

1-1 By: Van de Putte S.B. No. 1537
1-2 (In the Senate - Filed March 9, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; March 30, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; March 30, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1537 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to tuition and fee exemptions at public institutions of
1-11 higher education for certain military personnel and their
1-12 dependents and for the spouses and children of certain deceased and
1-13 missing military personnel.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 54.203, Education Code, is amended by
1-16 amending Subsections (a), (b), (b-1), (d), (g), and (h) and adding
1-17 Subsections (a-1), (a-2), and (k) to read as follows:

1-18 (a) The governing board of each institution of higher
1-19 education shall exempt the following persons from the payment of
1-20 tuition, ~~all~~ dues, fees, and other required charges, including
1-21 fees for correspondence courses but excluding general deposit fees,
1-22 student services fees, and any fees or charges for lodging, board,
1-23 or clothing, provided the person ~~persons~~ seeking the exemption
1-24 ~~[exemptions were citizens of Texas at the time they]~~ entered the
1-25 service at a location in this state, declared this state as the
1-26 person's home of record in the manner provided by the applicable
1-27 military or other service, or would have been determined to be a
1-28 resident of this state for purposes of Subchapter B at the time the
1-29 person entered the service ~~[services indicated and have resided in~~
1-30 ~~Texas for at least the period of 12 months before the date of~~
1-31 ~~registration]~~:

1-32 (1) all nurses and honorably discharged members of the
1-33 armed forces of the United States who served during the
1-34 Spanish-American War or during World War I;

1-35 (2) all nurses, members of the Women's Army Auxiliary
1-36 Corps, members of the Women's Auxiliary Volunteer Emergency
1-37 Service, and all honorably discharged members of the armed forces
1-38 of the United States who served during World War II except those who
1-39 were discharged from service because they were over the age of 38 or
1-40 because of a personal request on the part of the person that the
1-41 person ~~he~~ be discharged from service;

1-42 (3) all honorably discharged men and women of the
1-43 armed forces of the United States who served during the national
1-44 emergency which began on June 27, 1950, and which is referred to as
1-45 the Korean War; and

1-46 (4) all persons who were honorably discharged from the
1-47 armed forces of the United States after serving on active military
1-48 duty, excluding training, for more than 180 days and who served a
1-49 portion of their active duty during:

1-50 (A) the Cold War which began on the date of the
1-51 termination of the national emergency cited in Subdivision (3) ~~[of~~
1-52 ~~this subsection]~~;

1-53 (B) the Vietnam era which began on December 21,
1-54 1961, and ended on May 7, 1975;

1-55 (C) the Grenada and Lebanon era which began on
1-56 August 24, 1982, and ended on July 31, 1984;

1-57 (D) the Panama era which began on December 20,
1-58 1989, and ended on January 21, 1990;

1-59 (E) the Persian Gulf War which began on August 2,
1-60 1990, and ends on the date thereafter prescribed by Presidential
1-61 proclamation or September 1, 1997, whichever occurs first;

1-62 (F) the national emergency by reason of certain
1-63 terrorist attacks that began on September 11, 2001; or

2-1 (G) any future national emergency declared in
 2-2 accordance with federal law.

2-3 (a-1) A person who before the 2009-2010 academic year
 2-4 received an exemption provided by Subsection (a) continues to be
 2-5 eligible for the exemption provided by that subsection as that
 2-6 subsection existed on January 1, 2009, subject to the other
 2-7 provisions of this section other than the requirement of Subsection
 2-8 (a) that the person must have entered the service at a location in
 2-9 this state, declared this state as the person's home of record, or
 2-10 would have been determined to be a resident of this state for
 2-11 purposes of Subchapter B at the time the person entered the service.

2-12 (a-2) The exemptions provided for in Subsection (a) also
 2-13 apply to the surviving spouse of:

2-14 (1) a member of the armed forces of the United States:
 2-15 (A) who was killed in action;
 2-16 (B) who died while in service;
 2-17 (C) who is missing in action; or
 2-18 (D) whose death is documented to be directly
 2-19 caused by illness or injury connected with service in the armed
 2-20 forces of the United States; or

2-21 (2) a member of the Texas National Guard or the Texas
 2-22 Air National Guard who was killed since January 1, 1946, while on
 2-23 active duty either in the service of this state or the United
 2-24 States.

