

By: Ellis

S.B. No. 114

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the payment of higher education tuition and fees for
3 certain military personnel and their dependents.

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

5 SECTION 1. Section 54.058, Education Code, is amended by
6 amending Subsections (b), (c), (d), (f), (g), (i), and (j) and
7 adding Subsections (b-1) and (k) to read as follows:

8 (b) A person who is an officer, enlisted person, selectee,
9 or draftee of the Army, Army Reserve, Army National Guard, Air
10 National Guard, Air Force, Air Force Reserve, Navy, Navy Reserve,
11 Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard
12 Reserve of the United States, who is assigned to duty in Texas, and
13 the spouse and children of such an officer, enlisted person,
14 selectee, or draftee, [~~are entitled to register in a state
15 institution of higher education by paying the tuition fee and other
16 fees or charges required of Texas residents,~~] without regard to the
17 length of time the officer, enlisted person, selectee, or draftee
18 has been assigned to duty or resided in the state:

19 (1) are entitled to register in a state institution of
20 higher education by paying the tuition required of Texas residents;
21 and

22 (2) are exempt from the payment of all fees of the
23 institution, including fees for correspondence courses but
24 excluding general deposit fees and any fees or charges for lodging,

1 board, or clothing.

2 (b-1) Out-of-state [~~However, out-of-state~~] Army National
3 Guard or Air National Guard members attending training with Texas
4 Army or Air National Guard units under National Guard Bureau
5 regulations may not receive benefits under Subsection (b) [~~be~~
6 ~~exempted from nonresident tuition~~] by virtue of that training
7 status nor may out-of-state Army, Air Force, Navy, Marine Corps, or
8 Coast Guard Reserves training with units in Texas under similar
9 regulations receive benefits under Subsection (b) [~~be exempted from~~
10 ~~nonresident tuition~~] by virtue of that training status. It is the
11 intent of the legislature that [~~only~~] those members of the Army or
12 Air National Guard or other reserve forces described by this
13 subsection receive benefits under Subsection (b) [~~mentioned above~~
14 ~~be exempted from the nonresident tuition fee and other fees and~~
15 ~~charges~~] only when they become members of Texas units of the
16 military organizations described by Subsection (b) [~~mentioned~~
17 ~~above~~].

18 (c) The spouse or child of a member of the Armed Forces of
19 the United States who has been assigned to duty elsewhere
20 immediately following assignment to duty in Texas is entitled to
21 receive the benefits described by Subsection (b) [~~pay the tuition~~
22 ~~fees and other fees or charges provided for Texas residents~~] as long
23 as the spouse or child resides continuously in Texas.

24 (d) A spouse or dependent child of a member of the Armed
25 Forces of the United States, who is not assigned to duty in Texas
26 but who has previously resided in Texas for a six-month period, is
27 entitled to receive the benefits described by Subsection (b) [~~pay~~

1 ~~the tuition fees and other fees or charges provided for Texas~~
2 ~~residents]~~ for a term or semester at an institution of higher
3 education if the member:

4 (1) at least one year preceding the first day of the
5 term or semester executed a document with the applicable military
6 service that is in effect on the first day of the term or semester
7 and that:

8 (A) indicates that the member's permanent
9 residence address is in Texas; and

10 (B) designates Texas as the member's place of
11 legal residence for income tax purposes;

12 (2) has been registered to vote in Texas for the entire
13 year preceding the first day of the term or semester; and

14 (3) satisfies at least one of the following
15 requirements:

16 (A) for the entire year preceding the first day
17 of the term or semester has owned real property in Texas and in that
18 time has not been delinquent in the payment of any taxes on the
19 property;

20 (B) has had an automobile registered in Texas for
21 the entire year preceding the first day of the term or semester; or

22 (C) at least one year preceding the first day of
23 the term or semester executed a will that has not been revoked or
24 superseded indicating that the member is a resident of this state
25 and deposited the will with the county clerk of the county of the
26 member's residence under Section 71, Texas Probate Code.

27 (f) The spouse or child of a member of the Armed Forces of

1 the United States who dies or is killed is entitled to receive the
2 benefits described by Subsection (b) [~~pay the resident tuition fee~~]
3 if the spouse or child becomes a resident of Texas within 60 days of
4 the date of death.

5 (g) If a member of the Armed Forces of the United States is
6 stationed outside Texas and the member's spouse or child
7 establishes residence in Texas by residing in Texas and by filing
8 with the Texas institution of higher education at which the spouse
9 or child plans to register a letter of intent to establish residence
10 in Texas, the institution of higher education shall permit the
11 spouse or child to receive the benefits described by Subsection (b)
12 [~~pay the tuition, fees, and other charges provided for Texas~~
13 ~~residents~~] without regard to length of time that the spouse or child
14 has resided in Texas.

15 (i) A former member of the Armed Forces of the United States
16 or the former member's spouse or dependent child is entitled to
17 receive the benefits described by Subsection (b) [~~pay the tuition~~
18 ~~fees and other fees or charges provided for Texas residents~~] for any
19 term or semester at a state institution of higher education that
20 begins before the first anniversary of the member's separation from
21 the Armed Forces if the former member:

22 (1) has retired or been honorably discharged from the
23 Armed Forces; and

24 (2) has complied with the requirements of Subsection
25 (d).

