

BILL ANALYSIS

Senate Research Center
81R903 KJM-D

S.B. 93
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Higher Education
2/27/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of the Hazlewood Exemption is to provide an educational benefit to honorably discharged or separated Texas veterans by exempting those veterans from paying tuition and some fees at state colleges. In 2005 and 2006, Texas Attorney General Greg Abbott issued two opinions in which he stated that to receive benefits under Section 54.203 (Veterans, Dependents, Etc.) of the Texas Education Code, an eligible veteran must have been a United States (U.S.) citizen and a Texas citizen at the time he or she entered service. Last year, the attorney general withdrew those opinions, admitting that his interpretation of Hazlewood to exclude legal permanent resident immigrants, thousands of whom have served this country and state in the military, made the Hazlewood Act unconstitutional. The Texas Higher Education Coordinating Board (THECB) followed the attorney general's withdrawal by adopting temporary rules to provide that veterans are eligible for the Hazelwood Exemption whether they were U.S. citizens or legal residents at the time they entered the military in Texas.

There are many men and women who are legal residents of Texas and who volunteer to enlist and serve in our armed forces; it is only reasonable that veterans who entered the military as legal permanent residents be afforded the same opportunities as those veterans who entered military service as U.S. citizens.

As proposed, S.B. 93 aligns the Hazlewood Act with both the withdrawal of the attorney general's opinions, the rules adopted by THECB, and the federal government's G.I. Bill which does not make distinctions between citizens and legal residents for purposes of educational benefits granted to veterans.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.203, Education Code, by amending Subsections (a), (b), (b-1), and (d) and adding Subsection (a-1), as follows:

(a) Requires that the person who is seeking exemption from higher education fees declared this state as the person's home of record in the manner provided by the applicable military or other service at the time the person entered the service and is a resident of this state under Subchapter B (Tuition Rates), rather than have resided in Texas for at least the period of 12 months before the date of registration. Makes nonsubstantive changes.

(a-1) Entitles a person who received an exemption provided by Subsection (a) in the 2008-2009 academic year to continue to be eligible for the exemption provided by that subsection as long as the person is continuously enrolled in an institution of higher education, subject to the other provisions of this section other than the requirement of Subsection (a) that the person is required to have declared this state as the person's home of record at the time of entering the service.

(b) Makes conforming changes.

(b-1) Requires a person to have resided in this state for at least 12 months immediately preceding the date of the person's registration, rather than being a citizen of Texas and residing in the state for 12 months, to qualify for an exemption under Subsection (b).

(d) Makes conforming and nonsubstantive changes.

SECTION 2. Makes application of this Act prospective to the 2009 fall semester.

SECTION 3. Effective date: upon passage or September 1, 2009.