

By: Lozano

H.B. No. 3766

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to tuition and fee exemptions at public institutions of  
3 higher education for legacy students who are eligible for tuition  
4 and fee exemptions under the Hazlewood Legacy Program.

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 Preservation Act.

8 SECTION 1.01. Section [54.341](#), Education Code, is amended by  
9 amending Subsections (a), (c), (d), (h), (i), (k), (l), and (n) and  
10 adding Subsection (a-5) 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, dues, fees, and other required charges, including fees for  
14 correspondence courses but excluding general deposit fees, student  
15 services fees, and any fees or charges for lodging, board, or  
16 clothing, provided the person seeking the exemption currently  
17 resides in this state and entered the service at a location in this  
18 state, declared this state as the person's home of record in the  
19 manner provided by the applicable military or other service, or  
20 would have been determined to be a resident of this state for  
21 purposes of Subchapter B at the time the person entered the service:

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

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

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

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

16           (A) the Cold War which began on the date of the  
17 termination of the national emergency cited in Subdivision (3);

18           (B) the Vietnam era which began on December 21,  
19 1961, and ended on May 7, 1975;

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

22           (D) the Panama era which began on December 20,  
23 1989, and ended on January 21, 1990;

24           (E) the Persian Gulf War which began on August 2,  
25 1990, and ends on the date thereafter prescribed by Presidential  
26 proclamation or September 1, 1997, whichever occurs first;

27           (F) the national emergency by reason of certain

1 terrorist attacks that began on September 11, 2001; or

2 (G) any future national emergency declared in  
3 accordance with federal law.

4 (a-5) A person who received an exemption under this section  
5 for an academic year before the 2017-2018 academic year continues  
6 to be eligible for the exemption provided by this section as this  
7 section existed on January 1, 2017.

8 (c) A person may not receive exemptions provided for by this  
9 section for more than a cumulative total of 150 credit hours. A  
10 person may not receive an exemption provided for by this section  
11 after the end of the 15th year after the date the member of the armed  
12 forces of the United States who qualifies for an exemption under  
13 Subsection (a) is honorably discharged.

14 (d) The governing board of each institution of higher  
15 education granting an exemption under this section shall require  
16 each applicant claiming the exemption to submit to the institution,  
17 in the form and manner prescribed by the Texas Higher Education  
18 Coordinating Board [~~Veterans Commission~~] for purposes of this  
19 section under Section 61.101(b) [~~434.0079(b), Government Code~~], an  
20 application for the exemption and necessary evidence that the  
21 applicant qualifies for the exemption not later than the last class  
22 date of the semester or term to which the exemption applies, except  
23 that the governing board may encourage the submission of an  
24 application and evidence by the official day of record for the  
25 semester or term to which the exemption applies on which the  
26 institution must determine the enrollment that is reported to the  
27 coordinating board [~~Texas Higher Education Coordinating Board~~].

1           (h) The governing board of each institution of higher  
2 education shall electronically report to the Texas Higher Education  
3 Coordinating Board [~~Veterans Commission~~] the information required  
4 by Section 61.102 [~~434.00791, Government Code,~~] relating to each  
5 individual receiving an exemption from fees and charges under  
6 Subsection (a), (a-2), (b), or (k). The institution shall report  
7 the information not later than January 31 of each year for the fall  
8 semester, June 30 of each year for the spring semester, and  
9 September 30 of each year for the summer session.

10           (i) The Texas Higher Education Coordinating Board [~~Veterans~~  
11 ~~Commission~~] may adopt rules to provide for the efficient and  
12 uniform application of this section. In developing rules under  
13 this subsection, the coordinating board [~~commission~~] shall consult  
14 with [~~the Texas Higher Education Coordinating Board and~~  
15 institutions of higher education.

16           (k) The Texas Higher Education Coordinating Board [~~Veterans~~  
17 ~~Commission~~] by rule shall prescribe procedures to allow:

18           (1) a person who becomes eligible for an exemption  
19 provided by Subsection (a) to waive the person's right to any unused  
20 portion of the number of cumulative credit hours for which the  
21 person could receive the exemption and assign the exemption for the  
22 unused portion of those credit hours to a child of the person; and

23           (2) following the death of a person who becomes  
24 eligible for an exemption provided by Subsection (a), the  
25 assignment of the exemption for the unused portion of the credit  
26 hours to a child of the person, to be made by the person's spouse or  
27 by the conservator, guardian, custodian, or other legally

1 designated caretaker of the child, if the child does not otherwise  
2 qualify for an exemption under Subsection (b).

