

By: Miller of Fort Bend

H.B. No. 3566

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 54.341, Education Code, is amended by adding Subsections (a-5) and (c-1) and amending Subsections (c), (d), (e), (f), and (l) to read as follows:

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of tuition, dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person seeking the exemption established and maintained a domicile in this state as described by Section 54.052(a)(1) and satisfies the residency requirement under Subsection (a-0) ~~[currently resides in this state and entered the service at a location in this state, declared this state as the person's home of record in the manner provided by the applicable military or other service, or would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service]~~:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the

1 Spanish-American War or during World War I;

2           (2) all nurses, members of the Women's Army Auxiliary  
3 Corps, members of the Women's Auxiliary Volunteer Emergency  
4 Service, and all honorably discharged members of the armed forces  
5 of the United States who served during World War II except those who  
6 were discharged from service because they were over the age of 38 or  
7 because of a personal request on the part of the person that the  
8 person be discharged from service;

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

13           (4) all persons who were honorably discharged from the  
14 armed forces of the United States after serving on active military  
15 duty, excluding training, for more than 365 days and who served a  
16 portion of their active duty during:

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

19           (B) the Vietnam era which began on December 21,  
20 1961, and ended on May 7, 1975;

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

23           (D) the Panama era which began on December 20,  
24 1989, and ended on January 21, 1990;

25           (E) the Persian Gulf War which began on August 2,  
26 1990, and ends on the date thereafter prescribed by Presidential  
27 proclamation or September 1, 1997, whichever occurs first;

1 (F) the national emergency by reasons of certain  
2 terrorist attacks that began on September 11, 2001; or

3 (G) any future national emergency declared in  
4 accordance with federal law.

5 (a-0) To be eligible for an exemption provided by this  
6 section, a person must have resided in this state continuously for  
7 the eight years immediately preceding the first class date of the  
8 semester or term to which the exemption would apply. This  
9 subsection does not apply to a person who was born in this state.

10 (a-5) A person who received an exemption under this section  
11 for an academic year before the 2015-2016 academic year continues  
12 to be eligible for the exemption provided by this section as this  
13 section existed on January 1, 2015.

14 (b-1) To qualify for an exemption under Subsection (a-2) or  
15 (b), the spouse or child must have established and maintained a  
16 domicile in this state as described by Section 54.052(a)(1) or (2),  
17 as applicable, and satisfy the residency requirement under  
18 Subsection (a-0) [~~be classified as a resident under Subchapter B on~~  
19 ~~the date of the spouse's or child's registration~~].

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

22 (1) Have established and maintained a domicile in this  
23 state as described by Section 54.052(a)(1) or (2), as applicable,  
24 and satisfy the residency requirement under Subsection (a-0) [~~be a~~  
25 ~~student who is classified as a resident under Subchapter B when the~~  
26 ~~child enrolls in an institution of higher education~~];

27 (2) As a graduate or undergraduate student, maintain a

1 grade point average that satisfied the grade point average  
2 requirement for making satisfactory academic progress in a degree,  
3 certificate, or continuing education program as determined by the  
4 institution at which the child is enrolled in accordance with the  
5 institution's policy regarding eligibility for financial aid;  
6 ~~and~~

7 (3) Be 25 years of age or younger on the first day of  
8 the semester or other academic term for which the exemption is  
9 claimed~~[-]~~; and

10 (4) if eligible, have utilized and exhausted benefits  
11 established under the Montgomery GI Bill.

12 (c) Subject to Subsection (c-1), a [A] person may not  
13 receive exemptions provided for by this section for more than a  
14 cumulative total of 120 credit hours or the number of hours required  
15 to graduate with specific degree.

16 (c-1) A person may not receive exemptions provided for by  
17 Subsection (a) after the completion of one graduate degree.

