

## **BILL ANALYSIS**

C.S.S.B. 1537  
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Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The purpose of the Hazelwood tuition exemption is to provide an education benefit to honorably discharged or separated Texas veterans by exempting those veterans from the payment of tuition and certain fees at state colleges. In 2005 and 2006, Texas Attorney General Greg Abbott issued two opinions in which he stated that, in order to receive exemption benefits, an eligible veteran must have been a U.S. citizen and a legal Texas resident at the time of entering service. The attorney general withdrew his opinion the following year because the opinion would have rendered the Hazelwood Act unconstitutional. The Texas Higher Education Coordinating Board responded to the attorney general's withdrawal by adopting temporary rules to provide that a veteran is eligible for the tuition exemption regardless of whether the veteran was a U.S. citizen or legal resident at the time of entering military service in Texas. Legislation is needed to align the Hazelwood Act with the rules adopted by the coordinating board and the federal G.I. Bill.

C.S.S.B. 1537 extends the tuition exemption to the spouses of certain deceased or missing service members and revises the requirements specified military personnel or their spouses or children must meet to qualify for tuition and fee exemptions.

### **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.S.B. 1537 amends the Education Code to include in the required exemptions for certain military personnel and their children at public institutions of higher education the payment of tuition and other required charges, in addition to dues and fees. The bill requires that the person seeking the exemption entered the service at a location in Texas, declared Texas 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 Texas for purposes of provisions concerning tuition rates at the time the person entered the service. The bill removes a requirement that the person seeking the exemption was a citizen of Texas at the time of entry into the service and had resided in Texas for at least the period of 12 months before the date of registration.

C.S.S.B. 1537 establishes that a person who before the 2009-2010 academic year received a tuition exemption continues to be eligible for the exemption under that provision as it existed on January 1, 2009, subject to the other provisions other than the requirement that the person must have entered the service at a location in Texas, declared Texas as the person's home of record, or would have been determined to be a resident of Texas for purposes of provisions concerning tuition rates at the time the person entered the service. The bill makes clarifying and conforming changes to provisions extending the exemption to the spouse or child of certain military personnel.

C.S.S.B. 1537 establishes that the exemptions also apply to the spouse of a member of the U.S. armed forces who was killed in action, died while in service, is missing in action, whose death is documented to be directly caused by illness or injury connected with service in the armed forces, or who became totally disabled for the purposes of employability according to the disability ratings of the Department of Veterans Affairs (VA) as a result of a service-related injury; or of a member of the Texas National Guard or the Texas Air National Guard who was killed since January 1, 1946, while on active duty either in the service of Texas or the United States or is totally disabled for the purposes of employability according to the VA's disability ratings, regardless of whether the member is eligible to receive disability benefits from the VA, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of the state or the United States.

C.S.S.B. 1537 establishes that, for the purposes of provisions relating to exemptions from tuition, 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. The bill makes its provisions applicable beginning with tuition, dues, fees, and other charges 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.S.B. 1537 differs from the original by establishing that a tuition exemption applies to the spouse of certain military service members, rather than to the surviving spouse as in the original. The substitute adds provisions not in the original including among the service members whose spouses are eligible for a tuition exemption a member of the U.S. armed forces who became totally disabled for the purposes of employability according to the disability ratings of the Department of Veterans Affairs (VA) as a result of a service-related injury, and a member of the Texas National Guard or the Texas Air National Guard who is totally disabled for the purposes of employability according to the VA's disability ratings as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of Texas or the United States.

C.S.S.B. 1537 differs from the original by making its provisions applicable beginning with tuition, dues, fees, and other charges for the 2009 fall semester, rather than tuition and other fees charged for the 2009 fall semester as in the original.