

By: Van de Putte

S.B. No. 1537

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.