18 (d) Not later than the last class date of the semester or  
19 term to which an exemption under this section applies, except that  
20 the governing board may encourage an earlier submission by the  
21 official day of record for that semester or term on which the  
22 institution must determine the enrollment that is reported to the  
23 Texas Higher Education Coordinating Board, the [The] governing  
24 board of each institution of higher education granting an exemption  
25 under this section shall require each applicant claiming the  
26 exemption to submit to the institution, in the form and manner  
27 prescribed by the Texas Veterans Commission for purposes of this

section under Section 434.0079(b), Government Code:

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

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

(3) a degree plan listing all courses required to graduate evaluated and signed by the applicant's academic advisor ~~[not later than the last class date of the semester or term to which the exemption applies, except that the governing board may encourage the submission of an application and evidence by the official day of record for the semester or term to which the exemption applies on which the institution must determine the enrollment that is reported to the Texas Higher Education Coordinating Board].~~

(e) The exemption from tuition, fees, and other charges provided for by this section does not apply to a person who at the time of registration is entitled to receive state or federal grant aid or educational benefits under federal legislation that may be used only for the payment of tuition and fees if the value of the grant aid and ~~[those]~~ benefits received in a semester or other term is equal to or exceeds the value of the exemption for the same semester or other term. If the value of state or federal grant aid or federal benefits that may be used only for the payment of tuition and fees and are received in a semester or other term does not equal or exceed the value of the exemption for the same semester or other term, the person is entitled to receive both the grant aid or ~~[those]~~ federal benefits and the exemption in the same semester or

1 other term. The combined amount of the state or federal grant aid  
2 or federal benefit that may be used only for the payment of tuition  
3 and fees plus the amount of the exemption received in a semester or  
4 other term may not exceed the cost of tuition and fees for that  
5 semester or other term. An institution of higher education may not  
6 require a person eligible for an exemption under Subsection (a) to  
7 apply for or obtain a student loan.

8 (f) A person may apply an exemption under this section only  
9 to credit hours for which the Texas Higher Education Coordinating  
10 Board certifies student enrollment for the purposes of formula  
11 funding ~~[The governing board of each institution of higher~~  
12 ~~education may enter into contracts with the United States~~  
13 ~~government, or any of its agencies, to furnish instruction to~~  
14 ~~ex-servicemen and ex-service women at a tuition rate which covers~~  
15 ~~the estimated cost of the instruction or, in the alternative, at a~~  
16 ~~tuition rate of \$100 a semester, as may be determined by the~~  
17 ~~governing board. If the rates specified are prohibited by federal~~  
18 ~~law for any particular class of ex-servicemen or ex-service women,~~  
19 ~~the tuition rate shall be set by the governing board, but shall not~~  
20 ~~be less than the established rate for civilian students. If~~  
21 ~~federal law provides as to any class of veterans that the tuition~~  
22 ~~payments are to be deducted from subsequent benefits to which the~~  
23 ~~veteran may be entitled, the institution shall refund to any~~  
24 ~~veteran who is a resident of Texas within the meaning of this~~  
25 ~~section the amount by which any adjusted compensation payment is~~  
26 ~~actually reduced because of tuition payments made to the~~  
27 ~~institution by the federal government for the veteran].~~

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

3                 (1) be an undergraduate ~~[a]~~ student who is classified  
4 as a resident under Subchapter B when the child enrolls in an  
5 institution of higher education;

6                 (2) as an ~~[a graduate or]~~ undergraduate student,  
7 maintain a grade point average that satisfies the grade point  
8 average requirement for making satisfactory academic progress in a  
9 degree, certificate, or continuing education program as determined  
10 by the institution at which the child is enrolled in accordance with  
11 the institution's policy regarding eligibility for financial aid;  
12 and

13                (3) be 25 years of age or younger on the first day of  
14 the semester or other academic term for which the exemption is  
15 claimed.

16           SECTION 2. (a) The changes in law made by this Act apply  
17 beginning with tuition and fees for the 2015 fall semester. Tuition  
18 and fees for a term or semester before the 2015 fall semester are  
19 covered by the law in effect immediately before the effective date  
20 of this Act, and the former law is continued in effect for that  
21 purpose.

22           (b) The Texas Higher Education Coordinating Board and the  
23 Texas Veterans Commission shall adopt the rules required by Section  
24 [54.341](#), Education Code, as amended by this Act, as soon as  
25 practicable after the effective date of this Act. For that purpose,  
26 the coordinating board and the commission may adopt the initial  
27 rules in the manner provided by law for emergency rules.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2015.