

Amend **SB 93** (House committee report) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 5 through 7), and substitute:

SECTION 1. Section 54.203, Education Code, is amended by amending Subsections (a), (b), (b-1), (d), and (g) and adding Subsections (a-1), (k), (l), and (m) to read as follows:

(2) In SECTION 1 of the bill, in amended Section 54.203, Education Code (page 4, between lines 22 and 23), insert the following:

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

(k) The Texas Higher Education Coordinating Board by rule shall prescribe procedures to allow 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. The procedures shall provide:

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

(2) 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 of the assigned portion of credit hours; and

(3) a method of documentation to enable institutions of higher education to determine the eligibility of the designated child to receive the exemption.

(1) To be eligible to receive an exemption under Subsection (k), the child must:

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

(2) make satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the

policy of the institution's financial aid department, except that the institution may not require the child to enroll in a minimum course load; and

(3) 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 the Texas Higher Education Coordinating Board by rule shall 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.

(3) In SECTION 1 of the bill, in added Section 54.203(k), Education Code (page 4, line 23), strike "(k)" and substitute "(m)".

(4) Strike SECTION 2 of the bill (page 5, lines 4 through 13).

(5) Add the following SECTIONS to the bill, appropriately numbered, and renumber subsequent SECTIONS accordingly:

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

SECTION _____. Subsections (e) and (e-1), Section 54.203, Education Code, as amended by Chapters 443 (**HB 125**) and 1334 (**SB 1640**), Acts of the 80th Legislature, Regular Session, 2007, are reenacted and amended to read as follows:

(e) The exemption from tuition, fees, and other charges provided for by this section [~~in Subsection (a)~~] does not apply to a person who at the time of registration is entitled to receive educational benefits under federal legislation that may be used only for the payment of tuition and fees if the value of those benefits received in a semester or other term is equal to or exceeds the value of the exemption for the same semester or other term. If the value of federal benefits that may be used only for the payment of tuition and fees and are received in a semester or other term does not equal or exceed the value of the exemption for the same semester or other term, the person is entitled to receive both those federal benefits [~~the federal benefit~~] and the exemption in the

same semester or other term. The combined amount of the federal benefit that may be used only for the payment of tuition and fees plus the amount of the exemption received in a semester or other term may not exceed the cost of tuition and fees for that semester or other term. ~~[A person is covered by the exemption if the person's right to benefits under federal legislation is extinguished at the time of the person's registration, except that a person may not receive an exemption from fees under this section if the person's right to benefits under federal legislation is extinguished because the person is in default of repayment of a loan made to the person under a federal program to provide or guarantee loans for educational purposes.]~~

(e-1) A person may not receive 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.

SECTION _____. (a) Section 54.203, Education Code, as amended by this Act, applies beginning with tuition, dues, fees, and other charges for the 2009 fall semester. If a person who becomes eligible for an exemption in that semester under that section has paid the tuition, dues, fees, and other charges for that semester, the institution of higher education shall refund to the student the amount of those charges paid by the person in the amount of the exemption. Tuition, dues, fees, and other charges for a term or semester before the 2009 fall semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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