

By: Birdwell, et al.  
(Zerwas)

S.B. No. 1735

Substitute the following for S.B. No. 1735:

By: Zerwas

C.S.S.B. No. 1735

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 amending Subsections (a), (b-1), (e), (k), and (l) and adding Subsections (a-0), (a-5), (c-1), (k-2), and (p) 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 180 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 reason 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 other academic term to which the exemption would apply.  
9 This subsection does not apply to a person who was born in this  
10 state.

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

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

21 (c-1) In addition to the limitation prescribed by  
22 Subsection (c), a person who qualifies for an exemption under  
23 Subsection (a) based on the person's military service, or a person  
24 to whom an exemption is assigned under Subsection (k) based on the  
25 military service of the person's parent, may not receive the  
26 exemption for a semester or other academic term the first class date  
27 of which is later than the 15th anniversary of the date of the

1 person's or parent's honorable discharge from active military duty,  
2 as applicable. This subsection does not apply to a person who is  
3 eligible to receive an exemption under Subsection (a-2) or (b) or to  
4 continue to receive an exemption under Subsection (a-1), (a-3),  
5 (a-4), or (a-5).

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

26 (k) Subject to the limitation prescribed by Subsection  
27 (k-2), the ~~[The]~~ Texas Veterans Commission by rule shall prescribe

1 procedures to allow:

2 (1) a person who becomes eligible for an exemption  
3 provided by Subsection (a) to waive the person's right to any unused  
4 portion of the number of cumulative credit hours for which the  
5 person could receive the exemption and assign the exemption for up  
6 to 60 credit hours of the unused portion of those credit hours to a  
7 child of the person; and

8 (2) following the death of a person who becomes  
9 eligible for an exemption provided by Subsection (a), the  
10 assignment of the exemption for up to 60 credit hours of the unused  
11 portion of the credit hours to a child of the person, to be made by  
12 the person's spouse or by the conservator, guardian, custodian, or  
13 other legally designated caretaker of the child, if the child does  
14 not otherwise qualify for an exemption under Subsection (b).

15 (k-2) A person who becomes eligible for an exemption  
16 provided by Subsection (a) must have served on active military  
17 duty, excluding training, for at least six years before any portion  
18 of the exemption may be assigned to a child of the person under  
19 Subsection (k).

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) be an ~~[as a graduate or]~~ undergraduate student[7

~~maintain a grade point average that satisfies the grade point average requirement for making satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the institution's policy regarding eligibility for financial aid];~~  
~~[and]~~

(3) maintain:

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

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

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

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

SECTION 2. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act to Section 54.341, Education Code, apply beginning with tuition and fees charged for the 2016 spring semester. Tuition and fees charged for a term or semester before the 2016 spring 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.

1           (b) The changes in law made by this Act in adding Section  
2   54.341(a-0), Education Code, apply beginning with tuition and fees  
3   charged for the first academic semester beginning on or after the  
4   effective date of this Act.

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