26 (j) A member or former member of the Armed Forces of the
27 United States or the child or spouse of a member of the Armed Forces

1 of the United States who is entitled to receive the benefits
2 described by Subsection (b) [~~pay tuition and fees at the rate~~
3 ~~provided for Texas residents~~] under another provision of this
4 section while enrolled in a degree or certificate program is
5 entitled to receive those benefits [~~pay tuition and fees at the rate~~
6 ~~provided for Texas residents~~] in any subsequent term or semester
7 while the person is continuously enrolled in the same degree or
8 certificate program. For purposes of this subsection, a person is
9 not required to enroll in a summer term to remain continuously
10 enrolled in a degree or certificate program. The person's
11 eligibility to receive those benefits [~~pay tuition and fees at the~~
12 ~~rate provided for Texas residents~~] under this subsection does not
13 terminate because the person is no longer a member of the Armed
14 Forces of the United States or the child or spouse of a member of the
15 Armed Forces of the United States.

16 (k) For each semester or session in which a person receives
17 the benefits described by Subsection (b) under any provision of
18 this section, the governing board of the institution of higher
19 education in which the person is enrolled shall award to the person
20 a scholarship to cover the costs of books and similar educational
21 materials required for the person's course work at the institution.

22 SECTION 2. Section 54.203, Education Code, is amended by
23 amending Subsections (a), (b), (b-1), and (d) and adding
24 Subsections (a-1), (b-2), and (b-3) to read as follows:

25 (a) The governing board of each institution of higher
26 education shall exempt the following persons from the payment of
27 all dues, fees, and charges, including fees for correspondence

1 courses but excluding general deposit fees[, ~~student services~~
2 ~~fees,~~] and any fees or charges for lodging, board, or clothing,
3 provided the person [~~persons~~] seeking the exemption declared this
4 state as the person's home of record in the manner provided by the
5 applicable military or other service [~~exemptions were citizens of~~
6 ~~Texas~~] at the time the person [~~they~~] entered the service [~~services~~
7 ~~indicated~~] and has [~~have~~] resided in this state [~~Texas~~] for at least
8 the period of 12 months before the date of registration:

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

12 (2) all nurses, members of the Women's Army Auxiliary
13 Corps, members of the Women's Auxiliary Volunteer Emergency
14 Service, and all honorably discharged members of the armed forces
15 of the United States who served during World War II except those who
16 were discharged from service because they were over the age of 38 or
17 because of a personal request on the part of the person that he be
18 discharged from service;

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

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

27 (A) the Cold War which began on the date of the

1 termination of the national emergency cited in Subdivision (3) of
2 this subsection;

3 (B) the Vietnam era which began on December 21,
4 1961, and ended on May 7, 1975;

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

7 (D) the Panama era which began on December 20,
8 1989, and ended on January 21, 1990;

9 (E) the Persian Gulf War which began on August 2,
10 1990, and ends on the date thereafter prescribed by Presidential
11 proclamation or September 1, 1997, whichever occurs first;

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

14 (G) any future national emergency declared in
15 accordance with federal law.

16 (a-1) A person who received an exemption provided by
17 Subsection (a) in the 2008-2009 academic year continues to be
18 eligible for the exemption provided by that subsection as long as
19 the person is continuously enrolled in an institution of higher
20 education, subject to the other provisions of this section other
21 than the requirement of Subsection (a) that the person must have
22 declared this state as the person's home of record at the time of
23 entering the service.

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

26 (1) the spouse and children of members of the armed
27 forces of the United States:

- 1 (A) who are or were killed in action;
2 (B) who die or died while in service;
3 (C) who are missing in action;
4 (D) whose death is documented to be directly
5 caused by illness or injury connected with service in the armed
6 forces of the United States; or
7 (E) who became totally disabled for purposes of
8 employability according to the disability ratings of the Department
9 of Veterans Affairs as a result of a service-related injury; and

10 (2) the spouse and ~~[orphans or]~~ children of members of
11 the Texas National Guard and the Texas Air National Guard who:

12 (A) were killed since January 1, 1946, while on
13 active duty either in the service of their state or the United
14 States; or

15 (B) are totally disabled for purposes of
16 employability according to the disability ratings of the Department
17 of Veterans Affairs, regardless of whether the members are eligible
18 to receive disability benefits from the department, as a result of a
19 service-related injury suffered since January 1, 1946, while on
20 active duty either in the service of this state or the United
21 States.

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

26 (b-2) For each semester or session in which a person
27 receives an exemption from tuition and required fees under this

1 section, the governing body of the institution of higher education
2 in which the person is enrolled shall exempt the person from the
3 payment of fees and charges for lodging and board if the person
4 resides on the campus of the institution. If the person does not
5 reside on the campus of the institution, the institution shall
6 provide to the person a reasonable stipend to cover the costs of the
7 person's lodging and board.

8 (b-3) For each semester or session in which a person
9 receives an exemption from tuition and required fees under this
10 section, the governing body of the institution of higher education
11 in which the person is enrolled shall award to the person a
12 scholarship to cover the costs of books and similar educational
13 materials required for course work at the institution.

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 the exemption [~~he fulfills the necessary citizenship~~
19 ~~and residency requirements~~].

20 SECTION 3. The change in law made by this Act applies
21 beginning with tuition and fees for the 2009 fall semester. Tuition
22 and fees for a term or semester before the 2009 fall semester are
23 covered by the law in effect immediately before the effective date
24 of this Act, and the former law is continued in effect for that
25 purpose.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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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, 2009.