

1-1 By: Van de Putte S.B. No. 845
1-2 (In the Senate - Filed February 13, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Higher Education;
1-4 April 15, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 15, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 845 By: Patrick

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the tuition and fee exemption available to certain
1-11 military personnel and their dependents and to permitting those
1-12 personnel to transfer the exemption to a child.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. This Act shall be known as the "Hazlewood Legacy
1-15 Act."

1-16 SECTION 2. Section 54.203, Education Code, is amended by
1-17 amending Subsections (a), (b), (b-1), (d), and (g) and adding
1-18 Subsections (a-1), (k), (l), and (m) to read as follows:

1-19 (a) The governing board of each institution of higher
1-20 education shall exempt the following persons from the payment of
1-21 tuition, [all] dues, fees, and other required charges, including
1-22 fees for correspondence courses but excluding general deposit fees,
1-23 student services fees, and any fees or charges for lodging, board,
1-24 or clothing, provided the person [persons] seeking the exemption
1-25 [exemptions were citizens of Texas at the time they] entered the
1-26 service at a location in this state, declared this state as the
1-27 person's home of record in the manner provided by the applicable
1-28 military or other service, or would have been determined to be a
1-29 resident of this state for purposes of Subchapter B at the time the
1-30 person entered the service [services indicated and have resided in
1-31 Texas for at least the period of 12 months before the date of
1-32 registration]:

1-33 (1) all nurses and honorably discharged members of the
1-34 armed forces of the United States who served during the
1-35 Spanish-American War or during World War I;

1-36 (2) all nurses, members of the Women's Army Auxiliary
1-37 Corps, members of the Women's Auxiliary Volunteer Emergency
1-38 Service, and all honorably discharged members of the armed forces
1-39 of the United States who served during World War II except those who
1-40 were discharged from service because they were over the age of 38 or
1-41 because of a personal request on the part of the person that the
1-42 person [he] be discharged from service;

1-43 (3) all honorably discharged men and women of the
1-44 armed forces of the United States who served during the national
1-45 emergency which began on June 27, 1950, and which is referred to as
1-46 the Korean War; and

1-47 (4) all persons who were honorably discharged from the
1-48 armed forces of the United States after serving on active military
1-49 duty, excluding training, for more than 180 days and who served a
1-50 portion of their active duty during:

1-51 (A) the Cold War which began on the date of the
1-52 termination of the national emergency cited in Subdivision (3) [~~of~~
1-53 ~~this subsection~~];

1-54 (B) the Vietnam era which began on December 21,
1-55 1961, and ended on May 7, 1975;

1-56 (C) the Grenada and Lebanon era which began on
1-57 August 24, 1982, and ended on July 31, 1984;

1-58 (D) the Panama era which began on December 20,
1-59 1989, and ended on January 21, 1990;

1-60 (E) the Persian Gulf War which began on August 2,
1-61 1990, and ends on the date thereafter prescribed by Presidential
1-62 proclamation or September 1, 1997, whichever occurs first;

1-63 (F) the national emergency by reason of certain

2-1 terrorist attacks that began on September 11, 2001; or
 2-2 (G) any future national emergency declared in
 2-3 accordance with federal law.

2-4 (a-1) A person who before the 2009-2010 academic year
 2-5 received an exemption provided by Subsection (a) continues to be
 2-6 eligible for the exemption provided by that subsection as that
 2-7 subsection existed on January 1, 2009, subject to the other
 2-8 provisions of this section other than the requirement of Subsection
 2-9 (a) that the person must have entered the service at a location in
 2-10 this state, declared this state as the person's home of record, or
 2-11 would have been determined to be a resident of this state for
 2-12 purposes of Subchapter B at the time the person entered the service.

