



**Office of the Attorney General
State of Texas**

DAN MORALES
ATTORNEY GENERAL

September 17, 1996

Mr. Douglas K. Brown
Executive Director
Texas Veterans Commission
P.O. Box 12277
Austin, Texas 78711-2277

Letter Opinion No. 96-097

Re: Clarification of Letter Opinion
No. 96-090 (1996) (ID# 39085)

Dear Mr. Brown:

You ask this office to clarify Letter Opinion No. 96-090, in which we ruled that a reservist who was on active duty during the Persian Gulf War and who has been honorably separated from active duty is eligible for the exemption from dues, fees, and charges at an institution of higher learning accorded by section 54.203(a) of the Education Code. You note that the Higher Education Coordinating Board, which requested Letter Opinion No. 96-090, has taken the view that it applies only to Persian Gulf War veterans, to whom section 54.203(a)(4)(E) applies, rather than to the other classes of veterans enumerated in sections 54.203(a)(4)(A), (B), (C), (D), or (F). You ask if this restrictive view is correct.

In our view, it is not. While the question answered by Letter Opinion No. 96-090 directly concerned Persian Gulf War veterans, nothing in the reasoning of the opinion turns on this fact. The opinion construes the meaning of the term "discharged" in section 54.203(a)(4), language that is applicable to all classes of veterans that follow in the subsequent subsections. Indeed, the precedent on which we relied, Attorney General Opinion O-7021 (1946), concerned the treatment of veterans of the Second World War. The reasoning of Letter Opinion No. 96-090 applies to all veterans enumerated by section 54.203(a)(4), and all such veterans are entitled to the same treatment. All veterans honorably separated from active duty during the periods enumerated in section 54.203(a)(4), and not only those who fall under section 54.203(a)(4)(E), are eligible, supposing they satisfy the other requirements of the section, for its exemption from the payment of dues, fees, and charges at an institution of higher education.

S U M M A R Y

All veterans honorably separated from active duty during the periods enumerated in section 54.203(a)(4) of the Education Code, and not only those who fall under section 54.203(a)(4)(E), are eligible, supposing they satisfy the other requirements of the section, for its exemption from the payment of dues, fees, and charges at an institution of higher education.

Yours very truly,

A handwritten signature in black ink, appearing to read "James E. Tourtelott". The signature is stylized with a long horizontal stroke at the top and a large, looped "T" at the end.

James E. Tourtelott
Assistant Attorney General
Opinion Committee