

BILL ANALYSIS

Senate Research Center
83R6767 JRJ-D

S.B. 1159
By: Van de Putte
Veteran Affairs & Military Installations
3/26/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Last session, the legislature passed S.B. 639, 82nd Legislature, Regular Session, 2011, the "Hazlewood clean up" bill. However, moving statutory provisions around in code to better align Hazlewood provisions resulted in some unintended consequences for veterans. S.B. 1159 contains recommendations from the Texas Higher Education Coordinating Board to clarify and codify provisions necessary to effectively administer Hazlewood benefits to Texas veterans.

As proposed, S.B. 1159 amends current law relating to tuition and fee exemptions for certain military personnel and their dependents.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 1 (Section 54.341, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.341, Education Code, by amending Subsections (a), (a-2), (b), (e), (k-1), (l), (m), and (n) and adding Subsection (a-4), as follows:

(a) Requires the governing board of each institution of higher education to exempt certain persons from the payment of tuition, dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person seeking the exemption currently resides in this state or resides outside of this state due to the person's military assignment or the military assignment of the person's spouse and entered the service at a location in this state, declared this state as the person's home of record in the manner provided by the applicable military or other service, or would have been determined to be a resident of this state for purposes of Subchapter B (Tuition Rates) at the time the person entered the service.

(a-2) Provides that the exemptions provided for in Subsection (a) also apply to the spouse of a member of the armed forces of the United States who became totally and permanently disabled or meets the eligibility requirements for individual unemployability, rather than for purposes of employability, according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or a member of the Texas National Guard or the Texas Air National Guard who is totally and permanently disabled or meets the eligibility requirements for individual unemployability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the member is eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States. Makes a conforming change.

(a-4) Provides that Subsection (a-2) or (b) applies only if the member of the armed forces of the United States entered the service at a location in this state, declared this state as the person's home of record in the manner provided by the applicable military or other service, 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. Provides that the member is not required to meet any other requirements of Subsection (a).

(b) Provides that the exemptions provided for in Subsection (a) also apply to the children of certain members of the armed forces of the United States, including a member who became totally and permanently disabled or meet the eligibility requirements for individual unemployability according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury, and the children of members of the Texas National Guard and the Texas Air National Guard who are totally and permanently disabled or meet the eligibility requirements for individual unemployability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States. Makes a conforming change.

(e) Authorizes a person who is entitled for a semester or other term to receive more than one type of federal benefit that may be used only for the payment of tuition and fees to choose which benefit to apply for that semester or other term. Requires that the extent to which an exemption under this section applies to the person be based on the value of the federal benefit or benefits the person chooses to use for that semester or other term. Prohibits the combined amount of the federal benefit or benefits that are authorized to be used only for the payment of tuition and fees and that are received in a semester or other term plus the amount of the exemption received in that semester or other term, rather than in a semester or other term, from exceeding the cost of tuition and fees for that semester or other term.

(k-1) Requires that the procedures under Subsection (k) (relating to the Texas Higher Education Coordinating Board (THECB) by rule prescribing procedures for waiving or reassigning certain exemptions) provide for certain matters, including a procedure permitting a person who waived the exemption and designated a child to receive the exemption to revoke that designation as to any unused portion of the assigned credit hours.

(l) Requires a child, to be eligible to receive an exemption under Subsection (k), to meet certain criteria, including be 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed.

(m) Provides that, for purposes of this section, a person is the child of another person if the person meets certain criteria, rather than if the person is 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed and meets certain criteria.

(n) Requires THECB by rule to prescribe procedures by which a child designated to receive an exemption under Subsection (k) who suffered from a severe illness or other debilitating condition that affected the child's ability to use the exemption before reaching the age described by Subsection (l)(3) (relating to certain age requirements), rather than Subdivision (m), is authorized to be granted additional time to use the exemption corresponding to the time the child was unable to use the exemption because of the illness or condition.

SECTION 2. (a) Provides that the changes in law made by this Act by amending Section 54.341(a), Education Code, and by adding Section 54.341(a-4), Education Code, apply immediately.

(b) Provides that, except as provided by Subsection (a) of this section, the changes in law made by this Act to Section 54.341 (Veterans and Other Military Personnel; Dependents), Education Code, apply beginning with tuition and fees for the 2013 fall semester. Provides that tuition and fees for a term or semester before the 2013 fall semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2013.