

By: Birdwell, et al.

S.B. No. 1735

A BILL TO BE ENTITLED

AN ACT

1
2 relating to tuition and fee exemptions at public institutions of
3 higher education for certain military personnel and their
4 dependents.

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

6 SECTION 1. Section 54.341, Education Code, is amended by
7 amending Subsections (a), (e), (k), and (l) and adding Subsections
8 (a-0), (a-5), (c-1), (k-2), (l-1), and (p) to read as follows:

9 (a) The governing board of each institution of higher
10 education shall exempt the ~~[following]~~ persons described by
11 Subsection (a-0) from the payment of tuition, dues, fees, and other
12 required charges, including fees for correspondence courses but
13 excluding general deposit fees, student services fees, and any fees
14 or charges for lodging, board, or clothing, provided the person
15 seeking the exemption currently resides in this state and the
16 person:

17 (1) entered the service at a location in this state;

18 (2) [7] declared this state as the person's home of
19 record in the manner provided by the applicable military or other
20 service;

21 (3) [7-01] would have been determined to be a resident
22 of this state for purposes of Subchapter B at the time the person
23 entered the service; or

24 (4) has resided in this state continuously for the

1 eight years immediately preceding the first class date of the
2 semester or academic term to which the exemption would apply.

3 (a-0) The following persons are exempted from the payment of
4 tuition, dues, fees, and other required charges under Subsection
5 (a):

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

9 (2) all nurses, members of the Women's Army Auxiliary
10 Corps, members of the Women's Auxiliary Volunteer Emergency
11 Service, and all honorably discharged members of the armed forces
12 of the United States who served during World War II except those who
13 were discharged from service because they were over the age of 38 or
14 because of a personal request on the part of the person that the
15 person be discharged from service;

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

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

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

26 (B) the Vietnam era which began on December 21,
27 1961, and ended on May 7, 1975;

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

3 (D) the Panama era which began on December 20,
4 1989, and ended on January 21, 1990;

5 (E) the Persian Gulf War which began on August 2,
6 1990, and ends on the date thereafter prescribed by Presidential
7 proclamation or September 1, 1997, whichever occurs first;

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

10 (G) any future national emergency declared in
11 accordance with federal law.

12 (a-5) A person who received an exemption under this section
13 for a semester or other academic term before the 2017 spring
14 semester continues to be eligible for the exemption provided by
15 this section as this section existed on January 1, 2015.

16 (c-1) This subsection does not apply to a person who is
17 eligible to receive an exemption under Subsection (a-2) or (b) or to
18 continue to receive an exemption under Subsection (a-1), (a-3),
19 (a-4), or (a-5). In addition to the limitation prescribed by
20 Subsection (c), a person who qualifies for an exemption under
21 Subsection (a) based on the person's military service may not
22 receive the exemption for a semester or other academic term the
23 first class date of which is later than the 15th anniversary of:

24 (1) the date of the person's honorable discharge from
25 active military duty; or

26 (2) if the person subsequently serves in the Texas
27 National Guard or in the reserve component of the armed forces of

1 the United States, the date of the person's latest discharge from
2 the Texas National Guard or the reserve component, as applicable.

3 (e) The exemption from tuition, fees, and other charges
4 provided for by this section does not apply to a person who at the
5 time of registration is entitled to receive state or federal grant
6 aid or educational benefits under federal legislation that may be
7 used only for the payment of tuition and fees if the value of the
8 grant aid and [~~those~~] benefits received in a semester or other term
9 is equal to or exceeds the value of the exemption for the same
10 semester or other term. If the value of state or federal grant aid
11 or federal benefits that may be used only for the payment of tuition
12 and fees and are received in a semester or other term does not equal
13 or exceed the value of the exemption for the same semester or other
14 term, the person is entitled to receive both the grant aid or
15 [~~those~~] federal benefits and the exemption in the same semester or
16 other term. The combined amount of the state or federal grant aid
17 or federal benefit that may be used only for the payment of tuition
18 and fees plus the amount of the exemption received in a semester or
19 other term may not exceed the cost of tuition and fees for that
20 semester or other term. An institution of higher education may not
21 require a person eligible for an exemption under Subsection (a) to
22 apply for or obtain a student loan.

23 (k) Subject to the limitation prescribed by Subsection
24 (k-2), the [~~The~~] Texas Veterans Commission by rule shall prescribe
25 procedures to allow:

26 (1) a person who becomes eligible for an exemption
27 provided by Subsection (a) to waive the person's right to any unused

1 portion of the number of cumulative credit hours for which the
2 person could receive the exemption and assign the exemption for the
3 unused portion of those credit hours to a child of the person; and

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

11 (k-2) A person who becomes eligible for an exemption
12 provided by Subsection (a) must have served on active military
13 duty, excluding training, or on active service or active status in
14 the Texas National Guard or the reserve component of the armed
15 forces of the United States for a cumulative total of at least six
16 years before any portion of the exemption may be assigned to a child
17 of the person under Subsection (k).

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

20 (1) be a student who is classified as a resident under
21 Subchapter B when the child enrolls in an institution of higher
22 education;

23 (2) be an ~~[as a graduate or]~~ undergraduate student~~[,~~
24 ~~maintain a grade point average that satisfies the grade point~~
25 ~~average requirement for making satisfactory academic progress in a~~
26 ~~degree, certificate, or continuing education program as determined~~
27 ~~by the institution at which the child is enrolled in accordance with~~

1 ~~the institution's policy regarding eligibility for financial aid];~~
2 ~~[and]~~

3 (3) maintain:

4 (A) a course load of at least 24 semester credit
5 hours per academic year; and

6 (B) a cumulative grade point average of at least
7 2.5 on a four-point scale or the equivalent;

8 (4) claim the exemption for a semester or other
9 academic term the first class date of which is no later than the
10 15th anniversary of the honorable discharge date from active duty
11 of the parent from whom the exemption is being assigned;

12 (5) no later than the last class date of each semester
13 or other academic term to which the exemption would apply, perform
14 at least 20 hours of community service approved by the Texas
15 Veterans Commission for purposes of this subdivision; and

16 (6) be 25 years of age or younger on the first class
17 date ~~[day]~~ of the semester or other academic term for which the
18 exemption is claimed.

19 (1-1) If a person fails to meet any of the requirements of
20 Subsection (1)(3) after the completion of any semester or other
21 academic term, the person is not eligible to receive an exemption
22 under Subsection (k) during the next semester or other term in which
23 the person enrolls. A person may become eligible to receive an
24 exemption in a subsequent semester or other academic term if the
25 person:

26 (1) completes a semester or other academic term during
27 which the person is not eligible for the exemption; and

1 (2) satisfies the requirements of Subsection (1)(3).

2 (p) An institution of higher education shall require a
3 person receiving an exemption under this section to complete a Free
4 Application for Federal Student Aid (FAFSA). The institution may
5 not use the information obtained from a person's FAFSA to encourage
6 or require the person to obtain a student loan, but may use the
7 information to make a person aware of grant opportunities.

8 SECTION 2. Subchapter A, Chapter 434, Government Code, is
9 amended by adding Section 434.00792 to read as follows:

10 Sec. 434.00792. STUDY AND REPORT REGARDING CERTAIN TUITION
11 AND FEE EXEMPTIONS FOR VETERANS AND FAMILY MEMBERS. (a) The
12 commission, in coordination with the Texas Higher Education
13 Coordinating Board and the Legislative Budget Board, shall conduct
14 a study observing and comparing the implementation and effects,
15 including the costs to institutions of higher education, of the
16 exemption from the payment of tuition and fees at institutions of
17 higher education under Section 54.341, Education Code:

18 (1) before the enactment of Chapter 1340 (S.B. 93),
19 Acts of the 81st Legislature, Regular Session, 2009, allowing a
20 person eligible for an exemption under Section 54.341, Education
21 Code, to assign the exemption to a child of the person;

22 (2) after the enactment of the Act described by
23 Subdivision (1); and

24 (3) after the enactment and becoming law of S.B. 1735,
25 84th Legislature, Regular Session, 2015, amending Section 54.341,
26 Education Code.

27 (b) Not later than December 1, 2018, the commission shall

1 report its findings from the study conducted under this section to
2 the legislature.

3 (c) This section expires January 1, 2019.

4 SECTION 3. (a) Except as provided by Subsection (b) of
5 this section, the changes in law made by this Act to Section 54.341,
6 Education Code, apply beginning with tuition and fees charged for
7 the 2017 spring semester. Tuition and fees charged for a term or
8 semester before the 2017 spring semester are covered by the law in
9 effect immediately before the effective date of this Act, and the
10 former law is continued in effect for that purpose.

11 (b) The changes in law made by this Act in amending Section
12 54.341(a) and adding Section 54.341(a-0), Education Code, apply
13 beginning with tuition and fees charged for the first academic
14 semester beginning on or after the effective date of this Act.

15 SECTION 4. 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, 2015.