

BILL ANALYSIS

Senate Research Center
79R3715 JRJ-D

S.B. 392
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S/C on Higher Education
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Hazlewood Act, as set forth in Section 54.203, Texas Education Code, entitles eligible veterans, and the children of service members who die during or directly due to their service in the armed forces, to free tuition and free or reduced fees for up to 150 college credit hours at publicly supported institutions of higher education.

In 1959, the second called session of the 56th Texas Legislature instituted the requirement that a veteran using the benefit have been a "bona fide legal resident of this state at the time of entering such service." Current statutory language requires that one of the eligibility criteria for the Hazlewood Act (waiving tuition and most fees for certain veterans at state-supported institutions of higher education) is to be a "Texas citizen" upon entry into the military. However, nowhere in statute is there a definition of Texas citizenship. Historically, the requirement has been interpreted by the Texas Higher Education Coordinating Board as a 12-month residency period prior to entry into the military.

A 1998 Texas attorney general opinion (DM-468) stated that, "We believe a court would conclude that the statutory classification (requiring Texas citizenship at the time of entrance to the service) is unconstitutional. We further believe a court would remedy the unconstitutionality by extending the exemption to all honorably discharged, resident veterans."

As proposed, S.B. 392 provides much-needed clarification to the interpretation of the eligibility criteria required of our veterans and protection from possible lawsuits that may be brought on the grounds of an unconstitutional statutory classification by removing the term "citizenship" from Section 54.203 of the Texas Education Code.

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 Sections 54.203(a) and (b), Education Code, as follows:

(a) Specifies that the person, rather than persons, seeking the tuition and fee exemption is to be a Texas resident for the purposes of Subchapter B (Tuition Rates). Deletes text pertaining to Texas citizenship and a 12-month residency requirement.

(b) Requires a person to be a Texas resident for the purposes of Subchapter B (Tuition Rates), to qualify for the exemption provided by this subsection. Deletes text pertaining to Texas citizenship and 12-month residency requirement. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective to the 2005 fall semester.

SECTION 3. Effective date: upon passage or September 1, 2005.