



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD**  
ATTORNEY GENERAL

October 13, 1955

Honorable C. H. Cavness  
State Auditor  
Capitol Station  
Austin, Texas

Opinion NO. MS-244

Re: Termination of Korean  
national emergency and  
its effect on exemption  
of veterans from State  
college tuition.

Dear Mr. Cavness:

In requesting our opinion, you pointed out that by enacting Section 5 of Article 2654b-1, Vernon's Civil Statutes, the Legislature extended to Texas veterans of the Korean conflict the exemption from college tuition and fee charges accorded to Texas veterans of the World Wars. You drew our attention to this sentence of the law:

"As used herein the term 'present national emergency' refers to the period of time beginning June 27, 1950, and ending on such date as shall be determined by Presidential Proclamation or Concurrent Resolution of the Congress for purposes of defining a 'basic service period' under Public Law 550, Eighty-second Congress, Second Session, Chapter 875."

You then directed our attention to Presidential Proclamation No. 3080, proclaimed January 1, 1955, and in particular to Paragraph (7) which reads:

"January 31, 1955, is hereby determined, under the provisions of section 201 of the said Veterans' Readjustment Assistance Act of 1952, 38 U.S.C. 911, (Public Law 550, Eighty-second Congress, Second Session, Chapter 875) relating to eligibility for education and training under Title II of the said Act, as the date ending the basic service period referred to in paragraph (1) of the said section."

You ask the question, "Have the State fee exemptions terminated as to all Texans entering the Armed Forces on or after February 1, 1955?"

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With its definition of "present national emergency" being tied to the "basic service period" under Public Law 550, the Legislature eliminated the impractical standard of "during World War II" which had measured the exemption period under Section 3 of Article 2654b-1. See Attorney General's Opinion V-1540 (1952). It is evident that the "basic service period" for Federal benefits under Public Law 550 does not accrue for any person joining the Armed Forces on or after February 1, 1955. Consequently, the State exemptions for Texans, adopted with reference to the Federal benefits, do not accrue to persons becoming members of the Armed Forces on or after February 1, 1955.

Yours very truly,

APPROVED:

JOHN BEN SHEPPERD  
Attorney General

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County Affairs Division

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