

By: Van de Putte

S.B. No. 89

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person [~~persons~~] seeking the exemption declared this state as the person's home of record in the manner provided by the applicable military or other service [~~exemptions were citizens of Texas~~] at the time the person [~~they~~] entered the service [~~services indicated~~] and has [~~have~~] resided in this state [~~Texas~~] for at least the period of 12 months before the date of registration:

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

(2) all nurses, members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members of the armed forces

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

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

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

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

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

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

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

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

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

27 (G) any future national emergency declared in

accordance with federal law.

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

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

(d) The governing board of each institution of higher education granting an exemption under this section ~~[exemptions]~~ shall require every applicant claiming the ~~[benefit of an]~~ exemption to submit satisfactory evidence that the applicant qualifies for ~~[he fulfills]~~ the exemption ~~[necessary citizenship]~~

1 ~~and residency requirements]~~.

2 SECTION 2. The change in law made by this Act applies
3 beginning with tuition and fees for the 2007 fall semester. Tuition
4 and fees for a term or semester before the 2007 fall semester are
5 covered by the law in effect immediately before the effective date
6 of this Act, and the former law is continued in effect for that
7 purpose.

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