

By: Van de Putte

S.B. No. 845

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the tuition and fee exemption available to certain  
3 military personnel and to permitting those personnel to transfer  
4 the exemption to a child.

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

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

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

11 (a) The governing board of each institution of higher  
12 education shall exempt the following persons from the payment of  
13 tuition, [all] dues, fees, and other required charges, including  
14 fees for correspondence courses but excluding general deposit fees,  
15 student services fees, and any fees or charges for lodging, board,  
16 or clothing, provided the person [persons] seeking the exemption  
17 [exemptions were citizens of Texas at the time they] entered the  
18 service at a location in this state, declared this state as the  
19 person's home of record in the manner provided by the applicable  
20 military or other service, or would have been determined to be a  
21 resident of this state for purposes of Subchapter B at the time the  
22 person entered the service [services indicated and have resided in  
23 Texas for at least the period of 12 months before the date of  
24 registration]:

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

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

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

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

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

22           (B) the Vietnam era which began on December 21,  
23 1961, and ended on May 7, 1975;

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

26           (D) the Panama era which began on December 20,  
27 1989, and ended on January 21, 1990;

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

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

6 (G) any future national emergency declared in  
7 accordance with federal law.

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

12 (k) The Texas Higher Education Coordinating Board by rule  
13 shall prescribe procedures to allow a person who becomes eligible  
14 for an exemption provided by Subsection (a) to waive the person's  
15 right to any unused portion of the maximum number of cumulative  
16 credit hours for which the person could receive the exemption and  
17 assign the exemption for the unused portion of those credit hours to  
18 a child of the person. The procedures shall provide:

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

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

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

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

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

6           (2) make satisfactory academic progress in a degree,  
7 certificate, or continuing education program as determined by the  
8 institution at which the child is enrolled in accordance with the  
9 policy of the institution's financial aid department, except that  
10 the institution may not require the child to enroll in a minimum  
11 course load; and

12           (3) be 25 years of age or younger on the first day of  
13 the semester or other academic term for which the exemption is  
14 claimed, except that the Texas Higher Education Coordinating Board  
15 by rule shall prescribe procedures by which a child who suffered  
16 from a severe illness or other debilitating condition that affected  
17 the child's ability to use the exemption before reaching that age  
18 may be granted additional time to use the exemption corresponding  
19 to the time the child was unable to use the exemption because of the  
20 illness or condition.

21       (m) For purposes of this section, a person is the child of  
22 another person if:

23           (1) the person is the stepchild or the biological or  
24 adopted child of the other person; or

25           (2) the other person claimed the person as a dependent  
26 on a federal income tax return filed for the preceding year or will  
27 claim the person as a dependent on a federal income tax return for

1 the current year.

2 SECTION 3. Sections 54.203(e) and (e-1), Education Code, as  
3 amended by Chapters 443 (H.B. 125) and 1334 (S.B. 1640), Acts of the  
4 80th Legislature, Regular Session, 2007, are reenacted and amended  
5 to read as follows:

6 (e) The exemption from fees provided for by this section [~~in~~  
7 ~~Subsection (a)~~] does not apply to a person who at the time of  
8 registration is entitled to receive educational benefits under  
9 federal legislation that may be used only for the payment of tuition  
10 and fees if the value of those benefits received in a semester or  
11 other term is equal to or exceeds the value of the exemption for the  
12 same semester or other term. If the value of federal benefits that  
13 may be used only for the payment of tuition and fees and are  
14 received in a semester or other term does not equal or exceed the  
15 value of the exemption for the same semester or other term, the  
16 person is entitled to receive both those federal benefits [~~the~~  
17 ~~federal benefit~~] and the exemption in the same semester or other  
18 term. The combined amount of the federal benefit that may be used  
19 only for the payment of tuition and fees plus the amount of the  
20 exemption received in a semester or other term may not exceed the  
21 cost of tuition and fees for that semester or other term. [~~A person~~  
22 ~~is covered by the exemption if the person's right to benefits under~~  
23 ~~federal legislation is extinguished at the time of the person's~~  
24 ~~registration, except that a person may not receive an exemption~~  
25 ~~from fees under this section if the person's right to benefits under~~  
26 ~~federal legislation is extinguished because the person is in~~  
27 ~~default of repayment of a loan made to the person under a federal~~

1 ~~program to provide or guarantee loans for educational purposes.]~~

2 (e-1) A person may not receive an exemption under this  
3 section if the person is in default on a loan made or guaranteed for  
4 educational purposes by the State of Texas.

5 SECTION 4. (a) Section 54.203, Education Code, as amended  
6 by this Act, applies beginning with tuition and other fees charged  
7 for the 2009 fall semester. If a person who becomes eligible for an  
8 exemption in that semester under Subsections (k) and (l) of that  
9 section has paid the tuition and other fees for that semester to  
10 which the exemption applies, the institution of higher education  
11 shall refund to the student the amount of the tuition and fees paid  
12 by the person in the amount of the exemption. Tuition and other  
13 fees charged for an academic period before the 2009 fall semester  
14 are covered by the law in effect immediately before the effective  
15 date of this Act, and the former law is continued in effect for that  
16 purpose.

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

23 SECTION 5. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2009.