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

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

8 (2) as a graduate or undergraduate student, maintain a  
9 grade point average that satisfies the grade point average  
10 requirement for making satisfactory academic progress in a degree,  
11 certificate, or continuing education program as determined by the  
12 institution at which the child is enrolled in accordance with the  
13 institution's policy regarding eligibility for financial aid;  
14 [~~and~~]

15 (3) be 25 years of age or younger on the first day of  
16 the semester or other academic term for which the exemption is  
17 claimed; and

18 (4) complete a Free Application for Federal Student  
19 Aid (FAFSA).

20 (n) The Texas Higher Education Coordinating Board [~~Veterans~~  
21 ~~Commission~~] by rule shall prescribe procedures by which a child  
22 assigned an exemption under Subsection (k) who suffered from a  
23 severe illness or other debilitating condition that affected the  
24 child's ability to use the exemption before reaching the age  
25 described by Subsection (1)(3) may be granted additional time to  
26 use the exemption corresponding to the time the child was unable to  
27 use the exemption because of the illness or condition.

1 SECTION 2. Chapter 61, Education Code, is amended by adding  
2 Subchapter D-1, and a heading is added to that subchapter to read as  
3 follows:

4 SUBCHAPTER D-1. DUTIES REGARDING CERTAIN TUITION AND FEE EXEMPTIONS  
5 FOR VETERANS AND FAMILY MEMBERS

6 SECTION 3. Sections 434.0079 and 434.00791, Government  
7 Code, are transferred to Subchapter D-1, Chapter 61, Education  
8 Code, as added by this Act, redesignated as Sections 61.101 and  
9 61.102, Education Code, and amended to read as follows:

10 Sec. 61.101 [~~434.0079~~]. DUTIES REGARDING CERTAIN TUITION  
11 AND FEE EXEMPTIONS FOR VETERANS AND FAMILY MEMBERS. (a) The board  
12 [~~commission, through its veteran education program,~~] shall assist  
13 veterans and their family members in claiming and qualifying for  
14 exemptions from the payment of tuition and fees at institutions of  
15 higher education under Section 54.341 [~~, Education Code~~].

16 (b) The board [~~commission~~] shall establish the application  
17 and necessary evidence requirements for a person to claim an  
18 exemption under Section 54.341 [~~, Education Code~~] at an institution  
19 of higher education. The requirements established under this  
20 subsection must include a requirement that a person claiming an  
21 exemption under Section 54.341 submit an official certificate of  
22 honorable discharge.

23 (c) The board [~~commission~~] shall adopt rules governing the  
24 coordination of federal and state benefits of a person eligible to  
25 receive an exemption under Section 54.341(k) [~~, Education Code~~],  
26 including rules governing:

27 (1) the total number of credit hours assigned under

1 that section that a person may apply to an individual degree or  
2 certificate program, consistent with the standards of the  
3 appropriate recognized regional accrediting agency; and

4 (2) the application of the assigned exemption to  
5 credit hours for which the institution of higher education does not  
6 receive state funding.

7 Sec. 61.102 [~~434.00791~~]. ELECTRONIC SYSTEM TO MONITOR  
8 TUITION EXEMPTIONS FOR VETERANS AND FAMILY MEMBERS. [~~(a) In this~~  
9 ~~section, "institution of higher education" has the meaning assigned~~  
10 ~~by Section 61.003, Education Code.~~

11 [~~(b)~~] The board [~~commission~~] shall ensure a system to  
12 electronically monitor the use of tuition and fee exemptions at  
13 institutions of higher education under Section 54.341 [~~Education~~  
14 ~~Code,~~] is developed. The system must allow the board [~~commission~~]  
15 to electronically receive, for each semester, the following  
16 information from institutions of higher education:

17 (1) the name of the institution;

18 (2) the name, identification number, and date of birth  
19 of each individual attending the institution and receiving benefits  
20 for the semester under Section 54.341 [~~Education Code~~];

21 (3) for each individual receiving benefits, the number  
22 of credit hours for which the individual received an exemption for  
23 the semester;

24 (4) for each individual receiving benefits at the  
25 institution during the semester, the total cumulative number of  
26 credit hours for which the individual has received an exemption at  
27 the institution; and

1           (5) any other information required by the board  
2 [~~commission~~].