2-25 (b) The exemptions provided for in Subsection (a) [~~of this~~
 2-26 ~~section~~] also apply [~~and inure~~] to [~~the benefit of~~]:

2-27 (1) the children of members of the armed forces of the
 2-28 United States:

2-29 (A) who are or were killed in action;
 2-30 (B) who die or died while in service;
 2-31 (C) who are missing in action;
 2-32 (D) whose death is documented to be directly
 2-33 caused by illness or injury connected with service in the armed
 2-34 forces of the United States; or

2-35 (E) who became totally disabled for purposes of
 2-36 employability according to the disability ratings of the Department
 2-37 of Veterans Affairs as a result of a service-related injury; and

2-38 (2) the [~~orphans or~~] children of members of the Texas
 2-39 National Guard and the Texas Air National Guard who:

2-40 (A) were killed since January 1, 1946, while on
 2-41 active duty either in the service of their state or the United
 2-42 States; or

2-43 (B) are totally disabled for purposes of
 2-44 employability according to the disability ratings of the Department
 2-45 of Veterans Affairs, regardless of whether the members are eligible
 2-46 to receive disability benefits from the department, as a result of a
 2-47 service-related injury suffered since January 1, 1946, while on
 2-48 active duty either in the service of this state or the United
 2-49 States.

2-50 (b-1) To qualify for an exemption under Subsection (a-2) or
 2-51 (b), the spouse or child [a person must be a citizen of Texas and]
 2-52 must be classified as a resident under Subchapter B on [have resided
 2-53 in the state for at least 12 months immediately preceding] the date
 2-54 of the spouse's or child's [person's] registration.

2-55 (d) The governing board of each institution of higher
 2-56 education granting an exemption under this section [exemptions]
 2-57 shall require every applicant claiming the [benefit of an]
 2-58 exemption to submit satisfactory evidence that the applicant
 2-59 qualifies for [he fulfills] the exemption [necessary citizenship
 2-60 and residency requirements].

2-61 (g) The governing board of a junior college district may
 2-62 establish a fee for extraordinary costs associated with a specific
 2-63 course or program and may provide that the exemptions provided by
 2-64 this section [Subsections (a) and (b)] do not apply to this fee.

2-65 (h) The governing board of each institution of higher
 2-66 education shall electronically report to the Texas Higher Education
 2-67 Coordinating Board the information required by Section 61.0516
 2-68 relating to each individual receiving an exemption from fees and
 2-69 charges under Subsection (a), (a-2), or (b). The institution shall

3-1 report the information not later than December 31 of each year for
3-2 the fall semester, May 31 of each year for the spring semester, and
3-3 September 30 of each year for the summer session.

3-4 (k) For purposes of this section, a person is the child of
3-5 another person if:

3-6 (1) the person is the stepchild or the biological or
3-7 adopted child of the other person; or

3-8 (2) the other person claimed the person as a dependent
3-9 on a federal income tax return filed for the preceding year or will
3-10 claim the person as a dependent on a federal income tax return for
3-11 the current year.

3-12 SECTION 2. Section 54.203, Education Code, as amended by
3-13 this Act, applies beginning with tuition and fees for the 2009 fall
3-14 semester. If a person who becomes eligible for an exemption in that
3-15 semester under that section has paid the tuition and other fees for
3-16 that semester, the institution of higher education shall refund to
3-17 the student the amount of the tuition and fees paid by the person in
3-18 the amount of the exemption. Tuition and fees for a term or
3-19 semester before the 2009 fall semester are covered by the law in
3-20 effect immediately before the effective date of this Act, and the
3-21 former law is continued in effect for that purpose.

3-22 SECTION 3. This Act takes effect immediately if it receives
3-23 a vote of two-thirds of all the members elected to each house, as
3-24 provided by Section 39, Article III, Texas Constitution. If this
3-25 Act does not receive the vote necessary for immediate effect, this
3-26 Act takes effect September 1, 2009.

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