

1-1 By: Delisi, et al. (Senate Sponsor - Van de Putte) H.B. No. 125
1-2 (In the Senate - Received from the House March 26, 2007;
1-3 April 3, 2007, read first time and referred to Subcommittee on
1-4 Higher Education; May 8, 2007, reported favorably from Committee
1-5 on Education by the following vote: Yeas 5, Nays 0; May 8, 2007,
1-6 sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to tuition and fee exemptions for the children of certain
1-10 military personnel.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 54.203, Education Code, is amended by
1-13 amending Subsections (b), (c), and (e) and adding Subsections (b-1)
1-14 and (e-1) to read as follows:

1-15 (b) The exemptions provided for in Subsection (a) of this
1-16 section also apply and inure to the benefit of:

1-17 (1) the children of members of the armed forces of the
1-18 United States:

1-19 (A) who are or were killed in action;

1-20 (B) who die or died while in service;

1-21 (C) who are missing in action;

1-22 (D) whose death is documented to be
1-23 directly caused by illness or injury connected with service in the
1-24 armed forces of the United States; or

1-25 (E) who became totally disabled for purposes of
1-26 employability according to the disability ratings of the Department
1-27 of Veterans Affairs as a result of a service-related injury; and

1-28 (2) ~~[to the benefit of]~~ orphans or children of members
1-29 of the Texas National Guard and the Texas Air National Guard who:

1-30 (A) were killed since January 1, 1946, while on
1-31 active duty either in the service of their state or the United
1-32 States; or

1-33 (B) are totally disabled for purposes of
1-34 employability according to the disability ratings of the Department
1-35 of Veterans Affairs, regardless of whether the members are eligible
1-36 to receive disability benefits from the department, as a result of a
1-37 service-related injury suffered since January 1, 1946, while on
1-38 active duty either in the service of this state or the United
1-39 States.

1-40 (b-1) To ~~[However, to]~~ qualify for an ~~[this]~~ exemption
1-41 under Subsection (b), a person must be a citizen of Texas and must
1-42 have resided in the state for at least 12 months immediately
1-43 preceding the date of the person's registration.

1-44 (c) A person may not receive ~~[The]~~ exemptions provided for
1-45 by this section for more than ~~[in Subsection (a) of this section~~
1-46 ~~shall not exceed~~ a cumulative total of 150 credit hours.

1-47 (e) The exemptions ~~[exemption from fees]~~ provided for by
1-48 this section do ~~[in Subsection (a) of this section does]~~ not apply
1-49 to a person who, ~~[if]~~ at the time of ~~[his]~~ registration, ~~[he]~~ is
1-50 eligible for educational benefits under federal legislation ~~[in~~
1-51 ~~effect at the time of his registration]~~ if the value of those
1-52 benefits is equal to or exceeds the value of the exemption. If the
1-53 value of the federal benefits does not equal or exceed the value of
1-54 the exemption, the ~~[, except that the]~~ person must first utilize the
1-55 federal benefit, ~~[for which he is eligible]~~ and the combined amount
1-56 of the federal benefit plus the amount of the exemption may ~~[this~~
1-57 ~~waiver shall]~~ not exceed the maximum value of the exemption
1-58 ~~[waiver]~~. A person is covered by the exemptions if the person's
1-59 ~~[his]~~ right to benefits under federal legislation is extinguished
1-60 at the time of ~~[his]~~ registration, except that a person is not
1-61 eligible for an exemption from fees under this section if the
1-62 person's right to benefits under federal legislation is
1-63 extinguished because the person is in default of repayment of a loan
1-64 made to the person under a federal program to provide or guarantee

2-1 loans for educational purposes.

2-2 (e-1) A person is not eligible for an [~~the~~] exemption under
2-3 this section if the person is in default on a loan made or
2-4 guaranteed for educational purposes by the State of Texas.

2-5 SECTION 2. Section 54.203, Education Code, as amended by
2-6 this Act, applies beginning with tuition and other fees charged for
2-7 the first term or semester that begins after the effective date of
2-8 this Act, but not earlier than the 2007 fall semester. Tuition and
2-9 other fees charged for an academic period before that term or
2-10 semester are covered by the law in effect immediately before the
2-11 effective date of this Act, and the former law is continued in
2-12 effect for that purpose.

2-13 SECTION 3. This Act takes effect immediately if it receives
2-14 a vote of two-thirds of all the members elected to each house, as
2-15 provided by Section 39, Article III, Texas Constitution. If this
2-16 Act does not receive the vote necessary for immediate effect, this
2-17 Act takes effect September 1, 2007.

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