

By: Delisi, Corte, Escobar, Garcia, Haggerty,
et al.

H.B. No. 125

A BILL TO BE ENTITLED

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AN ACT

relating to tuition and fee exemptions for the children of certain
military personnel.

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

SECTION 1. Section 54.203, Education Code, is amended by
amending Subsections (b), (c), and (e) and adding Subsections (b-1)
and (e-1) to read as follows:

(b) The exemptions provided for in Subsection (a) of this
section also apply and inure to the benefit of:

(1) the children of members of the armed forces of the
United States:

(A) who are or were killed in action;

(B) ~~[]~~ who die or died while in service;

(C) ~~[]~~ who are missing in action;

(D) ~~[]~~ whose death is documented to be
directly caused by illness or injury connected with service in the
armed forces of the United States; or

(E) who became totally disabled for purposes of
employability according to the disability ratings of the Department
of Veterans Affairs as a result of a service-related injury; [] and

(2) ~~[to the benefit of]~~ orphans or children of members
of the Texas National Guard and the Texas Air National Guard who:

(A) were killed since January 1, 1946, while on
active duty either in the service of their state or the United

1 States; or

2 (B) are totally disabled for purposes of
3 employability according to the disability ratings of the Department
4 of Veterans Affairs, regardless of whether the members are eligible
5 to receive disability benefits from the department, as a result of a
6 service-related injury suffered since January 1, 1946, while on
7 active duty either in the service of this state or the United
8 States.

9 (b-1) To [~~However, to~~] qualify for an [~~this~~] exemption
10 under Subsection (b), a person must be a citizen of Texas and must
11 have resided in the state for at least 12 months immediately
12 preceding the date of the person's registration.

13 (c) A person may not receive [~~The~~] exemptions provided for
14 by this section for more than [~~in Subsection (a) of this section~~
15 ~~shall not exceed~~] a cumulative total of 150 credit hours.

16 (e) The exemptions [~~exemption from fees~~] provided for by
17 this section do [~~in Subsection (a) of this section does~~] not apply
18 to a person who, [~~if~~] at the time of [~~his~~] registration, [~~he~~] is
19 eligible for educational benefits under federal legislation [~~in~~
20 ~~effect at the time of his registration~~] if the value of those
21 benefits is equal to or exceeds the value of the exemption. If the
22 value of the federal benefits does not equal or exceed the value of
23 the exemption, the [~~, except that the~~] person must first utilize the
24 federal benefit, [~~for which he is eligible~~] and the combined amount
25 of the federal benefit plus the amount of the exemption may [~~this~~
26 ~~waiver shall~~] not exceed the maximum value of the exemption
27 [~~waiver~~]. A person is covered by the exemptions if the person's

1 ~~his~~ right to benefits under federal legislation is extinguished
2 at the time of ~~his~~ registration, except that a person is not
3 eligible for an exemption from fees under this section if the
4 person's right to benefits under federal legislation is
5 extinguished because the person is in default of repayment of a loan
6 made to the person under a federal program to provide or guarantee
7 loans for educational purposes.

8 (e-1) A person is not eligible for an ~~the~~ exemption under
9 this section if the person is in default on a loan made or
10 guaranteed for educational purposes by the State of Texas.

11 SECTION 2. Section 54.203, Education Code, as amended by
12 this Act, applies beginning with tuition and other fees charged for
13 the first term or semester that begins after the effective date of
14 this Act, but not earlier than the 2007 fall semester. Tuition and
15 other fees charged for an academic period before that term or
16 semester are covered by the law in effect immediately before the
17 effective date of this Act, and the former law is continued in
18 effect for that purpose.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2007.