3           SECTION 4. Section 54.341(o), Education Code, is repealed.

4           SECTION 5. The change in law made by this Act applies only  
5 to the imposition of an administrative penalty for a violation that  
6 occurs on or after the effective date of this Act. The imposition  
7 of an administrative penalty for a violation that occurs before the  
8 effective date of this Act is governed by the law in effect on the  
9 date the violation occurred, and that law is continued in effect for  
10 that purpose.

11          SECTION 6. (a) In this section, "former governing body"  
12 means the Texas Veterans Commission, relating to the oversight of  
13 Section 54.341, Education Code, and former Sections 434.0079 and  
14 434.00791, Government Code.

15          (b) On September 1, 2017:

16           (1) all functions and activities relating to Section  
17 54.341, Education Code, performed by the former governing body  
18 immediately before that date are transferred to the Texas Higher  
19 Education Coordinating Board;

20           (2) all rules, policies, procedures, decisions, and  
21 forms adopted by the former governing body relating to Section  
22 54.341, Education Code, or former Sections 434.0079 and 434.00791,  
23 Government Code, are continued in effect as rules, policies,  
24 procedures, decisions, and forms of the Texas Higher Education  
25 Coordinating Board and remain in effect until amended or replaced  
26 by that board;

27           (3) a complaint, investigation, or other proceeding



1 before the former governing body that is related to Section 54.341,  
2 Education Code, or former Sections 434.0079 and 434.00791,  
3 Government Code, is transferred without change in status to the  
4 Texas Higher Education Coordinating Board, and the Texas Higher  
5 Education Coordinating Board assumes, as appropriate and without a  
6 change in status, the position of the former governing body in an  
7 action or proceeding to which the former governing body is a party;

8 (4) all money, contracts, leases, property, and  
9 obligations of the former governing body relating to Section  
10 54.341, Education Code, or former Sections 434.0079 and 434.00791,  
11 Government Code, are transferred to the Texas Higher Education  
12 Coordinating Board;

13 (5) all property in the custody of the former  
14 governing body related to Section 54.341, Education Code, or former  
15 Sections 434.0079 and 434.00791, Government Code, is transferred to  
16 the Texas Higher Education Coordinating Board; and

17 (6) the unexpended and unobligated balance of any  
18 money appropriated by the legislature for the former governing body  
19 related to Section 54.341, Education Code, or former Sections  
20 434.0079 and 434.00791, Government Code, is transferred to the  
21 Texas Higher Education Coordinating Board.

22 (c) As soon as practicable after the effective date of this  
23 Act, the Texas Veterans Commission may agree with the Texas Higher  
24 Education Coordinating Board to transfer any property of the Texas  
25 Veterans Commission to the Texas Higher Education Coordinating  
26 Board to implement the transfer required by this Act.

27 (d) Unless the context indicates otherwise, a reference to

1 the former governing body in a law or administrative rule that  
2 relates to Section 54.341, Education Code, or former Sections  
3 434.0079 and 434.00791, Government Code, means the Texas Higher  
4 Education Coordinating Board.

5 (e) A license, permit, certification, or registration  
6 issued by the former governing body is continued in effect as a  
7 license, permit, certification, or registration of the Texas Higher  
8 Education Coordinating Board.

9 (f) On September 1, 2017, all full-time equivalent employee  
10 positions at the former governing body that primarily concern the  
11 administration, enforcement, or other direct or indirect support of  
12 Section 54.341, Education Code, or former Sections 434.0079 and  
13 434.00791, Government Code, become positions at the Texas Higher  
14 Education Coordinating Board. When filling the positions, the  
15 Texas Higher Education Coordinating Board shall give first  
16 consideration to an applicant who, as of August 31, 2017, was an  
17 employee at the former governing body primarily involved in  
18 administering or enforcing Section 54.341, Education Code, or  
19 former Sections 434.0079 and 434.00791, Government Code.

20 SECTION 7. In adopting rules under this Act, including  
21 rules implementing authority transferred by this Act from the Texas  
22 Veterans Commission, the Texas Higher Education Coordinating Board  
23 shall engage institutions of higher education in a negotiated  
24 rulemaking process as described by Chapter 2008, Government Code.

25 SECTION 8. The changes in law made by this Act apply  
26 beginning with tuition and fees charged for the 2017 fall semester.  
27 Tuition and fees charged for a term or semester before the 2017 fall

1 semester are governed by the law in effect immediately before the  
2 effective date of this Act, and the former law is continued in  
3 effect for that purpose.

4 SECTION 9. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2017.