

By: Van de Putte, Zaffirini, et al.
(Branch)

S.B. No. 639

Substitute the following for S.B. No. 639:

By: Branch

C.S.S.B. No. 639

A BILL TO BE ENTITLED

1 AN ACT
2 relating to tuition and fee exemptions at public institutions of
3 higher education for certain military personnel, veterans, and
4 dependents residing in this state.

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), (d), (k), (l), and (m) and adding
8 Subsections (a-3), (k-1), and (n) 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 tuition, dues, fees, and other required charges, including fees for
12 correspondence courses but excluding general deposit fees, student
13 services fees, and any fees or charges for lodging, board, or
14 clothing, provided the person seeking the exemption currently
15 resides in this state and entered the service at a location in this
16 state, declared this state as the person's home of record in the
17 manner provided by the applicable military or other service, or
18 would have been determined to be a resident of this state for
19 purposes of Subchapter B at the time the person entered the service:

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

23 (2) all nurses, members of the Women's Army Auxiliary
24 Corps, members of the Women's Auxiliary Volunteer Emergency

1 Service, and all honorably discharged members of the armed forces
2 of the United States who served during World War II except those who
3 were discharged from service because they were over the age of 38 or
4 because of a personal request on the part of the person that the
5 person be discharged from service;

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

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

14 (A) the Cold War which began on the date of the
15 termination of the national emergency cited in Subdivision (3);

16 (B) the Vietnam era which began on December 21,
17 1961, and ended on May 7, 1975;

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

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

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

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

27 (G) any future national emergency declared in

1 accordance with federal law.

2 (a-3) A person who before the 2011-2012 academic year
3 received an exemption provided by Subsection (a) continues to be
4 eligible for the exemption provided by that subsection as that
5 subsection existed on January 1, 2011, subject to the other
6 provisions of this section other than the requirement of Subsection
7 (a) that the person must currently reside in this state.

8 (d) The governing board of each institution of higher
9 education granting an exemption under this section shall require
10 each [every] applicant claiming the exemption to submit to the
11 institution an application for the exemption and satisfactory
12 evidence that the applicant qualifies for the exemption not later
13 than one year after the earlier of the date the institution:

14 (1) provides written notice to the applicant of the
15 applicant's eligibility for the exemption; or

16 (2) receives a written acknowledgement from the
17 applicant evidencing the applicant's awareness of the applicant's
18 eligibility for the exemption.

19 (k) The Texas Higher Education Coordinating Board by rule
20 shall prescribe procedures to allow:

21 (1) a person who becomes eligible for an exemption
22 provided by Subsection (a) to waive the person's right to any unused
23 portion of the maximum number of cumulative credit hours for which
24 the person could receive the exemption and assign the exemption for
25 the unused portion of those credit hours to a child of the person;
26 and

27 (2) following the death of a person who becomes

1 eligible for an exemption provided by Subsection (a), the
2 assignment of the exemption for the unused portion of the credit
3 hours to a child of the person, to be made by the person's spouse or
4 by the conservator, guardian, custodian, or other legally
5 designated caretaker of the child, if the child does not otherwise
6 qualify for an exemption under Subsection (b).

7 (k-1) The procedures under Subsection (k) must ~~[shall]~~
8 provide:

9 (1) the manner in which a person may waive the
10 exemption;

11 (2) the manner in which ~~[and designate]~~ a child may be
12 designated to receive the exemption;

13 (3) ~~[(2)]~~ a procedure permitting the designation of
14 ~~[person to designate]~~ a different child to receive the exemption if
15 the child previously designated to receive the exemption did not
16 use the exemption under this section for all of the assigned portion
17 of credit hours; and

18 (4) ~~[(3)]~~ a method of documentation to enable
19 institutions of higher education to determine the eligibility of
20 the designated child to receive the exemption.

