

By: Gallego

H.B. No. 812

A BILL TO BE ENTITLED

AN ACT

relating to tuition and fee exemptions at public institutions of higher education for the spouses 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 Subsection (b) and adding Subsection (b-2) 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 a member ~~[members]~~ of the armed forces of the United States:

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

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

(C) who is ~~[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) the ~~[orphans or]~~ children and the current or surviving spouse of a member ~~[members]~~ of the Texas National Guard and the Texas Air National Guard who:

(A) was ~~[were]~~ killed since January 1, 1946,

1 while on active duty either in the service of this ~~[their]~~ state or
2 the United States; or

3 (B) is ~~[are]~~ 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 ~~[members~~
6 ~~are]~~ eligible to receive disability benefits from the department,
7 as a result of a service-related injury suffered since January 1,
8 1946, while on active duty either in the service of this state or
9 the United States.

10 (b-2) The eligibility of a spouse under Subsection (b) for
11 an exemption provided for in Subsection (a) expires on the earlier
12 of:

13 (1) the date the spouse remarries; or

14 (2) the 10th anniversary of:

15 (A) the date of the death of the member of
16 the Texas National Guard or the Texas Air National Guard, as
17 applicable; or

18 (B) the date the member was initially
19 determined to be totally disabled as described by Subsection
20 (b)(2)(B).

21 SECTION 2. Section 54.203, Education Code, as amended by
22 this Act, applies beginning with tuition and other fees charged for
23 the first term or semester that begins after the effective date of
24 this Act, but not earlier than the 2009 fall semester. Tuition and
25 other fees charged for an academic period before that term or
26 semester are covered by the law in effect immediately before the
27 effective date of this Act, and the former law is continued in

1 effect for that purpose.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.