

1-1 By: Birdwell, et al. S.B. No. 1735
 1-2 (In the Senate - Filed March 13, 2015; March 24, 2015, read
 1-3 first time and referred to Committee on Higher Education;
 1-4 April 27, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 1; April 27, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1735 By: Watson

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to tuition and fee exemptions at public institutions of
 1-20 higher education for certain military personnel and their
 1-21 dependents.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 54.341, Education Code, is amended by
 1-24 amending Subsections (a), (b-1), (e), (k), and (l) and adding
 1-25 Subsections (a-0), (a-5), (c-1), (k-2), and (p) to read as follows:

1-26 (a) The governing board of each institution of higher
 1-27 education shall exempt the following persons from the payment of
 1-28 tuition, dues, fees, and other required charges, including fees for
 1-29 correspondence courses but excluding general deposit fees, student
 1-30 services fees, and any fees or charges for lodging, board, or
 1-31 clothing, provided the person seeking the exemption established and
 1-32 maintained a domicile in this state as described by Section
 1-33 54.052(a)(1) and satisfies the residency requirement under
 1-34 Subsection (a-0) [~~currently resides in this state and entered the~~
 1-35 ~~service at a location in this state, declared this state as the~~
 1-36 ~~person's home of record in the manner provided by the applicable~~
 1-37 ~~military or other service, or would have been determined to be a~~
 1-38 ~~resident of this state for purposes of Subchapter B at the time the~~
 1-39 ~~person entered the service]~~:

1-40 (1) all nurses and honorably discharged members of the
 1-41 armed forces of the United States who served during the
 1-42 Spanish-American War or during World War I;

1-43 (2) all nurses, members of the Women's Army Auxiliary
 1-44 Corps, members of the Women's Auxiliary Volunteer Emergency
 1-45 Service, and all honorably discharged members of the armed forces
 1-46 of the United States who served during World War II except those who
 1-47 were discharged from service because they were over the age of 38 or
 1-48 because of a personal request on the part of the person that the
 1-49 person be discharged from service;

1-50 (3) all honorably discharged men and women of the
 1-51 armed forces of the United States who served during the national
 1-52 emergency which began on June 27, 1950, and which is referred to as
 1-53 the Korean War; and

1-54 (4) all persons who were honorably discharged from the
 1-55 armed forces of the United States after serving on active military
 1-56 duty, excluding training, for more than 180 days and who served a
 1-57 portion of their active duty during:

1-58 (A) the Cold War which began on the date of the
 1-59 termination of the national emergency cited in Subdivision (3);

1-60 (B) the Vietnam era which began on December 21,

2-1 1961, and ended on May 7, 1975;

2-2 (C) the Grenada and Lebanon era which began on
2-3 August 24, 1982, and ended on July 31, 1984;

2-4 (D) the Panama era which began on December 20,
2-5 1989, and ended on January 21, 1990;

2-6 (E) the Persian Gulf War which began on August 2,
2-7 1990, and ends on the date thereafter prescribed by Presidential
2-8 proclamation or September 1, 1997, whichever occurs first;

2-9 (F) the national emergency by reason of certain
2-10 terrorist attacks that began on September 11, 2001; or

2-11 (G) any future national emergency declared in
2-12 accordance with federal law.

2-13 (a-0) To be eligible for an exemption provided by this
2-14 section, a person must have resided in this state continuously for
2-15 the eight years immediately preceding the first class date of the
2-16 semester or other academic term to which the exemption would apply.
2-17 This subsection does not apply to a person who was born in this
2-18 state.

2-19 (a-5) A person who received an exemption under this section
2-20 for a semester or other academic term before the 2016 spring
2-21 semester continues to be eligible for the exemption provided by
2-22 this section as this section existed on January 1, 2015.

2-23 (b-1) To qualify for an exemption under Subsection (a-2) or
2-24 (b), the spouse or child must have established and maintained a
2-25 domicile in this state as described by Section 54.052(a)(1) or (2),
2-26 as applicable, and satisfy the residency requirement under
2-27 Subsection (a-0) [be classified as a resident under Subchapter B on
2-28 the date of the spouse's or child's registration].

2-29 (c-1) In addition to the limitation prescribed by
2-30 Subsection (c), a person who qualifies for an exemption under
2-31 Subsection (a) based on the person's military service, or a person
2-32 to whom an exemption is assigned under Subsection (k) based on the
2-33 military service of the person's parent, may not receive the
2-34 exemption for a semester or other academic term the first class date
2-35 of which is later than the 15th anniversary of the date of the
2-36 person's or parent's honorable discharge from active military duty,
2-37 as applicable. This subsection does not apply to a person who is
2-38 eligible to receive an exemption under Subsection (a-2) or (b) or to
2-39 continue to receive an exemption under Subsection (a-1), (a-3),
2-40 (a-4), or (a-5).

