

By: Van de Putte

S.B. No. 392

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. Sections 54.203(a) and (b), Education Code, are
6 amended to read as follows:

7 (a) The governing board of each institution of higher
8 education shall exempt the following persons from the payment of
9 all dues, fees, and charges, including fees for correspondence
10 courses but excluding property deposit fees, student services fees,
11 and any fees or charges for lodging, board, or clothing, provided
12 the person [~~persons~~] seeking the exemption is a Texas resident for
13 purposes of Subchapter B [~~exemptions were citizens of Texas at the~~
14 ~~time they entered the services indicated and have resided in Texas~~
15 ~~for at least the period of 12 months before the date of~~
16 ~~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 (b) The exemptions provided for in Subsection (a) of this
26 section also apply and inure to the benefit of the children of
27 members of the armed forces of the United States who are or were

1 killed in action, who die or died while in service, who are missing
2 in action, or whose death is documented to be directly caused by
3 illness or injury connected with service in the armed forces of the
4 United States, and to the benefit of orphans of members of the Texas
5 National Guard and the Texas Air National Guard killed since
6 January 1, 1946, while on active duty either in the service of their
7 state or the United States. ~~To [However, to]~~ qualify for the [this]
8 exemption provided by this subsection, a person must be a ~~[citizen~~
9 ~~of]~~ Texas resident for purposes of Subchapter B ~~[and must have~~
10 ~~resided in the state for at least 12 months immediately preceding~~
11 ~~the date of the person's registration]~~.

12 SECTION 2. Section 54.203, Education Code, as amended by
13 this Act, applies beginning with tuition and other fees charged for
14 the 2005 fall semester. Tuition and other fees charged for an
15 academic period before the 2005 fall semester are covered by the law
16 in effect immediately before the effective date of this Act, and the
17 former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2005.