2-13 (b) The exemptions provided for in Subsection (a) [~~of this~~
 2-14 ~~section]~~ also apply [~~and inure]~~ to [~~the benefit of]~~:

2-15 (1) the children of members of the armed forces of the
 2-16 United States:

2-17 (A) who are or were killed in action;

2-18 (B) who die or died while in service;

2-19 (C) who are missing in action;

2-20 (D) whose death is documented to be directly
 2-21 caused by illness or injury connected with service in the armed
 2-22 forces of the United States; or

2-23 (E) who became totally disabled for purposes of
 2-24 employability according to the disability ratings of the Department
 2-25 of Veterans Affairs as a result of a service-related injury; and

2-26 (2) the [~~orphans or~~] children of members of the Texas
 2-27 National Guard and the Texas Air National Guard who:

2-28 (A) were killed since January 1, 1946, while on
 2-29 active duty either in the service of their state or the United
 2-30 States; or

2-31 (B) are totally disabled for purposes of
 2-32 employability according to the disability ratings of the Department
 2-33 of Veterans Affairs, regardless of whether the members are eligible
 2-34 to receive disability benefits from the department, as a result of a
 2-35 service-related injury suffered since January 1, 1946, while on
 2-36 active duty either in the service of this state or the United
 2-37 States.

2-38 (b-1) To qualify for an exemption under Subsection (b), a
 2-39 child [~~person must be a citizen of Texas and]~~ must be classified as
 2-40 a resident under Subchapter B on [~~have resided in the state for at~~
 2-41 ~~least 12 months immediately preceding]~~ the date of the child's
 2-42 [person's] registration.

2-43 (d) The governing board of each institution of higher
 2-44 education granting an exemption under this section [~~exemptions]~~
 2-45 shall require every applicant claiming the [~~benefit of an]~~
 2-46 exemption to submit satisfactory evidence that the applicant
 2-47 qualifies for [~~he fulfills]~~ the exemption [~~necessary citizenship~~
 2-48 ~~and residency requirements]~~.

2-49 (g) The governing board of a junior college district may
 2-50 establish a fee for extraordinary costs associated with a specific
 2-51 course or program and may provide that the exemptions provided by
 2-52 this section [~~Subsections (a) and (b)]~~ do not apply to this fee.

2-53 (k) The Texas Higher Education Coordinating Board by rule
 2-54 shall prescribe procedures to allow a person who becomes eligible
 2-55 for an exemption provided by Subsection (a) to waive the person's
 2-56 right to any unused portion of the maximum number of cumulative
 2-57 credit hours for which the person could receive the exemption and
 2-58 assign the exemption for the unused portion of those credit hours to
 2-59 a child of the person. The procedures shall provide:

2-60 (1) the manner in which a person may waive the
 2-61 exemption and designate a child to receive the exemption;

2-62 (2) a procedure permitting the person to designate a
 2-63 different child to receive the exemption if the child previously
 2-64 designated to receive the exemption did not use the exemption under
 2-65 this section for all of the assigned portion of credit hours; and

2-66 (3) a method of documentation to enable institutions
 2-67 of higher education to determine the eligibility of the designated
 2-68 child to receive the exemption.

2-69 (1) To be eligible to receive an exemption under Subsection

3-1 (k), the child must:

3-2 (1) be a student who is classified as a resident under
 3-3 Subchapter B when the child enrolls in an institution of higher
 3-4 education;

3-5 (2) make satisfactory academic progress in a degree,
 3-6 certificate, or continuing education program as determined by the
 3-7 institution at which the child is enrolled in accordance with the
 3-8 policy of the institution's financial aid department, except that
 3-9 the institution may not require the child to enroll in a minimum
 3-10 course load; and

3-11 (3) be 25 years of age or younger on the first day of
 3-12 the semester or other academic term for which the exemption is
 3-13 claimed, except that the Texas Higher Education Coordinating Board
 3-14 by rule shall prescribe procedures by which a child who suffered
 3-15 from a severe illness or other debilitating condition that affected
 3-16 the child's ability to use the exemption before reaching that age
 3-17 may be granted additional time to use the exemption corresponding
 3-18 to the time the child was unable to use the exemption because of the
 3-19 illness or condition.

