

BILL ANALYSIS

Senate Research Center
81R13453 KJM-D

C.S.S.B. 93
By: Van de Putte, Uresti
Higher Education
3/5/2009
Committee Report (Substituted)

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.

C.S.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. C.S.S.B. 93 also provides that a child meet certain requirements and defines who a child of another person is for the child to qualify for educational benefits.

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 Subsections (a-1) and (k), as follows:

(a) Requires the governing board of each institution of higher education to exempt certain persons from the payment of tuition, dues, rather than all dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student service fees, and any fees or charges for lodging, board, or clothing, provided the person, rather than persons, seeking the exemption entered the service at a location in this state, declared this state as the persons home of record in the manner provided by the applicable military or other service, would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service. Deletes existing text requiring the persons indicated and to have resided in Texas for at least the period of 12 months before the date of registration. Makes conforming and nonsubstantive changes.

(a-1) Provides that a person, who before the 2009-2010 academic year received an exemption as provided by Subsection (a) continues to be eligible for the exemption provided by that subsection as that subsection existed on January 1, 2009, subject to the

other provisions of this section other than the requirement of Subsection (a) that the person is required to have entered the service at a location in this state, declared this state as the person's home of record, or would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service.

(b) Provides that the exemptions provided for in Subsection (a), rather than of this section, also apply to, rather than apply and inure to the benefit of certain persons. Deletes existing text referring to the orphans of members of the Texas National Guard and the Texas Air National Guard.

(b-1) Requires a child to be classified as a resident under Subchapter B on the date of the child's registration, to qualify for an exemption under Subsection (b). Deletes existing text requiring that a person be a citizen of Texas and have resided in the state for at least 12 months immediately preceding the date of the person's registration to qualify for an exemption under Subsection (b).

(d) Requires the governing board of each institution of higher education granting an exemption under this section to require every applicant claiming the exemption to submit satisfactory evidence that the applicant qualifies for the exemption. Deletes existing text requiring an applicant to submit satisfactory evidence relating to necessary citizenship and residency requirements. Makes conforming and nonsubstantive changes.

(k) Provides that, for purposes of this section, a person is the child of another person if the person is the stepchild or the biological or adopted child of the other person, or the other person claimed the person as a dependent on a federal income tax return filed for the preceding year or will claim the person as a dependent on a federal income tax return for the current year.

SECTION 2. Makes application of Section 54.203, Education Code, as added by this Act, prospective to the 2009 fall semester. Requires an institution of higher education, if a person who becomes eligible for an exemption in that semester under that section has paid the tuition and other fees for that semester, to refund to the student the amount of the tuition and fees paid by the person in the amount of the exemption.

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