

## **BILL ANALYSIS**

C.S.H.B. 119  
By: Flynn  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas State Guard, interested parties note, is a voluntary organization possessing unparalleled military emergency management experience in Texas. The parties suggest that recruiting and sustaining this force is extremely important, but the current availability of tuition aid or support to foster those recruitment efforts is limited. C.S.H.B. 119 seeks to provide assistance for tuition and mandatory fees for eligible members of the Texas State Guard to encourage voluntary membership, improve member education levels, diversify the force's composition, and enhance the state's ability to respond in emergency situations.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 119 amends the Education Code to require an institution of higher education to exempt a member of the Texas State Guard who meets certain eligibility requirements from the payment of tuition and mandatory fees for the semester credit hours for which the person enrolls, not to exceed a total of 120 semester credit hours. The bill prohibits the amount of the exemption from exceeding the amount the eligible person would be charged as a Texas resident for the number of semester credit hours for which the person enrolls, not to exceed 120 semester credit hours, if the person is not charged tuition at the rate provided for other Texas residents. The bill authorizes the commander of the Texas State Guard, as the commander considers appropriate to advance the purposes of the bill's provisions, to select no more than 50 members of the Texas State Guard from the entirety of Texas to receive the exemption for each semester or other academic term.

C.S.H.B. 119 requires a person, in order to be eligible to receive the exemption, to be a member in good standing of the Texas State Guard for at least one calendar year, as certified by the adjutant general, to be selected by the commander of the Texas State Guard, and to commit to serve the Texas State Guard as follows:

- for an undergraduate program, eight years, four years of which must be served while enrolled in an institution of higher education and four years of which must be served following the period of enrollment, and
- for a graduate program, five years, two years of which must be served while enrolled in an institution of higher education and three years of which must be served following the period of enrollment.

C.S.H.B. 119 requires the Texas Higher Education Coordinating Board by rule to require a

person who does not fulfill the required commitment to serve in the Texas State Guard to repay the amount of all tuition and mandatory fees for which the person received an exemption to the institution of higher education from which the person received the exemption. The bill requires the coordinating board to adopt rules as necessary for the administration of the tuition and fee assistance as soon as practicable after the bill takes effect and authorizes the coordinating board to adopt the rules in the manner provided by law for emergency rules. The bill's provisions apply beginning with the 2015 fall semester.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 119 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Chapter 56, Education Code, is amended by adding Subchapter S to read as follows:

#### **SUBCHAPTER S. ASSISTANCE FOR TUITION AND FEES FOR MEMBERS OF TEXAS STATE GUARD**

Sec. 56.501. PURPOSE.

Sec. 56.502. EXEMPTION.

Sec. 56.503. ELIGIBILITY. To be eligible to receive an exemption under this subchapter, a person must:

(1) be a member in good standing for at least one calendar year, as certified by the adjutant general, of the Texas State Guard; and

(2) commit to serve the Texas State Guard as follows:

(A) for an undergraduate program, eight years, four years of which must be served while enrolled in an institution of higher education and four years of which must be served following the period of enrollment; and

(B) for a graduate program, five years, two years of which must be served while enrolled in an institution of higher education and three years of which must be served following the period of enrollment.

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Chapter 56, Education Code, is amended by adding Subchapter S to read as follows:

#### **SUBCHAPTER S. ASSISTANCE FOR TUITION AND FEES FOR MEMBERS OF TEXAS STATE GUARD**

Sec. 56.501. PURPOSE.

Sec. 56.502. EXEMPTION.

Sec. 56.503. ELIGIBILITY. (a) To be eligible to receive an exemption under this subchapter, a person must:

(1) be a member in good standing for at least one calendar year, as certified by the adjutant general, of the Texas State Guard;

(2) commit to serve the Texas State Guard as follows:

(A) for an undergraduate program, eight years, four years of which must be served while enrolled in an institution of higher education and four years of which must be served following the period of enrollment; and

(B) for a graduate program, five years, two years of which must be served while enrolled in an institution of higher education and three years of which must be served following the period of enrollment; and

(3) be selected by the commander of the Texas State Guard under Subsection (b).

(b) The commander of the Texas State Guard, as the commander considers appropriate to advance the purposes of this subchapter, may select no more than 50 members of the Texas State Guard from the entirety of the state to receive an exemption

Sec. 56.504. REPAYMENT.  
Sec. 56.505. RULES.

SECTION 2. Section 54.345, Education Code, and Section 437.226, Government Code, are repealed.

SECTION 3. (a) The changes in law made by this Act apply beginning with the 2015 fall semester.

(b) The Texas Higher Education Coordinating Board shall adopt rules for the administration of Subchapter S, Chapter 56, Education Code, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the coordinating board may adopt the rules in the manner provided by law for emergency rules.

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

under this subchapter for each semester or other academic term.

Sec. 56.504. REPAYMENT.  
Sec. 56.505. RULES.

No equivalent provision.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.