

## **BILL ANALYSIS**

Senate Research Center  
81R1297 KJM-D

S.B. 114  
By: Ellis  
Higher Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2007, the Texas Veterans Commission (TVC) estimated that there were 1.7 million veterans living in Texas.

Current law allows qualifying veterans and their dependents to pay in-state tuition but makes no provision for an exemption from fees. Current law also limits Hazlewood Act eligibility to veterans who were Texas residents at the time of their entry into military service.

As proposed, S.B. 114 amends current law relating to the payment of higher education tuition and fees for certain military personnel and their dependents.

### **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 54.058, Education Code, by amending Subsections (b), (c), (d), (f), (g), (i), and (j), and by adding Subsections (b-1) and (k), as follows:

(b) Provides that a person who is an officer, enlisted person, selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas, and the spouse and children of such an officer, enlisted person, selectee, or draftee, are entitled to register in a state institution of higher education by paying the tuition required of Texas residents and are exempt from the payment of all fees of the institution, including fees for correspondence courses but excluding general deposit fees and any fees or charges for lodging, board, or clothing. Deletes existing text entitling the referenced military personnel to register in a state institution of higher education by paying the tuition fee and other fees or charges required by Texas residents.

(b-1) Creates this subsection from existing text. Provides that out-of-state Army National Guard or Air National Guard members attending training with Texas Army or Air National Guard units under National Guard Bureau regulations may not receive benefits under Subsection (b) by virtue of that training status, rather than may not be exempted from nonresident tuition, nor may out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves training with units in Texas under similar regulations receive benefits under Subsection (b) by virtue of that training status, rather than be exempted from nonresident tuition. Provides that it is the intent of the legislature that those members of the Army or Air National Guard or other reserve forces described by this subsection receive benefits under Subsection (b) only when they become members of Texas units of the military organizations described by Subsection (b), rather than only those members of the Army and Air National Guard or other reserve forces mentioned above be exempted from the nonresident tuition fee and other fees and charges only when they become members of Texas units of the military organizations.

(c) Entitles the spouse or child of a member of the Armed Forces of the United States who has been assigned to duty elsewhere immediately following assignment to duty in

Texas to receive the benefits described by Subsection (b), rather than to pay the tuition fees and other fees or charges provided for Texas residents, as long as the spouse or child resides continuously in Texas.

(d) Entitles a spouse or dependent child of a member of the Armed Forces of the United States, who is not assigned to duty in Texas but who has previously resided in Texas for at least a six-month period, to receive the benefits described by Subsection (b), rather than to pay the tuition fees and other fees or charges provided for Texas residents, for a term or semester at an institution of higher education if the member executes a document at least one year preceding the first day of the term or semester with the applicable military service that is in effect on the first day of the term or semester, containing certain information fulfilling certain requirements.

(f) Entitles the spouse or child of a member of the Armed Forces of the United States who dies or is killed to receive the benefits described by Subsection (b), rather than pay the resident tuition fee, if the spouse or child becomes a resident of Texas within 60 days of the date of death.

(g) Requires the institution of higher education, if a member of the Armed Forces of the United States is stationed outside Texas and the member's spouse or child establishes residence in Texas by residing in Texas and by filing with the Texas institution of higher education at which the spouse or child plans to register a letter of intent to establish residence in Texas, to permit the spouse or child to receive the benefits described by Subsection (b), rather than pay the tuition, fees, and other charges provided for Texas residents, without regard to length of time that the spouse or child has resided in Texas.

(i) Entitles a former member of the Armed Forces of the United States or the former member's spouse or dependent child to receive the benefits described by Subsection (b), rather than pay the tuition fees and other fees or charges provided for Texas residents, for any term or semester at a state institution of higher education that begins before the first anniversary of the member's separation from the Armed Forces if the former member has retired or been honorably discharged from the Armed Forces and has complied with the requirements of Subsection (d).

(j) Entitles a member or former member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to receive the benefits described by Subsection (b) under another provision of this section while enrolled in a degree or certificate program to receive those benefits in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program. Makes conforming changes.

(k) Requires the governing board of the institution of higher education in which the person is enrolled, for each semester or session in which a person receives the benefits described by Subsection (b) under any provision of this section, to award to the person a scholarship to cover the costs of books and similar educational materials required for the person's course work at the institution.

SECTION 2. Amends Section 54.203, Education Code, by amending Subsections (a), (b), (b-1), and (d), and adding Subsections (a-1), (b-2), and (b-3), as follows:

(a) Requires the governing board of each institution of higher education to exempt certain persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding general deposit fees and any fees or charges for lodging, board, or clothing, provided the person seeking the exemption 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 has resided in this state for at least the period of 12 months before the date of registration. Deletes existing text requiring the governing board of each institution of higher education to exempt certain persons from the payment of all dues, fees, and 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 persons seeking the exemptions were citizens of Texas at

the time they entered the services indicated and have resided in Texas for at least the period of 12 months before the date of registration.

(a-1) Provides that a person who received an exemption provided by Subsection (a) in the 2008-2009 academic year continues 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 must have declared this state as the person's home of record at the time of entering the service.

(b) Provides that the exemptions provided for in Subsection (a) also apply to the spouse and children of members of the armed forces of the United States who are or were killed in action, die or died while in service, are missing in action, whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States or who became totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; and the spouse and children, rather than the orphans or children, of members of the Texas National Guard and the Texas Air National Guard who were killed since January 1, 1946, while on active duty either in the service of their state or the United States or are totally disabled for purposes of employability 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 of Veterans Affairs, 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.

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

(b-2) Requires the governing body of the institution of higher education in which the person is enrolled, for each semester or session in which a person receives an exemption from tuition and required fees under this section, to exempt the person from the payment of fees and charges for lodging and board if the person resides on the campus of the institution. Requires the institution, if the person does not reside on the campus of the institution, to provide to the person a reasonable stipend to cover the costs of the person's lodging and board.

(b-3) Requires the governing body of the institution of higher education in which the person is enrolled, for each semester or session in which a person receives an exemption from tuition and required fees under this section, to award to the person a scholarship to cover the costs of books and similar educational materials required for course work at the institution.

(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 the governing board of each institution of higher education granting exemptions to require every applicant claiming the benefit of an exemption to submit satisfactory evidence that he fulfills the necessary citizenship and residency requirements.

SECTION 3. Makes application of this Act prospective to the 2009 fall semester.

SECTION 4. Effective date: upon passage or September 1, 2009.