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S.B. No. 874

A BILL TO BE ENTITLED

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AN ACT

relating to the tuition and fee exemption available to certain military personnel and permitting those personnel to transfer the exemption to a child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the "Hazlewood Legacy Act."

SECTION 2. Section 54.203, Education Code, is amended by amending Subsections (a), (e), and (g) and adding Subsections (k) and (l) to read as follows:

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person [persons] seeking the exemption [exemptions were citizens of Texas at the time they] entered the service at a location in this state or when the person was a resident of this state determined in the same manner as residency is determined under Subchapter B [services indicated] and is a resident of this state under Subchapter B [have resided in Texas for at least the period of 12 months before the date of registration]:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the

1 Spanish-American War or during World War I;

2 (2) all nurses, members of the Women's Army Auxiliary
3 Corps, members of the Women's Auxiliary Volunteer Emergency
4 Service, and all honorably discharged members of the armed forces
5 of the United States who served during World War II except those who
6 were discharged from service because they were over the age of 38 or
7 because of a personal request on the part of the person that the
8 person [~~he~~] be discharged from service;

9 (3) all honorably discharged men and women of the
10 armed forces of the United States who served during the national
11 emergency which began on June 27, 1950, and which is referred to as
12 the Korean War; and

13 (4) all persons who were honorably discharged from the
14 armed forces of the United States after serving on active military
15 duty, excluding training, for more than 180 days and who served a
16 portion of their active duty during:

17 (A) the Cold War which began on the date of the
18 termination of the national emergency cited in Subdivision (3) [~~of~~
19 ~~this subsection~~];

20 (B) the Vietnam era which began on December 21,
21 1961, and ended on May 7, 1975;

22 (C) the Grenada and Lebanon era which began on
23 August 24, 1982, and ended on July 31, 1984;

24 (D) the Panama era which began on December 20,
25 1989, and ended on January 21, 1990;

26 (E) the Persian Gulf War which began on August 2,
27 1990, and ends on the date thereafter prescribed by Presidential

1 proclamation or September 1, 1997, whichever occurs first;

2 (F) the national emergency by reason of certain
3 terrorist attacks that began on September 11, 2001; or

4 (G) any future national emergency declared in
5 accordance with federal law.

6 (e) The exemptions [~~exemption from fees~~] provided for by
7 this section do [~~in Subsection (a) of this section does~~] not apply
8 to a person who, [~~if~~] at the time of [~~his~~] registration, [~~he~~] is
9 eligible for educational benefits under federal law [~~legislation in~~
10 ~~effect at the time of his registration~~] if the value of those
11 benefits is equal to or exceeds the value of the exemption. If the
12 value of the federal benefits does not equal or exceed the value of
13 the exemption, [~~except that~~] the person must first utilize the
14 federal benefit, [~~for which he is eligible~~] and the combined amount
15 of the federal benefit plus the amount of the exemption may [~~this~~
16 ~~waiver shall~~] not exceed the maximum value of the exemption
17 [~~waiver~~]. A person is covered by the exemptions if the person's
18 [~~his~~] right to benefits under federal law [~~legislation~~] is
19 extinguished at the time of [~~his~~] registration, except that a
20 person is not eligible for an exemption from fees under this section
21 if the person's right to benefits under federal law [~~legislation~~]
22 is extinguished because the person is in default of repayment of a
23 loan made to the person under a federal program to provide or
24 guarantee loans for educational purposes. A person is not eligible
25 for an [~~the~~] exemption under this section if the person is in
26 default on a loan made or guaranteed for educational purposes by the
27 State of Texas.

1 (g) The governing board of a junior college district may
2 establish a fee for extraordinary costs associated with a specific
3 course or program and may provide that the exemptions provided by
4 this section [~~Subsections (a) and (b)~~] do not apply to this fee.

5 (k) The Texas Higher Education Coordinating Board by rule
6 shall prescribe procedures to allow a person who becomes eligible
7 for an exemption provided by Subsection (a) and has used all the
8 person's federal benefits as required by Subsection (e) to waive
9 the person's right to any unused portion of the maximum number of
10 cumulative credit hours for which the person could receive the
11 exemption and assign the exemption for the unused portion of those
12 credit hours to one of the person's children. The procedures shall
13 provide:

14 (1) the manner in which a person may waive the
15 exemption and designate a child to receive the exemption;

16 (2) a procedure permitting the person to designate a
17 different child to receive the exemption if the child previously
18 designated to receive the exemption did not use the exemption under
19 this section for all of the assigned portion of credit hours; and

20 (3) a method of documentation to enable institutions
21 of higher education to determine the eligibility of the designated
22 person to receive the exemption.

23 (1) To be eligible to receive an exemption under Subsection
24 (k), a person must:

25 (1) be a student who is classified as a resident under
26 Subchapter B when the person enrolls in an institution of higher
27 education;

1 (2) make satisfactory academic progress toward a
2 degree or certificate as determined by the institution at which the
3 person is enrolled in accordance with the policy of the
4 institution's financial aid department, except that the
5 institution may not require the person to enroll in a minimum course
6 load; and

7 (3) be 25 years of age or younger on the first day of
8 the semester or other academic term for which the exemption is
9 claimed, except that the coordinating board by rule shall prescribe
10 procedures by which a person who suffered from a severe illness or
11 other debilitating condition that affected the person's ability to
12 use the exemption before reaching that age may be granted
13 additional time to use the exemption corresponding to the time the
14 person was unable to use the exemption because of the illness or
15 condition.

16 SECTION 3. (a) Section 54.203, Education Code, as amended
17 by this Act, applies beginning with tuition and other fees charged
18 for the 2008 spring semester. Tuition and other fees charged for an
19 academic period before the 2008 spring semester are covered by the
20 law in effect immediately before the effective date of this Act, and
21 the former law is continued in effect for that purpose.

22 (b) The Texas Higher Education Coordinating Board shall
23 prescribe the procedures required by Subsections (k) and (l),
24 Section 54.203, Education Code, as added by this Act, as soon as
25 practicable after the effective date of this Act. For that purpose,
26 the coordinating board may adopt the initial rules prescribing
27 those procedures in the manner provided by law for emergency rules.

1 SECTION 4. This Act takes effect September 1, 2007.