3-20 (m) For purposes of this section, a person is the child of
 3-21 another person if:

3-22 (1) the person is the stepchild or the biological or
 3-23 adopted child of the other person; or

3-24 (2) the other person claimed the person as a dependent
 3-25 on a federal income tax return filed for the preceding year or will
 3-26 claim the person as a dependent on a federal income tax return for
 3-27 the current year.

3-28 SECTION 3. Subsections (e) and (e-1), Section 54.203,
 3-29 Education Code, as amended by Chapters 443 (H.B. 125) and 1334 (S.B.
 3-30 1640), Acts of the 80th Legislature, Regular Session, 2007, are
 3-31 reenacted and amended to read as follows:

3-32 (e) The exemption from tuition, fees, and other charges
 3-33 provided for by this section [~~in Subsection (a)~~] does not apply to a
 3-34 person who at the time of registration is entitled to receive
 3-35 educational benefits under federal legislation that may be used
 3-36 only for the payment of tuition and fees if the value of those
 3-37 benefits received in a semester or other term is equal to or exceeds
 3-38 the value of the exemption for the same semester or other term. If
 3-39 the value of federal benefits that may be used only for the payment
 3-40 of tuition and fees and are received in a semester or other term
 3-41 does not equal or exceed the value of the exemption for the same
 3-42 semester or other term, the person is entitled to receive both those
 3-43 federal benefits [~~the federal benefit~~] and the exemption in the
 3-44 same semester or other term. The combined amount of the federal
 3-45 benefit that may be used only for the payment of tuition and fees
 3-46 plus the amount of the exemption received in a semester or other
 3-47 term may not exceed the cost of tuition and fees for that semester
 3-48 or other term. [~~A person is covered by the exemption if the~~
 3-49 ~~person's right to benefits under federal legislation is~~
 3-50 ~~extinguished at the time of the person's registration, except that~~
 3-51 ~~a person may not receive an exemption from fees under this section~~
 3-52 ~~if the person's right to benefits under federal legislation is~~
 3-53 ~~extinguished because the person is in default of repayment of a loan~~
 3-54 ~~made to the person under a federal program to provide or guarantee~~
 3-55 ~~loans for educational purposes.]~~

3-56 (e-1) A person may not receive an exemption under this
 3-57 section if the person is in default on a loan made or guaranteed for
 3-58 educational purposes by the State of Texas.

3-59 SECTION 4. (a) Section 54.203, Education Code, as amended
 3-60 by this Act, applies beginning with tuition and other fees charged
 3-61 for the 2009 fall semester. If a person who becomes eligible for an
 3-62 exemption in that semester under that section has paid the tuition
 3-63 and other fees for that semester to which the exemption applies, the
 3-64 institution of higher education shall refund to the student the
 3-65 amount of the tuition and fees paid by the person in the amount of
 3-66 the exemption. Tuition and other fees charged for an academic
 3-67 period before the 2009 fall semester are covered by the law in
 3-68 effect immediately before the effective date of this Act, and the
 3-69 former law is continued in effect for that purpose.

4-1 (b) The Texas Higher Education Coordinating Board shall
4-2 prescribe the procedures required by Subsections (k) and (l),
4-3 Section 54.203, Education Code, as added by this Act, as soon as
4-4 practicable after the effective date of this Act. For that purpose,
4-5 the coordinating board may adopt the initial rules prescribing
4-6 those procedures in the manner provided by law for emergency rules.
4-7 SECTION 5. This Act takes effect immediately if it receives
4-8 a vote of two-thirds of all the members elected to each house, as
4-9 provided by Section 39, Article III, Texas Constitution. If this
4-10 Act does not receive the vote necessary for immediate effect, this
4-11 Act takes effect September 1, 2009.

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