

BILL ANALYSIS

C.S.H.B. 2501

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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 (IHEs).

Even though Texas is home for 1.7 million veterans, only about 8,000 to 9,000 veterans are currently using the Hazlewood exemption. In order to use Hazlewood, a veteran must have exhausted all federal benefits, including the GI Bill and the Pell Grant. Only after the veteran has used all of these is he or she even eligible for Hazlewood.

Veterans, who through their service to the country are entitled to the Hazlewood benefit themselves, should be able to allow a family member to use the entitlement in the event the veteran is unable to use the hours to his or her own benefit, just as if the benefit was money. The children of wartime veterans, especially wounded veterans, pay a price for their parent's service to the country, and those children's sacrifices deserve to be recognized and addressed.

CSHB 2501 (The Hazlewood Legacy Act) will allow veterans who have not used all of their Hazlewood exemption to designate one child of the veteran to use the remaining tuition exemption in his or her place.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 54.203 Subsection (h)) of this bill.

ANALYSIS

SECTION 1 amends the Education Code by requiring that the Texas Higher Education Coordinating Board prescribe procedures by rule to allow a person eligible for tuition and fee exemptions, who has never received an exemption under that subsection, to waive that person's right to the exemption and assign it to one of the person's children. The bill also sets out required provisions for the Texas Higher Education Coordinating Board's procedures.

This SECTION also states that a person using this exemption must be making progress toward a degree or certificate, but that the institution of higher education may not make taking a minimum course load a requirement. Additionally, the person receiving the exemption must perform community service hours equal to one-third of the total number of credit hours assigned to the person for both a veteran's organization and the institution where the person is enrolled.

Finally the person must be under 28 years of age, unless they had suffered from a severe illness or other debilitating condition affecting their use of the exemption, in which case additional time may be granted.

SECTION 2 states that this Act applies beginning with tuition and other fees charged for the 2005 fall semester. Tuition and other fees charged for an academic period before the 2005 fall semester are covered by the law in effect immediately before the effective date of the bill, and the former law remains in effect for that purpose. The bill requires that the Texas Higher Education Coordinating Board prescribe the required procedures as soon as practicable after the effective date of the Act, and allows the Board to adopt initial rules prescribing those procedures in the same manner provided by law for emergency rules.

EFFECTIVE DATE

This Act takes effect immediately if it receives the necessary vote, otherwise it takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original bill by adding an end date of the Cold War.

It also adds a section requiring the Texas Higher Education Coordinating Board to prescribe by rule the procedures regarding the waiver and assignment of an exemption from an eligible person to one of his or her children, and sets for criteria for the procedures. It also adds eligibility criteria with respect to a child's receipt of an exemption from his or her parent.

Finally it adds a section relating to an exemption for credit hour requirements based on the performance of applicable community service work and adds a section that makes the Act applicable only to a person who is honorably discharged from the armed forces of the United States on or after the effective date of the Act.