

## **BILL ANALYSIS**

C.S.H.B. 2140  
By: McClendon  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas State Guard is one of three branches of the Texas Military Forces; the other two branches are the Texas Army National Guard and the Texas Air National Guard. Members of the Texas State Guard, unlike members of the other two branches, have state-only status, which means members cannot be federalized or deployed outside of Texas. Because of this designation, Texas State Guard members are always present and ready to assist state and local authorities in state emergencies with homeland security and community service through defense support to civil authorities.

Currently, the Texas State Guard is critically short of members. While more than 20,000 members serve in the Texas Army and Air National Guards, only approximately 1,500 men and women currently serve in the Texas State Guard. This shortage is due in part to the lack of pay and benefits as an incentive for recruitment; members of the State Guard buy their own uniforms, receive no pay for monthly drills, and receive minimal pay on disaster deployments, regardless of the degree of personal risk involved.

C.S.H.B. 2140 extends eligibility for the Hazlewood tuition exemption to honorably discharged members of the Texas State Guard who have served at least 90 days of active duty. The committee estimates that 100 guardsman will take advantage of the exemption.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2140 amends the Education Code to extend the existing tuition and fee exemption at institutions of higher education for certain honorably discharged military personnel and for dependents of personnel killed or missing in action or who died or became totally disabled as a result of a service-related illness or injury to exempt, in addition to the above veterans and dependents, all persons who were honorably discharged from the Texas State Guard after serving on active duty in the Texas State Guard by call or order of the governor, excluding training, for a cumulative period of more than 90 days and served a portion of such active duty on or after September 1, 1971.

C.S.H.B. 2140 makes its provisions applicable beginning with tuition and fees charged for the 2009 fall semester.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2140 differs from the original by extending the tuition and fee exemption at institutions of higher education to all persons who were honorably discharged from the Texas State Guard after serving on active duty in the Texas State Guard by call or order of the governor, excluding training, for a cumulative period of more than 90 days, whereas the original extends the exemption to all persons who were honorably discharged from the Texas State Guard after serving on active duty, excluding training, for more than 180 days and does not refer to a gubernatorial call or order as the reason for the active duty service.