



The Senate Committee on
Veteran Affairs & Military Installations

RA-0309-GA

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January 10, 2005

The Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548
Austin, TX 78711-2548

OPINION COMMITTEE

FILE # ML-44091-05

I.D. # 44091

Re: Interpretation of Hazlewood Act's Texas Citizenship Condition

Dear Attorney General Abbott:

Please accept this letter as a request for an opinion from your office on the correct interpretation of the Hazlewood Act's Texas citizenship condition.

Section 54.203(a), Education Code, provides for the exemption of most tuition and fees for certain qualifying veterans of the military, "provided the persons seeking exemption were citizens of Texas at the time they entered the services indicated and have resided in Texas for at least the period of 12 months before the date of registration."

Institutions, and the Texas Higher Education Coordinating Board, interpret the criterion of Texas citizenship to mean residing in Texas for 12 months immediately prior to entering the military. The term "citizen of Texas" is nowhere statutorily defined, so the Texas Higher Education Coordinating Board uses Section 54.052 of the Education Code to define persons qualifying as "residents," for educational purposes, as citizens of Texas.

It is significant that the Act explicitly requires both Texas citizenship *and* residency, which may indicate that lawmakers viewed citizenship and residency as distinct requirements. The two requirements may have been conflated because of the lack of an explicit definition of citizenship.

I would greatly appreciate an opinion as to the correct interpretation of this statute. Please do not hesitate to contact me or my Committee staff should you have any questions or require additional information.

Regards,

Leticia Van De Putte, R.Ph.
Chair, Senate Committee on Veteran Affairs and Military Installations