

By: Corte

H.B. No. 3105

Substitute the following for H.B. No. 3105:

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C.S.H.B. No. 3105

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the residency requirements for tuition and fee
3 exemptions for certain military personnel and their dependents.

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

5 SECTION 1. Section 54.203, Education Code, is amended by
6 amending Subsections (a) and (b) and adding Subsection (a-1) to
7 read as follows:

8 (a) The governing board of each institution of higher
9 education shall exempt the following persons from the payment of
10 all dues, fees, and charges, including fees for correspondence
11 courses but excluding property deposit fees, student services fees,
12 and any fees or charges for lodging, board, or clothing, provided
13 the persons seeking the exemptions were residents [~~citizens~~] of
14 Texas at the time they entered the services indicated and, except as
15 provided by Subsection (a-1), have resided in Texas for at least the
16 period of 12 months before the date of registration:

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

20 (2) all nurses, members of the Women's Army Auxiliary
21 Corps, members of the Women's Auxiliary Volunteer Emergency
22 Service, and all honorably discharged members of the armed forces
23 of the United States who served during World War II except those who
24 were discharged from service because they were over the age of 38 or

1 because of a personal request on the part of the person that he be
2 discharged from service;

3 (3) all honorably discharged men and women of the
4 armed forces of the United States who served during the national
5 emergency which began on June 27, 1950, and which is referred to as
6 the Korean War; and

7 (4) all persons who were honorably discharged from the
8 armed forces of the United States after serving on active military
9 duty, excluding training, for more than 180 days and who served a
10 portion of their active duty during:

11 (A) the Cold War which began on the date of the
12 termination of the national emergency cited in Subdivision (3) of
13 this subsection;

14 (B) the Vietnam era which began on December 21,
15 1961, and ended on May 7, 1975;

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

18 (D) the Panama era which began on December 20,
19 1989, and ended on January 21, 1990;

20 (E) the Persian Gulf War which began on August 2,
21 1990, and ends on the date thereafter prescribed by Presidential
22 proclamation or September 1, 1997, whichever occurs first; or

23 (F) any future national emergency declared in
24 accordance with federal law.

25 (a-1) Notwithstanding Subsection (a), a person who returns
26 from active duty in the armed forces of the United States and
27 registers in an institution of higher education before the

1 expiration of 12 months following the date the person is released
2 from active duty is not subject to the requirement that the person
3 reside in this state for at least 12 months immediately preceding
4 the date of the person's registration and is immediately eligible
5 for the exemption provided under that subsection if the person
6 meets the other residency requirements of that subsection.

7 (b) The exemptions provided for in Subsection (a) [~~of this~~
8 ~~section~~] also apply [~~and inure~~] to [~~the benefit of~~] the children of
9 members of the armed forces of the United States who are or were
10 killed in action, who [~~die or~~] died while in service, who are
11 missing in action, or whose death is documented to be directly
12 caused by illness or injury connected with service in the armed
13 forces of the United States, and to the children [~~benefit of~~
14 ~~orphans~~] of members of the Texas National Guard and the Texas Air
15 National Guard who were killed since January 1, 1946, while on
16 active duty either in the service of their state or the United
17 States. However, to qualify for this exemption a person must be a
18 resident [~~citizen~~] of Texas and must have resided in the state for
19 at least 12 months immediately preceding the date of the person's
20 registration.

21 SECTION 2. Section 54.203, Education Code, as amended by
22 this Act, applies beginning with tuition and other fees charged for
23 the 2005 fall semester. Tuition and other fees charged for an
24 academic period before the 2005 fall semester are covered by the law
25 in effect immediately before the effective date of this Act, and the
26 former law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.