

By: Castro

H.B. No. 4047

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the residency requirements for tuition and fee  
3 exemptions for certain military 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), (b-1), and (d) and adding Subsection  
7 (a-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 general deposit fees, student services fees,  
12 and any fees or charges for lodging, board, or clothing, provided  
13 the person [~~persons~~] seeking the exemption declared this state as  
14 the person's home of record in the manner provided by the applicable  
15 military or other service [~~exemptions were citizens of Texas~~] at  
16 the time the person [~~they~~] entered the service [~~services indicated~~]  
17 and is a resident of this state under Subchapter B [~~have resided in~~  
18 ~~Texas for at least the period of 12 months before the date of~~  
19 ~~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 the  
5 person [~~he~~] be 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 2008-2009 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 of members of the armed forces of the  
14 United States:

15 (A) who are or were killed in action;

16 (B) who die or died while in service;

17 (C) who are missing in action;

18 (D) whose death is documented to be directly  
19 caused by illness or injury connected with service in the armed  
20 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; and

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

26 (A) were killed since January 1, 1946, while on  
27 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 qualify for an exemption under Subsection (b), a  
10 person must ~~[be a citizen of Texas and must]~~ have resided in this  
11 ~~[the]~~ state for at least 12 months immediately preceding the date of  
12 the person's registration.

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

19 SECTION 2. The change in law made by this Act applies  
20 beginning with tuition and fees for the 2009 fall semester. Tuition  
21 and fees for a term or semester before the 2009 fall semester are  
22 covered by the law in effect immediately before the effective date  
23 of this Act, and the former law is continued in effect for that  
24 purpose.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.