

## **BILL ANALYSIS**

C.S.H.B. 2688  
By: Lucio III  
Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Established in 2009, the Texas Armed Services Scholarship Program encourages, promotes, and rewards participation in the Reserve Officers' Training Corps (ROTC) at state civilian colleges. The scholarship provides up to \$15,000 annually to a student who participates in an ROTC program. If the student contracts with a branch of the armed forces and receives a payment under that contract, that amount is deducted from the amount of the scholarship. Among other provisions, C.S.H.B. 2688 seeks to clarify that, in such a situation, the student is entitled to the remaining amount of the scholarship for that academic year.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTIONS 2 and 3 of this bill.

### **ANALYSIS**

C.S.H.B. 2688 amends the Education Code to entitle a person who meets the requirements for an exemption from the payment of tuition, dues, fees, and certain other required charges at a public institution of higher education due to being honorably discharged from the United States armed forces after serving a portion of the person's active duty during certain periods, other than the requirement that the person must have served on active military duty for more than 180 days, to such an exemption regardless of the length of the member's active military duty if the person was a member of the Texas National Guard or the Texas Air National Guard who was assigned to a theater of combat operation with the United States armed forces. The bill makes this entitlement applicable beginning with tuition and fees at a public institution of higher education for the 2011 fall semester.

C.S.H.B. 2688 requires an institute of higher education to exempt an eligible person who is a member of the Texas State Guard from the payment of tuition and mandatory fees for the semester credit hours for which the person enrolls, not to exceed a total of 120 semester credit hours. The bill prohibits the amount of the exemption from exceeding the amount of tuition the person would be charged as a Texas resident for the number of semester credit hours for which the person enrolls, not to exceed 120 semester credit hours, if the person is not charged tuition at the rate provided for other Texas residents. The bill requires a person, in order to be eligible to receive such an exemption, to be a member in good standing for at least one calendar year, as certified by the adjutant general, of the Texas State Guard and commit to serve the Texas State Guard as follows:

- for an undergraduate program, eight years, four years of which must be served while enrolled in an institution of higher education and four years of which must be served following the period of enrollment; and
- for a graduate program, five years, two years of which must be served while enrolled in an institution of higher education and three years of which must be served following the period of enrollment.

C.S.H.B. 2688 requires the Texas Higher Education Coordinating Board by rule to require a person who does not fulfill the commitment to serve in the Texas State Guard under the bill's provisions to repay the amount of all tuition and mandatory fees for which the person received an exemption to the institution of higher education from which the person received the exemption. The bill establishes the purpose of the exemption.

C.S.H.B. 2688 requires the coordinating board by rule to entitle a student awarded a scholarship under the Texas Armed Services Scholarship Program to the amount of the scholarship for the academic year that remains after deduction of the amount paid to the student by a branch of the United States armed services because the student is under a contract with that branch, not to exceed the student's total cost of attendance for that academic year at the public or private institution of higher education in which the student is enrolled.

C.S.H.B. 2688 repeals Section 54.2155, Education Code, and Section 431.090, Government Code, relating to tuition and fee assistance for members of certain state military forces. The bill requires the coordinating board to adopt rules as necessary for the administration of the bill's provisions as soon as practicable after the bill takes effect and authorizes the coordinating board, for that purpose, to adopt the rules in the manner provided by law for emergency rules.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2688 contains provisions not included in the original entitling a veteran of active military duty with the United States armed forces during certain periods to an exemption from tuition and fees at a public institution of higher education regardless of the length of the person's active military duty if the person was a member of the Texas National Guard or Texas Air National Guard assigned to a theater of combat operation with the United States armed forces.

C.S.H.B. 2688 contains provisions not included in the original requiring an institution of higher education to exempt an eligible person who is a member of the Texas State Guard from the payment of tuition and mandatory fees for the semester credit hours for which the person enrolls and establishing the parameters of and eligibility requirements for the exemption, repayment and rulemaking requirements, and the purpose of such an exemption.

C.S.H.B. 2688 contains a specification not included in the original that the amount of a scholarship to which a student awarded a scholarship under the Texas Armed Services Scholarship Program is entitled for the academic year after certain deductions are made is not to exceed the student's total cost of attendance for that academic year at the institution of higher education in which the student is enrolled.

C.S.H.B. 2688 contains a provision not included in the original repealing statutory provisions relating to tuition and fee assistance for members of certain state military forces.

C.S.H.B. 2688 contains provisions not included in the original specifying that the bill's provisions relating to an exemption for certain veterans of active military duty apply beginning with tuition and fees for the 2011 fall semester; and requiring the Texas Higher Education Coordinating Board to adopt rules required by the bill's provisions as soon as practicable after the bill takes effect and authorizing the board to adopt the rules in the manner provided by law for emergency rules.

C.S.H.B. 2688 differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions and making clarifying changes and technical corrections to the law.