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H.B. No. 2688

A BILL TO BE ENTITLED

AN ACT

1
2 relating to tuition and scholarships and fee exemptions for certain
3 members of the armed services and certain military veterans
4 attending institutions of higher education.

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

6 SECTION 1. Section 54.203, Education Code, is amended by
7 adding Subsection (a-3) to read as follows:

8 (a-3) Notwithstanding Subsection (a)(4), a person who meets
9 the requirements of Subsection (a)(4), other than the requirement
10 that the person must have served on active military duty for more
11 than the stated number of days, is entitled to the exemption
12 provided by Subsection (a)(4) regardless of the length of the
13 member's active military duty if the person was a member of the
14 Texas National Guard or the Texas Air National Guard who was
15 assigned to a theater of combat operation with the armed forces of
16 the United States.

17 SECTION 2. Chapter 56, Education Code, is amended by adding
18 Subchapter S to read as follows:

19 SUBCHAPTER S. ASSISTANCE FOR TUITION AND FEES FOR MEMBERS

20 OF TEXAS STATE GUARD

21 Sec. 56.501. PURPOSE. Because the Texas State Guard is the
22 state's only organized, trained, and equipped military force under
23 the direction of the governor available to respond to natural and
24 man-made disasters, assistance for tuition and mandatory fees is

1 provided under this subchapter to eligible members of the Texas
2 State Guard to encourage voluntary membership, to improve the
3 education level of its members, to diversify the composition of the
4 forces, and to enhance the state's workforce.

5 Sec. 56.502. EXEMPTION. An institution of higher education
6 shall exempt an eligible person from the payment of tuition and
7 mandatory fees for the semester credit hours for which the person
8 enrolls, not to exceed a total of 120 semester credit hours. If the
9 person is not charged tuition at the rate provided for other Texas
10 residents, the amount of the exemption may not exceed the amount of
11 tuition the person would be charged as a Texas resident for the
12 number of semester credit hours for which the person enrolls, not to
13 exceed 120 semester credit hours.

14 Sec. 56.503. ELIGIBILITY. To be eligible to receive an
15 exemption under this subchapter, a person must:

16 (1) be a member in good standing for at least one
17 calendar year, as certified by the adjutant general, of the Texas
18 State Guard; and

19 (2) commit to serve the Texas State Guard as follows:

20 (A) for an undergraduate program, eight years,
21 four years of which must be served while enrolled in an institution
22 of higher education and four years of which must be served following
23 the period of enrollment; and

24 (B) for a graduate program, five years, two years
25 of which must be served while enrolled in an institution of higher
26 education and three years of which must be served following the
27 period of enrollment.

1 Sec. 56.504. REPAYMENT. The Texas Higher Education
2 Coordinating Board by rule shall require a person who does not
3 fulfill the commitment to serve in the Texas State Guard under
4 Section 56.503(2) to repay the amount of all tuition and mandatory
5 fees for which the person received an exemption under this
6 subchapter to the institution of higher education from which the
7 person received the exemption.

8 Sec. 56.505. RULES. The Texas Higher Education
9 Coordinating Board shall adopt rules as necessary for the
10 administration of this subchapter.

11 SECTION 3. Section 61.9774(b), Education Code, is amended
12 to read as follows:

13 (b) The board by rule shall provide that:

14 (1) any amount paid to a student by a branch of the
15 armed services of the United States during an academic year for
16 which the student receives a scholarship under this subchapter
17 because the student is under a contract with that branch shall be
18 deducted from the amount of the scholarship awarded to the student
19 for that academic year; and

20 (2) after a deduction under Subdivision (1) is made,
21 the student is entitled to the remaining amount of the scholarship
22 awarded to the student under this subchapter for that academic
23 year, not to exceed the student's total cost of attendance for that
24 academic year at the public or private institution of higher
25 education in which the student is enrolled.

26 SECTION 4. The following provisions are repealed:

27 (1) Section 54.2155, Education Code; and

1 (2) Section 431.090, Government Code.

2 SECTION 5. (a) Section 54.203(a-3), Education Code, as
3 added by this Act, applies beginning with tuition and fees at a
4 public institution of higher education for the 2011 fall semester.
5 Tuition and fees for a term or semester before the 2011 fall
6 semester are covered by the law in effect immediately before the
7 effective date of this Act, and the former law is continued in
8 effect for that purpose.

9 (b) The Texas Higher Education Coordinating Board shall
10 adopt rules for the administration of Subchapter S, Chapter 56,
11 Education Code, as added by this Act, and Section 61.9774(b),
12 Education Code, as amended by this Act, as soon as practicable after
13 this Act takes effect. For that purpose, the coordinating board may
14 adopt the rules in the manner provided by law for emergency rules.

15 SECTION 6. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.