21 (1) To be eligible to receive an exemption under Subsection
22 (k), the child must:

23 (1) be a student who is classified as a resident under
24 Subchapter B when the child enrolls in an institution of higher
25 education; and

26 (2) make satisfactory academic progress in a degree,
27 certificate, or continuing education program as determined by the

1 institution at which the child is enrolled in accordance with the
2 policy of the institution's financial aid department, except that
3 the institution may not require the child to enroll in a minimum
4 course load~~[, and~~

5 ~~[(3) be 25 years of age or younger on the first day of~~
6 ~~the semester or other academic term for which the exemption is~~
7 ~~claimed, except that the Texas Higher Education Coordinating Board~~
8 ~~by rule shall prescribe procedures by which a child who suffered~~
9 ~~from a severe illness or other debilitating condition that affected~~
10 ~~the child's ability to use the exemption before reaching that age~~
11 ~~may be granted additional time to use the exemption corresponding~~
12 ~~to the time the child was unable to use the exemption because of the~~
13 ~~illness or condition].~~

14 (m) For purposes of this section, a person is the child of
15 another person if the person is 25 years of age or younger on the
16 first day of the semester or other academic term for which the
17 exemption is claimed and:

18 (1) the person is the stepchild or the biological or
19 adopted child of the other person; or

20 (2) the other person claimed the person as a dependent
21 on a federal income tax return filed for the preceding year or will
22 claim the person as a dependent on a federal income tax return for
23 the current year.

24 (n) The Texas Higher Education Coordinating Board by rule
25 shall prescribe procedures by which a child who suffered from a
26 severe illness or other debilitating condition that affected the
27 child's ability to use the exemption before reaching the age

1 described by Subsection (m) may be granted additional time to use
2 the exemption corresponding to the time the child was unable to use
3 the exemption because of the illness or condition.

4 SECTION 2. Subchapter D, Chapter 54, Education Code, is
5 amended by adding Section 54.2031 to read as follows:

6 Sec. 54.2031. DEPENDENT CHILDREN OF RESIDENTS WHO ARE
7 MEMBERS OF ARMED FORCES DEPLOYED ON COMBAT DUTY. (a) In this
8 section:

9 (1) "Child" includes a stepchild or adopted child.

10 (2) "Dependent" means a person who:

11 (A) is claimed as a dependent on a federal income
12 tax return filed for the preceding year; or

13 (B) will be claimed as a dependent on a federal
14 income tax return filed for the current year.

15 (b) The governing board of an institution of higher
16 education shall exempt from the payment of tuition at the
17 institution a dependent child of a member of the armed forces of the
18 United States who is a resident of this state or is entitled to pay
19 resident tuition under this chapter, for any semester or other
20 academic term during which the member of the armed forces is
21 deployed on active duty for the purpose of engaging in a combative
22 military operation outside the United States.

23 (c) The governing board of an institution of higher
24 education granting an exemption under this section shall require
25 each applicant claiming the exemption to submit satisfactory
26 evidence that the applicant qualifies for the exemption.

27 (d) A person may not receive an exemption provided for by

1 this section for more than a cumulative total of 150 semester credit
2 hours.

3 (e) A person may not receive an exemption under this section
4 if the person is in default on a loan made or guaranteed for
5 educational purposes by the State of Texas.

6 (f) In determining whether to admit a person to any
7 certificate program or any baccalaureate, graduate, postgraduate,
8 or professional degree program, an institution of higher education
9 may not consider the fact that the person is eligible for an
10 exemption under this section.

11 (g) In its appropriations to institutions of higher
12 education, the legislature shall, based on availability, provide
13 sufficient money to cover the full costs of the exemptions provided
14 for by this section.

15 (h) If sufficient money is not available to cover the full
16 costs to the institutions of higher education of the exemptions
17 provided for by this section, the Texas Higher Education
18 Coordinating Board shall prorate the available funding to each
19 institution for purposes of this section in proportion to the total
20 amount the institution would otherwise be entitled to receive for
21 purposes of this section. An institution is required to grant an
22 exemption from the payment of tuition under this section only to the
23 extent money is available for that purpose.

24 (i) The Texas Higher Education Coordinating Board may adopt
25 rules necessary to administer this section.

26 SECTION 3. Section 54.203(b-2), Education Code, is
27 repealed.

1 SECTION 4. The change in law made by this Act applies
2 beginning with tuition and fees for the 2011 fall semester. Tuition
3 and fees for a term or semester before the 2011 fall semester are
4 covered by the law in effect immediately before the effective date
5 of this Act, and the former law is continued in effect for that
6 purpose.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2011.