

By: Farias

H.B. No. 4415

A BILL TO BE ENTITLED

1 AN ACT
2 relating to tuition and fee exemptions at public institutions of
3 higher education for certain military personnel and the spouses of
4 certain deceased and missing military personnel.

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

6 SECTION 1. Section 54.203, Education Code, is amended by
7 amending Subsections (a), (b-1), (g), and (h) and adding Subsection
8 (a-1) and (k) to read as follows:

9 (a) The governing board of each institution of higher
10 education shall exempt the following persons from the payment of
11 tuition, [all] dues, fees, and other required charges, including
12 fees for correspondence courses but excluding general deposit fees,
13 student services fees, and any fees or charges for lodging, board,
14 or clothing, provided the person [persons] seeking the exemption
15 [exemptions were citizens of Texas at the time they] entered the
16 service at a location in this state, declared this state as the
17 person's home of record in the manner provided by the applicable
18 military or other service, or would have been determined to be a
19 resident of this state for purposes of Subchapter B at the time the
20 person entered the service [services indicated and have resided in
21 Texas for at least the period of 12 months before the date of
22 registration]:

23 (1) all nurses and honorably discharged members of the
24 armed forces of the United States who served during the

1 Spanish-American War or during World War I;

2 (2) all nurses, members of the Women's Army Auxiliary
3 Corps, members of the Women's Auxiliary Volunteer Emergency
4 Service, and all honorably discharged members of the armed forces
5 of the United States who served during World War II except those who
6 were discharged from service because they were over the age of 38 or
7 because of a personal request on the part of the person that the
8 person [~~he~~] be discharged from service;

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

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

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

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

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

24 (D) the Panama era which began on December 20,
25 1989, and ended on January 21, 1990;

26 (E) the Persian Gulf War which began on August 2,
27 1990, and ends on the date thereafter prescribed by Presidential

1 proclamation or September 1, 1997, whichever occurs first;

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

4 (G) any future national emergency declared in
5 accordance with federal law.

6 (a-1) The exemptions provided for in Subsection (a) also
7 apply to the surviving spouse of:

8 (1) a member of the armed forces of the United States:

9 (A) who was killed in action;

10 (B) who died while in service;

11 (C) who is missing in action; or

12 (D) whose death is documented to be directly
13 caused by illness or injury connected with service in the armed
14 forces of the United States; or

15 (2) a member of the Texas National Guard or the Texas
16 Air National Guard who was killed since January 1, 1946, while on
17 active duty either in the service of this state or the United
18 States.

19 (b-1) To qualify for an exemption under Subsection (a-1) or
20 (b), the spouse or child [~~a person must be a citizen of Texas and~~]
21 must be classified as a resident under Subchapter B on [~~have resided~~
22 ~~in the state for at least 12 months immediately preceding~~] the date
23 of the spouse's or child's [~~person's~~] registration.

24 (g) The governing board of a junior college district may
25 establish a fee for extraordinary costs associated with a specific
26 course or program and may provide that the exemptions provided by
27 this section [~~Subsections (a) and (b)~~] do not apply to this fee.

1 (h) The governing board of each institution of higher
2 education shall electronically report to the Texas Higher Education
3 Coordinating Board the information required by Section 61.0516
4 relating to each individual receiving an exemption from fees and
5 charges under Subsection (a), (a-1), or (b). The institution shall
6 report the information not later than December 31 of each year for
7 the fall semester, May 31 of each year for the spring semester, and
8 September 30 of each year for the summer session.

9 (k) For purposes of this section, a person is the child of
10 another person if:

11 (1) the person is the stepchild or the biological or
12 adopted child of the other person; or

13 (2) the other person claimed the person as a dependent
14 on a federal income tax return filed for the preceding year or will
15 claim the person as a dependent on a federal income tax return for
16 the current year.

17 SECTION 2. Section 54.203, Education Code, as amended by
18 this Act, applies beginning with tuition and other fees charged for
19 the 2009 fall semester. Tuition and other fees charged for an
20 academic period before that semester are covered by the law in
21 effect immediately before the effective date of this Act, and the
22 former law is continued in effect for that purpose.

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