2-41 (e) The exemption from tuition, fees, and other charges
2-42 provided for by this section does not apply to a person who at the
2-43 time of registration is entitled to receive state or federal grant
2-44 aid or educational benefits under federal legislation that may be
2-45 used only for the payment of tuition and fees if the value of the
2-46 grant aid and [those] benefits received in a semester or other term
2-47 is equal to or exceeds the value of the exemption for the same
2-48 semester or other term. If the value of state or federal grant aid
2-49 or federal benefits that may be used only for the payment of tuition
2-50 and fees and are received in a semester or other term does not equal
2-51 or exceed the value of the exemption for the same semester or other
2-52 term, the person is entitled to receive both the grant aid or
2-53 [those] federal benefits and the exemption in the same semester or
2-54 other term. The combined amount of the state or federal grant aid
2-55 or federal benefit that may be used only for the payment of tuition
2-56 and fees plus the amount of the exemption received in a semester or
2-57 other term may not exceed the cost of tuition and fees for that
2-58 semester or other term. An institution of higher education may not
2-59 require a person eligible for an exemption under Subsection (a) to
2-60 apply for or obtain a student loan.

2-61 (k) Subject to the limitation prescribed by Subsection
2-62 (k-2), the [The] Texas Veterans Commission by rule shall prescribe
2-63 procedures to allow:

2-64 (1) a person who becomes eligible for an exemption
2-65 provided by Subsection (a) to waive the person's right to any unused
2-66 portion of the number of cumulative credit hours for which the
2-67 person could receive the exemption and assign the exemption for up
2-68 to 60 credit hours of the unused portion of those credit hours to a
2-69 child of the person; and

3-1 (2) following the death of a person who becomes
3-2 eligible for an exemption provided by Subsection (a), the
3-3 assignment of the exemption for up to 60 credit hours of the unused
3-4 portion of the credit hours to a child of the person, to be made by
3-5 the person's spouse or by the conservator, guardian, custodian, or
3-6 other legally designated caretaker of the child, if the child does
3-7 not otherwise qualify for an exemption under Subsection (b).

3-8 (k-2) A person who becomes eligible for an exemption
3-9 provided by Subsection (a) must have served on active military
3-10 duty, excluding training, for at least six years before any portion
3-11 of the exemption may be assigned to a child of the person under
3-12 Subsection (k).

3-13 (1) To be eligible to receive an exemption under Subsection
3-14 (k), the child must:

3-15 (1) have established and maintained a domicile in this
3-16 state as described by Section 54.052(a)(1) or (2), as applicable,
3-17 and satisfy the residency requirement under Subsection (a-0) [~~be a~~
3-18 student who is classified as a resident under Subchapter B when the
3-19 child enrolls in an institution of higher education];

3-20 (2) be an [~~as a graduate or~~] undergraduate student[~~7~~
3-21 maintain a grade point average that satisfies the grade point
3-22 average requirement for making satisfactory academic progress in a
3-23 degree, certificate, or continuing education program as determined
3-24 by the institution at which the child is enrolled in accordance with
3-25 the institution's policy regarding eligibility for financial aid];
3-26 [and]

3-27 (3) maintain:

3-28 (A) a course load of at least 24 semester credit
3-29 hours per academic year; and

3-30 (B) a cumulative grade point average of at least
3-31 2.5 on a four-point scale or the equivalent; and

3-32 (4) be 25 years of age or younger on the first class
3-33 date [~~day~~] of the semester or other academic term for which the
3-34 exemption is claimed.

3-35 (p) An institution of higher education shall require a
3-36 person receiving an exemption under this section to complete a Free
3-37 Application for Federal Student Aid (FAFSA). The institution may
3-38 not use the information obtained from a person's FAFSA to encourage
3-39 or require the person to obtain a student loan, but may use the
3-40 information to make a person aware of grant opportunities.

3-41 SECTION 2. (a) Except as provided by Subsection (b) of
3-42 this section, the changes in law made by this Act to Section 54.341,
3-43 Education Code, apply beginning with tuition and fees charged for
3-44 the 2016 spring semester. Tuition and fees charged for a term or
3-45 semester before the 2016 spring semester are covered by the law in
3-46 effect immediately before the effective date of this Act, and the
3-47 former law is continued in effect for that purpose.

3-48 (b) The changes in law made by this Act in adding Section
3-49 54.341(a-0), Education Code, apply beginning with tuition and fees
3-50 charged for the first academic semester beginning on or after the
3-51 effective date of this Act.

3-52 SECTION 3. This Act takes effect immediately if it receives
3-53 a vote of two-thirds of all the members elected to each house, as
3-54 provided by Section 39, Article III, Texas Constitution. If this
3-55 Act does not receive the vote necessary for immediate effect, this
3-56 Act takes effect September 1, 2015.

3-57 * * * * *