

1-1 By: Van de Putte, Uresti S.B. No. 874
1-2 (In the Senate - Filed February 23, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 12, 2007, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; April 12, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the tuition and fee exemption available to certain
1-9 military personnel and permitting those personnel to transfer the
1-10 exemption to a child.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. This Act shall be known as the "Hazlewood Legacy
1-13 Act."

1-14 SECTION 2. Section 54.203, Education Code, is amended by
1-15 amending Subsections (a), (e), and (g) and adding Subsections (k)
1-16 and (l) to read as follows:

1-17 (a) The governing board of each institution of higher
1-18 education shall exempt the following persons from the payment of
1-19 all dues, fees, and charges, including fees for correspondence
1-20 courses but excluding property deposit fees, student services fees,
1-21 and any fees or charges for lodging, board, or clothing, provided
1-22 the person [~~persons~~] seeking the exemption [~~exemptions were~~
1-23 ~~citizens of Texas at the time they~~] entered the service at a
1-24 location in this state or when the person was a resident of this
1-25 state determined in the same manner as residency is determined
1-26 under Subchapter B [~~services indicated~~] and is a resident of this
1-27 state under Subchapter B [~~have resided in Texas for at least the~~
1-28 ~~period of 12 months before the date of registration~~]:

1-29 (1) all nurses and honorably discharged members of the
1-30 armed forces of the United States who served during the
1-31 Spanish-American War or during World War I;

1-32 (2) all nurses, members of the Women's Army Auxiliary
1-33 Corps, members of the Women's Auxiliary Volunteer Emergency
1-34 Service, and all honorably discharged members of the armed forces
1-35 of the United States who served during World War II except those who
1-36 were discharged from service because they were over the age of 38 or
1-37 because of a personal request on the part of the person that the
1-38 person [~~he~~] be discharged from service;

1-39 (3) all honorably discharged men and women of the
1-40 armed forces of the United States who served during the national
1-41 emergency which began on June 27, 1950, and which is referred to as
1-42 the Korean War; and

1-43 (4) all persons who were honorably discharged from the
1-44 armed forces of the United States after serving on active military
1-45 duty, excluding training, for more than 180 days and who served a
1-46 portion of their active duty during:

1-47 (A) the Cold War which began on the date of the
1-48 termination of the national emergency cited in Subdivision (3) [~~of~~
1-49 ~~this subsection~~];

1-50 (B) the Vietnam era which began on December 21,
1-51 1961, and ended on May 7, 1975;

1-52 (C) the Grenada and Lebanon era which began on
1-53 August 24, 1982, and ended on July 31, 1984;

1-54 (D) the Panama era which began on December 20,
1-55 1989, and ended on January 21, 1990;

1-56 (E) the Persian Gulf War which began on August 2,
1-57 1990, and ends on the date thereafter prescribed by Presidential
1-58 proclamation or September 1, 1997, whichever occurs first;

1-59 (F) the national emergency by reason of certain
1-60 terrorist attacks that began on September 11, 2001; or

1-61 (G) any future national emergency declared in
1-62 accordance with federal law.

1-63 (e) The exemptions [~~exemption from fees~~] provided for by
1-64 this section do [~~in Subsection (a) of this section does~~] not apply

2-1 to a person who, [if] at the time of [his] registration, [he] is
 2-2 eligible for educational benefits under federal law [legislation in
 2-3 effect at the time of his registration] if the value of those
 2-4 benefits is equal to or exceeds the value of the exemption. If the
 2-5 value of the federal benefits does not equal or exceed the value of
 2-6 the exemption, [except that] the person must first utilize the
 2-7 federal benefit, [for which he is eligible] and the combined amount
 2-8 of the federal benefit plus the amount of the exemption may [this
 2-9 waiver shall] not exceed the maximum value of the exemption
 2-10 [waiver]. A person is covered by the exemptions if the person's
 2-11 [his] right to benefits under federal law [legislation] is
 2-12 extinguished at the time of [his] registration, except that a
 2-13 person is not eligible for an exemption from fees under this section
 2-14 if the person's right to benefits under federal law [legislation]
 2-15 is extinguished because the person is in default of repayment of a
 2-16 loan made to the person under a federal program to provide or
 2-17 guarantee loans for educational purposes. A person is not eligible
 2-18 for an [the] exemption under this section if the person is in
 2-19 default on a loan made or guaranteed for educational purposes by the
 2-20 State of Texas.

2-21 (g) The governing board of a junior college district may
 2-22 establish a fee for extraordinary costs associated with a specific
 2-23 course or program and may provide that the exemptions provided by
 2-24 this section [~~Subsections (a) and (b)~~] do not apply to this fee.

2-25 (k) The Texas Higher Education Coordinating Board by rule
 2-26 shall prescribe procedures to allow a person who becomes eligible
 2-27 for an exemption provided by Subsection (a) and has used all the
 2-28 person's federal benefits as required by Subsection (e) to waive
 2-29 the person's right to any unused portion of the maximum number of
 2-30 cumulative credit hours for which the person could receive the
 2-31 exemption and assign the exemption for the unused portion of those
 2-32 credit hours to one of the person's children. The procedures shall
 2-33 provide:

2-34 (1) the manner in which a person may waive the
 2-35 exemption and designate a child to receive the exemption;

2-36 (2) a procedure permitting the person to designate a
 2-37 different child to receive the exemption if the child previously
 2-38 designated to receive the exemption did not use the exemption under
 2-39 this section for all of the assigned portion of credit hours; and

2-40 (3) a method of documentation to enable institutions
 2-41 of higher education to determine the eligibility of the designated
 2-42 person to receive the exemption.

2-43 (l) To be eligible to receive an exemption under Subsection
 2-44 (k), a person must:

2-45 (1) be a student who is classified as a resident under
 2-46 Subchapter B when the person enrolls in an institution of higher
 2-47 education;

2-48 (2) make satisfactory academic progress toward a
 2-49 degree or certificate as determined by the institution at which the
 2-50 person is enrolled in accordance with the policy of the
 2-51 institution's financial aid department, except that the
 2-52 institution may not require the person to enroll in a minimum course
 2-53 load; and

2-54 (3) be 25 years of age or younger on the first day of
 2-55 the semester or other academic term for which the exemption is
 2-56 claimed, except that the coordinating board by rule shall prescribe
 2-57 procedures by which a person who suffered from a severe illness or
 2-58 other debilitating condition that affected the person's ability to
 2-59 use the exemption before reaching that age may be granted
 2-60 additional time to use the exemption corresponding to the time the
 2-61 person was unable to use the exemption because of the illness or
 2-62 condition.

2-63 SECTION 3. (a) Section 54.203, Education Code, as amended
 2-64 by this Act, applies beginning with tuition and other fees charged
 2-65 for the 2008 spring semester. Tuition and other fees charged for an
 2-66 academic period before the 2008 spring semester are covered by the
 2-67 law in effect immediately before the effective date of this Act, and
 2-68 the former law is continued in effect for that purpose.

2-69 (b) The Texas Higher Education Coordinating Board shall

3-1 prescribe the procedures required by Subsections (k) and (l),
3-2 Section 54.203, Education Code, as added by this Act, as soon as
3-3 practicable after the effective date of this Act. For that purpose,
3-4 the coordinating board may adopt the initial rules prescribing
3-5 those procedures in the manner provided by law for emergency rules.

3-6 SECTION 4. This Act takes effect September 1, 2007.

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