



The Senate Committee on
Veteran Affairs & Military Installations

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OPINION COMMITTEE

Leticia Van de Putte, R.Ph.

Chair
Craig Estes
Vice Chair

Suite No. 470, Sam Houston Building
P.O. Box 12068
Austin, Texas 78711-2068
Voice: (512) 463-2211
Fax: (512) 463-7683
Dial 711 For Relay Calls

Members:
Troy Fraser
Kel Seliger
Eliot Shapleigh

January 17, 2006

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

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ACTION BY Nancy Fuller
COPY TO Eileen Witt

Re: Clarification of Opinion No. GA-0347

RD-0433-GA

Dear General Abbott:

Thank you for your August 18, 2005 opinion on the correct interpretation of the Texas citizenship requirement in Education Code Section 54.203. While the opinion was helpful in affirming that a veteran may be considered a Texas resident for the purpose of receiving Hazlewood benefits if the veteran entered service from Texas, we ask that you clarify the opinion on the specific question of whether or not a recipient must be a U.S. citizen to be eligible for benefits. Since that portion of the opinion was not directly applicable to the original request, a more direct answer would be very valuable.

Currently, U.S. citizenship is not a condition of eligibility for the Hazlewood exemption. Many non-citizens serve honorably in the armed forces and otherwise qualify for Hazlewood. The Texas Higher Education Coordinating Board does not collect information on students' citizenship, and so we do not know exactly how many current Hazlewood students this change would affect, but we feel that any denial of benefits based on U.S. citizenship would be discriminatory and opposed to the intent of the Texas legislature, which is to provide for veterans in return for their great sacrifice on behalf of us all.

S.B. 101, 79th Legislature, Regular Session, requires the Texas Higher Education Coordinating Board to establish rules relating to the Hazlewood Act in order to compile statistics about the benefit. In implementing this bill, they must take into consideration this opinion. As a result, the statewide Hazlewood application will include a question about U.S. citizenship, beginning in the spring semester, and will begin to affect veterans in the summer semester of 2006, unless your clarification states that U.S. citizenship is not a requirement for Hazlewood eligibility. Please keep this timeline in mind as you consider our request.

Thank you for your good work,

Leticia Van de Putte, R.Ph.
Chair

Craig Estes
Vice-Chair