

BILL ANALYSIS

Senate Research Center
82R25234 KYF-D

H.B. 2688
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Veteran Affairs & Military Installations
5/16/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Established in 2009, the Texas Armed Services Scholarship Program encourages, promotes, and rewards participation in the Reserve Officers' Training Corps (ROTC) at state civilian colleges. The scholarship provides up to \$15,000 annually to a student who participates in a ROTC program. If the student contracts with a branch of the armed forces and receives a payment under that contract, that amount is deducted from the amount of the scholarship. Among other provisions, H.B. 2688 seeks to clarify that, in such a situation, the student is entitled to the remaining amount of the scholarship for that academic year.

H.B. 2688 amends current law relating to tuition and scholarships and fee exemptions for certain members of the armed services and certain military veterans attending institutions of higher education.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board (THECB) in SECTION 2 (Sections 56.504 and 56.505, Education Code) of this bill.

Rulemaking authority previously granted to THECB is modified in SECTION 3 (Section 61.9774, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.203, Education Code, by adding Subsection (a-3), as follows:

(a-3) Entitles a person who meets the requirements of Subsection (a)(4) (relating to all persons who were honorably discharged from the armed forces in certain engagements), other than the requirement that the person must have served on active military duty for more than the stated number of days, notwithstanding Subsection (a)(4), to the exemption provided by Subsection (a)(4) regardless of the length of the member's active military duty if the person was a member of the Texas National Guard or the Texas Air National Guard who was assigned to a theater of combat operation with the armed forces of the United States.

SECTION 2. Amends Chapter 56, Education Code, by adding Subchapter S, as follows:

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

Sec. 56.501. PURPOSE. Provides that because the Texas State Guard is the state's only organized, trained, and equipped military force under the direction of the governor available to respond to natural and man-made disasters, assistance for tuition and mandatory fees is provided under this subchapter to eligible members of the Texas State Guard to encourage voluntary membership, to improve the education level of its members, to diversify the composition of the forces, and to enhance the state's workforce.

Sec. 56.502. EXEMPTION. Requires an institution of higher education to exempt an eligible person 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. Prohibits the amount of the exemption, if the person is not charged tuition at the rate provided for other Texas residents, from exceeding the amount of tuition the 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.

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

- (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 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.

Sec. 56.504. REPAYMENT. Requires the Texas Higher Education Coordinating Board (THECB) by rule to require a person who does not fulfill the commitment to serve in the Texas State Guard under Section 56.503(2) to repay the amount of all tuition and mandatory fees for which the person received an exemption under this subchapter to the institution of higher education from which the person received the exemption.

Sec. 56.505. RULES. Requires THECB to adopt rules as necessary for the administration of this subchapter.

SECTION 3. Amends Section 61.9774(b), Education Code, as follows:

(b) Requires THECB by rule to provide that:

- (1) any amount paid to a student by a branch of the armed services of the United States during an academic year for which the student receives a scholarship under this subchapter because the student is under a contract with that branch shall be deducted from the amount of the scholarship awarded to the student for that academic year; and
- (2) after a deduction under Subdivision (1) is made, the student is entitled to the remaining amount of the scholarship awarded to the student under this subchapter for that academic year, not to exceed the student's total cost of attendance for that academic year at the public or private institution of higher education in which the student is enrolled.

SECTION 4. Repealers: Section 54.2155 (Assistance for Tuition and Fees for Members of State Military Forces), Education Code, and Section 431.090 (Assistance for Tuition and Fees), Government Code.

SECTION 5. (a) Provides that Section 54.203(a-3), Education Code, as added by this Act, applies beginning with tuition and fees at a public institution of higher education for the 2011 fall semester. Provides that tuition and fees for a term or semester before the 2011 fall 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.

(b) Requires THECB to adopt rules for the administration of Subchapter S, Chapter 56, Education Code, as added by this Act, and Section 61.9774(b), Education Code, as amended by this Act, as soon as practicable after this Act takes effect. Authorizes THECB, for that purpose, to adopt the rules in the manner provided by law for emergency rules.

SECTION 6. Effective date: upon passage or September 1, 2011.