

By: McClendon, Gallego, et al.

H.B. No. 897

Substitute the following for H.B. No. 897:

By: Hodge

C.S.H.B. No. 897

A BILL TO BE ENTITLED

AN ACT

1
2 relating to tuition and fee exemptions for certain military
3 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), (b), and (d) and adding Subsections (a-1)
7 and (b-1) to 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 person [~~persons~~] seeking the exemption [~~exemptions were~~
14 ~~citizens of Texas at the time they~~] entered the service at a
15 location in this state or when the person was a resident of this
16 state determined in the same manner as residency is determined
17 under Subchapter B [~~services indicated~~] and is a resident of this
18 state under Subchapter B [~~have resided in Texas for at least the~~
19 ~~period of 12 months before the date of registration~~]:

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

23 (2) all nurses, members of the Women's Army Auxiliary
24 Corps, members of the Women's Auxiliary Volunteer Emergency

1 Service, and all honorably discharged members of the armed forces
2 of the United States who served during World War II except those who
3 were discharged from service because they were over the age of 38 or
4 because of a personal request on the part of the person that he be
5 discharged from service;

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

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

14 (A) the Cold War which began on the date of the
15 termination of the national emergency cited in Subdivision (3) [~~of~~
16 ~~this subsection~~];

17 (B) the Vietnam era which began on December 21,
18 1961, and ended on May 7, 1975;

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

21 (D) the Panama era which began on December 20,
22 1989, and ended on January 21, 1990;

23 (E) the Persian Gulf War which began on August 2,
24 1990, and ends on the date thereafter prescribed by Presidential
25 proclamation or September 1, 1997, whichever occurs first;

26 (F) the national emergency by reason of certain
27 terrorist attacks that began on September 11, 2001; or

1 (G) any future national emergency declared in
2 accordance with federal law.

3 (a-1) A person who received an exemption provided by
4 Subsection (a) in the 2006-2007 academic year continues to be
5 eligible for the exemption provided by that subsection as long as
6 the person is continuously enrolled in an institution of higher
7 education, subject to the other provisions of this section other
8 than the requirement of Subsection (a) that the person must have
9 declared this state as the person's home of record at the time of
10 entering the service.

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

13 (1) the children or the current or surviving spouse of
14 a member [~~members~~] of the armed forces of the United States:

15 (A) who was [~~are or were~~] killed in action;

16 (B) [~~7~~] who [~~die or~~] died while in service;

17 (C) [~~7~~] who is [~~are~~] missing in action;

18 (D) [~~7 or~~] whose death is documented to be
19 directly caused by illness or injury connected with service in the
20 armed forces of the United States; or

21 (E) who became totally disabled for purposes of
22 employability according to the disability ratings of the Department
23 of Veterans Affairs as a result of a service-related injury; [~~7~~] and

24 (2) the children or the current or surviving spouse
25 [~~to the benefit of orphans~~] of a member [~~members~~] of the Texas
26 National Guard and the Texas Air National Guard who:

27 (A) was killed since January 1, 1946, while on

1 active duty either in the service of their state or the United
2 States; or

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

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

14 (d) The governing board of each institution of higher
15 education granting an exemption under this section [~~exemptions~~]
16 shall require every applicant claiming the [~~benefit of an~~]
17 exemption to submit satisfactory evidence that the applicant
18 qualifies for [~~he fulfills~~] the exemption [~~necessary citizenship~~
19 ~~and residency requirements~~].

20 SECTION 2. The change in law made by this Act applies
21 beginning with tuition, fees, and other charges for the 2007 fall
22 semester. Tuition, fees, and other charges for a term or semester
23 before the 2007 fall semester are covered by the law in effect
24 immediately before the effective date of this Act, and the former
25 law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

C.S.H.B. No. 897

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.