

1-1 By: Van de Putte, Zaffirini S.B. No. 639  
1-2 (In the Senate - Filed February 14, 2011; February 23, 2011,  
1-3 read first time and referred to Committee on Veteran Affairs and  
1-4 Military Installations; March 21, 2011, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 4, Nays  
1-6 0; March 21, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 639 By: Van de Putte

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to tuition and fee exemptions at public institutions of  
1-11 higher education for certain military personnel, veterans, and  
1-12 dependents residing in this state.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 54.203, Education Code, is amended by  
1-15 amending Subsections (a), (k), (l), and (m) and adding Subsections  
1-16 (a-3), (k-1), and (n) to read as follows:

1-17 (a) The governing board of each institution of higher  
1-18 education shall exempt the following persons from the payment of  
1-19 tuition, dues, fees, and other required charges, including fees for  
1-20 correspondence courses but excluding general deposit fees, student  
1-21 services fees, and any fees or charges for lodging, board, or  
1-22 clothing, provided the person seeking the exemption currently  
1-23 resides in this state and entered the service at a location in this  
1-24 state, declared this state as the person's home of record in the  
1-25 manner provided by the applicable military or other service, or  
1-26 would have been determined to be a resident of this state for  
1-27 purposes of Subchapter B at the time the person entered the service:

1-28 (1) all nurses and honorably discharged members of the  
1-29 armed forces of the United States who served during the  
1-30 Spanish-American War or during World War I;

1-31 (2) all nurses, members of the Women's Army Auxiliary  
1-32 Corps, members of the Women's Auxiliary Volunteer Emergency  
1-33 Service, and all honorably discharged members of the armed forces  
1-34 of the United States who served during World War II except those who  
1-35 were discharged from service because they were over the age of 38 or  
1-36 because of a personal request on the part of the person that the  
1-37 person be discharged from service;

1-38 (3) all honorably discharged men and women of the  
1-39 armed forces of the United States who served during the national  
1-40 emergency which began on June 27, 1950, and which is referred to as  
1-41 the Korean War; and

1-42 (4) all persons who were honorably discharged from the  
1-43 armed forces of the United States after serving on active military  
1-44 duty, excluding training, for more than 180 days and who served a  
1-45 portion of their active duty during:

1-46 (A) the Cold War which began on the date of the  
1-47 termination of the national emergency cited in Subdivision (3);

1-48 (B) the Vietnam era which began on December 21,  
1-49 1961, and ended on May 7, 1975;

1-50 (C) the Grenada and Lebanon era which began on  
1-51 August 24, 1982, and ended on July 31, 1984;

1-52 (D) the Panama era which began on December 20,  
1-53 1989, and ended on January 21, 1990;

1-54 (E) the Persian Gulf War which began on August 2,  
1-55 1990, and ends on the date thereafter prescribed by Presidential  
1-56 proclamation or September 1, 1997, whichever occurs first;

1-57 (F) the national emergency by reason of certain  
1-58 terrorist attacks that began on September 11, 2001; or

1-59 (G) any future national emergency declared in  
1-60 accordance with federal law.

1-61 (a-3) A person who before the 2011-2012 academic year  
1-62 received an exemption provided by Subsection (a) continues to be  
1-63 eligible for the exemption provided by that subsection as that

2-1 subsection existed on January 1, 2011, subject to the other  
 2-2 provisions of this section other than the requirement of Subsection  
 2-3 (a) that the person must currently reside in this state.

2-4 (k) The Texas Higher Education Coordinating Board by rule  
 2-5 shall prescribe procedures to allow:

2-6 (1) a person who becomes eligible for an exemption  
 2-7 provided by Subsection (a) to waive the person's right to any unused  
 2-8 portion of the maximum number of cumulative credit hours for which  
 2-9 the person could receive the exemption and assign the exemption for  
 2-10 the unused portion of those credit hours to a child of the person;  
 2-11 and

2-12 (2) following the death of a person who becomes  
 2-13 eligible for an exemption provided by Subsection (a), the  
 2-14 assignment of the exemption for the unused portion of the credit  
 2-15 hours to a child of the person, to be made by the person's spouse or  
 2-16 by the conservator, guardian, custodian, or other legally  
 2-17 designated caretaker of the child, if the child does not otherwise  
 2-18 qualify for an exemption under Subsection (b).

2-19 (k-1) The procedures under Subsection (k) must ~~[shall]~~  
 2-20 provide:

2-21 (1) the manner in which a person may waive the  
 2-22 exemption;

2-23 (2) the manner in which ~~[and designate]~~ a child may be  
 2-24 designated to receive the exemption;

2-25 (3) ~~[(2)]~~ a procedure permitting the designation of  
 2-26 ~~[person to designate]~~ a different child to receive the exemption if  
 2-27 the child previously designated to receive the exemption did not  
 2-28 use the exemption under this section for all of the assigned portion  
 2-29 of credit hours; and

2-30 (4) ~~[(3)]~~ a method of documentation to enable  
 2-31 institutions of higher education to determine the eligibility of  
 2-32 the designated child to receive the exemption.

2-33 (1) To be eligible to receive an exemption under Subsection  
 2-34 (k), the child must:

2-35 (1) be a student who is classified as a resident under  
 2-36 Subchapter B when the child enrolls in an institution of higher  
 2-37 education; and

2-38 (2) make satisfactory academic progress in a degree,  
 2-39 certificate, or continuing education program as determined by the  
 2-40 institution at which the child is enrolled in accordance with the  
 2-41 policy of the institution's financial aid department, except that  
 2-42 the institution may not require the child to enroll in a minimum  
 2-43 course load~~[, and~~

2-44 ~~[(3) be 25 years of age or younger on the first day of~~  
 2-45 ~~the semester or other academic term for which the exemption is~~  
 2-46 ~~claimed, except that the Texas Higher Education Coordinating Board~~  
 2-47 ~~by rule shall prescribe procedures by which a child who suffered~~  
 2-48 ~~from a severe illness or other debilitating condition that affected~~  
 2-49 ~~the child's ability to use the exemption before reaching that age~~  
 2-50 ~~may be granted additional time to use the exemption corresponding~~  
 2-51 ~~to the time the child was unable to use the exemption because of the~~  
 2-52 ~~illness or condition].~~

2-53 (m) For purposes of this section, a person is the child of  
 2-54 another person if the person is 25 years of age or younger on the  
 2-55 first day of the semester or other academic term for which the  
 2-56 exemption is claimed and:

2-57 (1) the person is the stepchild or the biological or  
 2-58 adopted child of the other person; or

2-59 (2) the other person claimed the person as a dependent  
 2-60 on a federal income tax return filed for the preceding year or will  
 2-61 claim the person as a dependent on a federal income tax return for  
 2-62 the current year.

2-63 (n) The Texas Higher Education Coordinating Board by rule  
 2-64 shall prescribe procedures by which a child who suffered from a  
 2-65 severe illness or other debilitating condition that affected the  
 2-66 child's ability to use the exemption before reaching the age  
 2-67 described by Subsection (m) may be granted additional time to use  
 2-68 the exemption corresponding to the time the child was unable to use  
 2-69 the exemption because of the illness or condition.

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

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

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

(2) "Dependent" means a person who:

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

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

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

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

(d) A person may not receive an exemption provided for by this section for more than a cumulative total of 150 semester credit hours.

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

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

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

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

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

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

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

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

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