

By: Van de Putte, et al.

S.B. No. 1537

Substitute the following for S.B. No. 1537:

By: Farias

C.S.S.B. No. 1537

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to tuition and fee exemptions at public institutions of  
3 higher education for certain military personnel and their  
4 dependents and for the spouses and children of certain deceased,  
5 missing, and disabled military personnel.

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

7 SECTION 1. Section 54.203, Education Code, is amended by  
8 amending Subsections (a), (b), (b-1), (d), (g), and (h) and adding  
9 Subsections (a-1), (a-2), and (k) to read as follows:

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

24 (1) all nurses and honorably discharged members of the

1 armed forces of the United States who served during the  
2 Spanish-American War or during World War I;

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

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

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

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

21 (B) the Vietnam era which began on December 21,  
22 1961, and ended on May 7, 1975;

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

25 (D) the Panama era which began on December 20,  
26 1989, and ended on January 21, 1990;

27 (E) the Persian Gulf War which began on August 2,

1 1990, and ends on the date thereafter prescribed by Presidential  
2 proclamation or September 1, 1997, whichever occurs first;

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

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

7 (a-1) A person who before the 2009-2010 academic year  
8 received an exemption provided by Subsection (a) continues to be  
9 eligible for the exemption provided by that subsection as that  
10 subsection existed on January 1, 2009, subject to the other  
11 provisions of this section other than the requirement of Subsection  
12 (a) that the person must have entered the service at a location in  
13 this state, declared this state as the person's home of record, or  
14 would have been determined to be a resident of this state for  
15 purposes of Subchapter B at the time the person entered the service.

16 (a-2) The exemptions provided for in Subsection (a) also  
17 apply to the spouse of:

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

19 (A) who was killed in action;

20 (B) who died while in service;

21 (C) who is missing in action;

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

25 (E) who became totally disabled for purposes of  
26 employability according to the disability ratings of the Department  
27 of Veterans Affairs as a result of a service-related injury; or

1           (2) a member of the Texas National Guard or the Texas  
2 Air National Guard who:

3           (A) was killed since January 1, 1946, while on  
4 active duty either in the service of this state or the United  
5 States; or

6           (B) is totally disabled for purposes of  
7 employability according to the disability ratings of the Department  
8 of Veterans Affairs, regardless of whether the member is eligible  
9 to receive disability benefits from the department, as a result of a  
10 service-related injury suffered since January 1, 1946, while on  
11 active duty either in the service of this state or the United  
12 States.

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

15           (1) the children of members of the armed forces of the  
16 United States:

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

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

19                   (C) who are missing in action;

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

23                   (E) who became totally disabled for purposes of  
24 employability according to the disability ratings of the Department  
25 of Veterans Affairs as a result of a service-related injury; and

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

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

4 (B) are totally disabled for purposes of  
5 employability according to the disability ratings of the Department  
6 of Veterans Affairs, regardless of whether the members are eligible  
7 to receive disability benefits from the department, as a result of a  
8 service-related injury suffered since January 1, 1946, while on  
9 active duty either in the service of this state or the United  
10 States.

11 (b-1) To qualify for an exemption under Subsection (a-2) or  
12 (b), the spouse or child [~~a person must be a citizen of Texas and~~  
13 must be classified as a resident under Subchapter B on [~~have resided~~  
14 ~~in the state for at least 12 months immediately preceding~~] the date  
15 of the spouse's or child's [~~person's~~] registration.

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

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

26 (h) The governing board of each institution of higher  
27 education shall electronically report to the Texas Higher Education

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

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

9 (1) the person is the stepchild or the biological or  
10 adopted child of the other person; or

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

15 SECTION 2. Section 54.203, Education Code, as amended by  
16 this Act, applies beginning with tuition, dues, fees, and other  
17 charges for the 2009 fall semester. If a person who becomes  
18 eligible for an exemption in that semester under that section has  
19 paid the tuition, dues, fees, and other charges for that semester,  
20 the institution of higher education shall refund to the student the  
21 amount of those charges paid by the person in the amount of the  
22 exemption. Tuition, dues, fees, and other charges for a term or  
23 semester before the 2009 fall semester are covered by the law in  
24 effect immediately before the effective date of this Act, and the  
25 former law is continued in effect for that purpose.

26 SECTION 3. 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.