fees for the
27 semester under this section. The amount of a grant under this

subsection is an amount equal to the average amount of reimbursement the adjutant general estimates will be paid per student for the same semester under Subsection (i) ~~[(h)]~~.

SECTION 2. The heading to Section 54.2155, Education Code, is amended to read as follows:

Sec. 54.2155. ~~[PAYMENT OF TUITION]~~ ASSISTANCE FOR TUITION AND FEES FOR MEMBERS OF STATE MILITARY FORCES.

SECTION 3. Section 54.2155, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) For each semester, the adjutant general of the state military forces shall certify to institutions of higher education as described by Section 431.090, Government Code, information identifying the persons to whom the adjutant general has awarded ~~[tuition]~~ assistance for tuition and mandatory fees under that section.

(c) An institution of higher education shall exempt a person who receives an exemption from tuition under Subsection (b) from the payment of all mandatory fees for any semester in which the person receives the tuition exemption.

SECTION 4. The change in law made by this Act to Section 431.090, Government Code, and Section 54.2155, Education Code, applies beginning with assistance awards for tuition and mandatory fees for the 2008-2009 academic year. Assistance awards for an academic year before the 2008-2009 academic year are covered by the law in effect immediately preceding the effective date of this Act, and the former law is continued in effect for that purpose.

1 SECTION 5. 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, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 685 passed the Senate on April 26, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 685 passed the House on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor