

By: Miller

H.B. No. 4089

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 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), (b-1), (c), (d), (e), (f), (k), and (l)
8 and adding Subsections (a-5), (c-1), and (c-2) 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 two years. [~~180 days~~] and who
13 served a 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-2) The exemptions provided for in Subsection (a) also
3 apply to the spouse of:

4 (1) a member of the armed forces of the United States:

5 (A) who was killed in action;

6 (B) who died while in service;

7 (C) who is missing in action;

8 (D) whose death is documented to be directly
9 caused by illness or injury connected with service in the armed
10 forces of the United States; or

11 (E) who became totally and permanently disabled
12 or meets the eligibility requirements for individual
13 unemployability according to the disability ratings of the
14 Department of Veterans Affairs as a result of a service-related
15 injury;] or

16 (2) a member of the Texas National Guard or the Texas
17 Air National Guard who

18 (A) was killed since January 1, 1946, while on
19 active duty either in the service of this state or the United
20 States; or

21 (B) is totally and permanently disabled or meets
22 the eligibility requirements for individual unemployability
23 according to the disability ratings of the Department of Veterans
24 Affairs, regardless of whether the member is eligible to receive
25 disability benefits from the department, as a result of a
26 service-related injury suffered since January 1, 1946, while on
27 active duty either in the service of this state or the United

1 States].

2 (a-4) A person who before the 2014-2015 academic year
3 received an exemption under this section continues to be eligible
4 for the exemption provided by this section as this section existed
5 on January 1, 2013.

6 (b) The exceptions provided for in Subsection (a) also apply
7 to:

8 (1) the children of members of the armed forces of the
9 United States:

10 (A) who are or were killed in action;

11 (B) who die or died while in service;

12 (C) who are missing in action;

13 (D) whose death is documented to be directly
14 caused by illness or injury connected with service in the armed
15 forces of the United States; or

16 (E) who became totally and permanently disabled
17 or meet the eligibility requirement for individual unemployability
18 according to the disability rating of the Department of Veterans
19 Affairs as a result of a service-related injury; and

20 (2) the children of members of the Texas National
21 Guard and the Texas Air National guard who:

22 (A) were killed since January 1, 1946, while on
23 active duty either in the service of their state or the United
24 States; or

25 (B) are totally and permanently disabled or meet
26 the eligibility requirements for individual unemployability
27 according to the disability ratings of the Department of Veterans

1 Affairs, regardless of whether the members are eligible to receive
2 disability benefits from the department, as a result of a
3 service-related injury suffered since January 1, 1946, while on
4 active duty either in the service of this state or the United
5 States.

6 (a-5) A person who currently resides in this state and
7 entered the service at a location in this state, declared this state
8 as the person's home of record in the manner provided by the
9 applicable military or other service, or would have been determined
10 to be a resident of this state and entered service before September
11 1, 2017, qualifies for the exemption under the previous rules and
12 guidelines.

13 (b-1) To qualify for an exemption under Subsection (a-2) or
14 (b), the spouse or child must be classified as a resident under
15 Subchapter B on the date of the spouse's or child's registration.

16 (c) Subject to Subsection (c-1), a [A] person may not
17 receive exemptions provided for by this section for more than a
18 cumulative total of 150 hours.

19 (c-1) 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, or a person
22 to whom an exemption is assigned under Subsection (k) based on the
23 military service of the person's parent, may not receive the
24 exemption for a semester or other academic term the first class date
25 of which is later than the 20th anniversary of the date of the
26 person's or parent's honorable discharge from military service, as
27 applicable. This subsection does not apply to a person who is

1 eligible to receive an exemption under Subsection (a-2) or to
2 continue to receive an exemption under Subsection (a-1), (a-3),
3 (a-4), or (a-5).

4 (c-2) A person may not receive exemptions provided for by
5 Subsection (a) after the completion of one graduate degree.

6 (d) Not later than the last class date of the semester or
7 term to which an exemption under this section applies, except that
8 the governing board may encourage an earlier submission by the
9 official day of record for that semester or term on which the
10 institution must determine the enrollment that is reported to the
11 Texas Higher Education Coordinating Board, the [The] governing
12 board of each institution of higher education granting an exemption
13 under this section shall require each applicant claiming the
14 exemption to submit to the institution, in the form and manner
15 prescribed by the Texas Veterans Commission for purposes of this
16 section under Section 434.0079(b), Government Code:

17 (1) [7] an application for the exemption and necessary
18 evidence that the applicant qualifies for the exemption;

19 (2) a completed Free Application for Federal Student
20 Aid (FAFSA); and

21 (3) a degree plan listing all courses required to
22 graduate evaluated and signed by the applicant's academic advisor
23 ~~[not later than the last class date of the semester or term to which~~
24 ~~the exemption applies, except that the governing board may~~
25 ~~encourage the submission of an application and evidence by the~~
26 ~~official day of record for the semester or term to which the~~
27 ~~exemption applies on which the institution must determine the~~

1 ~~enrollment that is reported to the Texas Higher Education~~
2 ~~Coordinating Board].~~

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 (f) A person may apply an exemption under this section only
24 to credit hours for which the Texas Higher Education Coordinating
25 Board certifies student enrollment for the purposes of formula
26 funding ~~[The governing board of each institution of higher~~
27 ~~education may enter into contracts with the United States~~

1 ~~government, or any of its agencies, to furnish instruction to~~
2 ~~ex-servicemen and ex-service women at a tuition rate which covers~~
3 ~~the estimated cost of the instruction or, in the alternative, at a~~
4 ~~tuition rate of \$100 a semester, as may be determined by the~~
5 ~~governing board. If the rates specified are prohibited by federal~~
6 ~~law for any particular class of ex-servicemen or ex-service women,~~
7 ~~the tuition rate shall be set by the governing board, but shall not~~
8 ~~be less than the established rate for civilian students. If federal~~
9 ~~law provides as to any class of veterans that the tuition payments~~
10 ~~are to be deducted from subsequent benefits to which the veteran may~~
11 ~~be entitled, the institution shall refund to any veteran who is a~~
12 ~~resident of Texas within the meaning of this section the amount by~~
13 ~~which any adjusted compensation payment is actually reduced because~~
14 ~~of tuition payments made to the institution by the federal~~
15 ~~government for the veteran].~~

16 (k) Subject to the limitation prescribed by Subsection
17 (k-2) the ~~The~~ Texas Veterans Commission by rule shall prescribe
18 procedures to allow:

19 (1) a person who becomes eligible for an exemption
20 provided by Subsection (a) to waive the person's right to any unused
21 portion of the number of cumulative credit hours, not to exceed 150
22 credit hours, for which the person could receive the exemption and
23 assign the exemption for the unused portion of those credit hours to
24 a child of the person; and

25 (2) following the death of a person who becomes
26 eligible for an exemption provided by Subsection (a), the
27 assignment of the exemption for the unused portion of the credit

1 hours, not to exceed 150 credit hours, to a child of the person, to
2 be made by the person's spouse or by the conservator, guardian,
3 custodian, or other legally designated caretaker of the child, if
4 the child does not otherwise qualify for an exemption under
5 Subsection (b).

6 (k-2) A person who becomes eligible for an exemption
7 provided by Subsection (a) must have served for at least six years
8 before any portion of the exemption may be assigned to a child of
9 the person under Subsection (k).

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

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

15 (2) as be an [~~a graduate or~~] undergraduate student,
16 ~~maintain a grade point average that satisfies the grade point~~
17 ~~average requirement for making satisfactory academic progress in a~~
18 ~~degree, certificate, or continuing education program as determined~~
19 ~~by the institution at which the child is enrolled in accordance with~~
20 ~~the institution's policy regarding eligibility for financial aid,~~
21 ~~[and]~~

22 (3) maintain:

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

25 (B) a cumulative grade point average of at least
26 2.5 on a four-point scale or the equivalent; and

27 ~~(3)~~ (4) be 25 years of age or younger on the first day

1 of the semester or other academic term for which the exemption is
2 claimed; and

3 (5) if eligible, have exhausted all benefits available
4 to the child under the federal Post-9/11 Veterans Educational
5 Assistance Act of 2008 (38 U.S.C. Section 3301 et seq.) or any other
6 federal law authorizing educational benefits for veterans.

7 SECTION 2. The changes in law made by this Act to Section
8 54.341, Education Code, apply beginning with tuition and fees
9 charged for the 2017 fall semester. Tuition and fees charged for a
10 term or semester before the 2017 fall semester are governed by the
11 law in effect immediately before the effective date of this Act, and
12 the former law is continued in effect for that purpose.

13 SECTION 3. (a) A joint interim committee is created to
14 study and review the exemption from tuition, fees, and other
15 charges provided under Section 54.341, Education Code, as amended
16 by this Act.

17 (b) The committee is composed of:

18 (1) five members of the senate standing committee with
19 primary jurisdiction over higher education appointed by the
20 lieutenant governor; and

21 (2) five members of the house standing committee with
22 primary jurisdiction over higher education appointed by the speaker
23 of the house of representatives.

24 (c) The lieutenant governor and the speaker of the house of
25 representatives shall:

26 (1) jointly designate a committee chair; or

27 (2) if the lieutenant governor and the speaker of the

1 house of representatives do not agree to jointly designate a
2 committee chair, designate co-chairs from among the lieutenant
3 governor's and the speaker's respective appointments.

4 (d) The committee shall convene at the call of the chair or,
5 if applicable, at the call of one of the co-chairs.

6 (e) The committee has all other powers and duties provided
7 to a special or select committee by the rules of the senate and
8 house of representatives, by Subchapter B, Chapter 301, Government
9 Code, and by policies of the senate and house committees on
10 administration.

11 (f) Not later than December 1, 2018, the committee shall
12 report the committee's findings and recommendations to the governor
13 and the members of the legislature. The committee shall include in
14 its recommendations specific statutory and rule changes that appear
15 necessary from the results of the committee's study.

16 (g) Not later than the 60th day after the effective date of
17 this Act, the lieutenant governor and the speaker of the house of
18 representatives shall appoint the members of the committee created
19 under this section.

20 (h) The committee is abolished and this section expires
21 March 1, 2019.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.