

By: Miller, Hupp, Delisi, et al.

H.B. No. 405

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to resident tuition for military personnel and their  
3 dependents.

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

5 SECTION 1. Sections 54.058(c), (d), (f), and (g), Education  
6 Code, are amended to read as follows:

7 (c) The [~~As long as they reside continuously in Texas, the~~  
8 spouse or child [~~and children~~] of a member of the Armed Forces of  
9 the United States who has been assigned to duty elsewhere  
10 immediately following assignment to duty in Texas is [~~are~~] entitled  
11 to pay the tuition fees and other fees or charges provided for Texas  
12 residents as long as the spouse or child resides continuously in  
13 Texas.

14 (d) A spouse or dependent child of a member of the Armed  
15 Forces of the United States, who is not assigned to duty in Texas  
16 but who has previously resided in Texas for a six-month period, is  
17 entitled to pay the tuition fees and other fees or charges provided  
18 for Texas residents for any [~~a~~] term or semester at an institution  
19 of higher education if the member:

20 (1) at least one year preceding the first day of the  
21 term or semester executed a document with the applicable military  
22 service that is in effect on the first day of the term or semester  
23 and that:

24 (A) indicates that the member's permanent

1 residence address is in Texas; and

2 (B) designates Texas as the member's place of  
3 legal residence for income tax purposes;

4 (2) has been registered to vote in Texas for the entire  
5 year preceding the first day of the term or semester; and

6 (3) satisfies at least one of the following  
7 requirements:

8 (A) for the entire year preceding the first day  
9 of the term or semester has owned real property in Texas and in that  
10 time has not been delinquent in the payment of any taxes on the  
11 property;

12 (B) has had an automobile registered in Texas for  
13 the entire year preceding the first day of the term or semester; or

14 (C) at least one year preceding the first day of  
15 the term or semester executed a will that has not been revoked or  
16 superseded indicating that the member is a resident of this state  
17 and deposited the will with the county clerk of the county of the  
18 member's residence under Section 71, Texas Probate Code.

19 (f) The spouse or child [~~and children~~] of a member of the  
20 Armed Forces of the United States who dies or is killed is [~~are~~]  
21 entitled to pay the resident tuition fee if the spouse or child  
22 becomes a resident [~~wife and children become residents~~] of Texas  
23 within 60 days of the date of death.

24 (g) If a member of the Armed Forces of the United States is  
25 stationed outside Texas and the member's [~~his~~] spouse or child  
26 establishes [~~and children establish~~] residence in Texas by residing  
27 in Texas and by filing with the Texas institution of higher

1 education at which the spouse or child plans [~~they plan~~] to register  
2 a letter of intent to establish residence in Texas, the institution  
3 of higher education shall permit the spouse or child [~~and children~~]  
4 to pay the tuition, fees, and other charges provided for Texas  
5 residents without regard to length of time that the spouse or child  
6 has [~~they have~~] resided in Texas [~~the state~~].

7 SECTION 2. Section 54.058, Education Code, as amended by  
8 this Act, applies beginning with tuition charged for the 2003 fall  
9 semester.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2003.