

By: Eissler

H.B. No. 40

A BILL TO BE ENTITLED

AN ACT

1
2 relating to tuition assistance granted to certain members of state
3 military forces attending public or private institutions of higher
4 education.

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

6 SECTION 1. Sections 431.090(d) and (f), Government Code,
7 are amended to read as follows:

8 (d) The adjutant general shall grant tuition assistance
9 under this section to a number of eligible persons established by
10 the adjutant general, considering funds available for that
11 assistance and the needs of the state military forces. In granting
12 tuition assistance under this section, the adjutant general shall
13 give priority to eligible persons who, as members of the state
14 military forces, have been called to federal active duty during a
15 national emergency, as defined by rule of the adjutant general. The
16 adjutant general may apportion the number of tuition assistance
17 awards among the components of the state military forces as the
18 adjutant general considers necessary to meet the recruitment and
19 retention needs of those components, except that the adjutant
20 general must first ensure that each eligible person entitled in a
21 semester to the priority for federal active duty receives the full
22 amount of award available for that semester to an applicant under
23 this subsection. The number of tuition assistance awards made to
24 members of the Texas State Guard may not exceed 30 for any semester,

1 unless the adjutant general finds a compelling need for additional
2 awards to members of the Texas State Guard.

3 (f) A person may receive tuition assistance under this
4 section for a period equal to one academic year for each calendar
5 year or part of a calendar year of the person's service in the state
6 military forces as described by Subsection (c), except that the
7 person may not receive tuition assistance [~~under this section~~] for:

8 (1) more than 15 [~~12~~] semester credit hours in any
9 semester; or

10 (2) more than five academic years or 10 semesters,
11 whichever occurs first for the person.

12 SECTION 2. Section 54.2155(a), Education Code, is amended
13 to read as follows:

14 (a) In the manner established by the Texas Higher Education
15 Coordinating Board, for each semester the coordinating board shall
16 certify to institutions of higher education information
17 identifying the persons to whom the adjutant general of the state
18 military forces has awarded tuition assistance under Section
19 431.090, Government Code, if the coordinating board has determined
20 that sufficient money is available to reimburse institutions for
21 tuition exemptions granted under this section and to make tuition
22 assistance grants under Subsection (c). An institution of higher
23 education shall exempt a person certified by the coordinating board
24 under this section from the payment of tuition for the semester
25 credit hours for which the person enrolls, not to exceed 15 [~~12~~]
26 semester credit hours. If the person is not charged tuition at the
27 rate provided for other Texas residents, the amount of the

1 exemption may not exceed the amount of tuition the person would be
2 charged as a Texas resident for the number of semester credit hours
3 for which the person enrolls, not to exceed 15 [~~12~~] semester credit
4 hours.

5 SECTION 3. (a) The change in law made by this Act applies
6 only to tuition assistance granted for a semester or summer session
7 that begins on or after December 1, 2005.

8 (b) The adjutant general shall adopt the rules required by
9 Section 431.090(d), Government Code, as amended by this Act, not
10 later than November 1, 2005.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.