

BILL ANALYSIS

Senate Research Center

S.B. 639
By: Van de Putte et al.
Veteran Affairs & Military Installations
8/4/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the 81st Legislature passed S.B. 93, which included provisions that allow veterans and military members deployed into combat to assign their unused Hazlewood benefits to their children. Since passage and implementation of that Legislation, the Texas Higher Education Coordinating Board has requested that several provisions be clarified.

S.B. 639 contains those clarifications to provide guidance to institutions of higher education to ensure that veterans receive the benefits intended by the 81st Legislature.

S.B. 639 amends current law relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 1 (Section 54.203, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 54.203, Education Code) and SECTION 2 (Section 54.2031, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.203, Education Code, by amending Subsections (a), (d), (k), (l), and (m) and adding Subsections (a-3), (k-1) and (n), 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 certain fees, provided the person seeking the exemption currently resides in this state 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-3) Provides that a person who before the 2011-2012 academic year received an exemption provided by Subsection (a) continues to be eligible for the exemption provided by that subsection as that subsection existed on January 1, 2011, subject to the other provisions of this section other than the requirement of Subsection (a) that the person must currently reside in this state.

(d) Requires the governing board of each institution of higher education granting an exemption under this section to require each applicant, rather than every applicant, claiming the exemption to submit to the institution an application for the exemption and satisfactory evidence that the applicant qualifies for the exemption not later than one year after the earlier of the date the institution:

(1) provides written notice to the applicant of the applicant's eligibility for the exemption; or

(2) receives a written acknowledgment from the applicant evidencing the applicant's awareness of the applicant's eligibility for the exemption.

(k) Requires the Texas Higher Education Coordinating Board (THECB) by rule to prescribe procedures to allow:

(1) a person who becomes eligible for an exemption provided by Subsection (a) to waive the person's right to any unused portion of the maximum number of cumulative credit hours for which the person could receive the exemption and assign the exemption for the unused portion of those credit hours to a child of the person; and

(2) following the death of a person who becomes eligible for an exemption provided by Subsection (a), the assignment of the exemption for the unused portion of the credit hours to a child of the person, to be made by the person's spouse or by the conservator, guardian, custodian, or other legally designated caretaker of the child, if the child does not otherwise qualify for an exemption under Subsection (b).

(k-1) Creates this subsection from existing text. Requires that the procedures under Subsection (k) provide the manner in which a person may waive the exemption; the manner in which a child may be designated to receive the exemption; a procedure permitting the designation a different child, rather than a procedure permitting the person to designate a different child, to receive the exemption if the child previously designated to receive the exemption did not use the exemption under this section for all the assigned portion of credit hours; and a method of documentation to enable institutions of higher education to determine the eligibility of the designated child to receive the exemption. Makes nonsubstantive changes.

(1) Deletes existing text requiring a child, to be eligible to receive an exemption under Subsection (k), to be 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed, except that THECB is required by rule to prescribe procedures by which a child who suffered from a severe illness or other debilitating condition that affected the child's ability to use the exemption before reaching that age may 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. Makes a nonsubstantive change.

(m) Provides that for purposes of this section, a person is the child of another person 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 the person meets certain other criteria.

(n) Requires THECB by rule to prescribe procedures by which a child 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 (m) may 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. Amends Subchapter D, Chapter 54, Education Code, by adding Section 54.2031, as follows:

Sec. 54.2031. DEPENDENT CHILDREN OF RESIDENTS WHO ARE MEMBERS OF ARMED FORCES DEPLOYED ON COMBAT DUTY. (a) Defines "child" and "dependent" in this section.

(b) Requires the governing board of an institution of higher education to exempt from the payment of tuition at the institution a dependent child of a member of the armed forces of the United States who is a resident of this state or is entitled to pay resident tuition under this chapter, for any semester or other academic term

during which the member of the armed forces is deployed on active duty for the purpose of engaging in a combative military operation outside the United States.

(c) Requires the governing board of an institution of higher education granting an exemption under this section to require each applicant claiming the exemption to submit satisfactory evidence that the applicant qualifies for the exemption.

(d) Prohibits a person from receiving an exemption provided for by this section for more than a cumulative total of 150 semester credit hours.

(e) Prohibits a person from receiving an exemption under this section if the person is in default on a loan made or guaranteed for educational purposes by the State of Texas.

(f) Prohibits an institution of higher education, in determining whether to admit a person to any certificate program or any baccalaureate, graduate, postgraduate, or professional degree program, from considering the fact that the person is eligible for an exemption under this section.

(g) Requires the legislature in its appropriations to institutions of higher education to, based on availability, provide sufficient money to cover the full costs of the exemptions provided for by this section.

(h) Requires THECB, if sufficient money is not available to cover the full costs to the institutions of higher education of the exemptions provided for by this section, to prorate the available funding to each institution for purposes of this section in proportion to the total amount the institution would otherwise be entitled to receive for purposes of this section. Provides that an institution is required to grant an exemption from the payment of tuition under this section only to the extent money is available for that purpose.

(i) Authorizes THECB to adopt rules necessary to administer this section.

SECTION 3. Repealer: Section 54.203(b-2) (relating to an exemption from tuition), Education Code.

SECTION 4. Makes application of this Act prospective to the 2011 fall semester.

SECTION 5. Effective date: upon passage or September 1, 2011.