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OPINION COMMITTEE



P.O. BOX 12068
CAPITOL BUILDING
AUSTIN, TEXAS 78711
512/463-0112
FAX: 512/463-0923

DISTRICT OFFICE
1235 S. MAIN STREET, SUITE 280
GRAPEVINE, TEXAS 76051
817/424-3446
FAX: 817/488-6648

E-MAIL: jane.nelson@senate.state.tx.us

The Senate of the State of Texas

Jane Nelson
Senate District 12

February 10, 2015

Committees:

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FILE # 12-47696-15
I.D.# 47696

RQ-0009-KP

The Honorable Ken Paxton
Texas Attorney General
Attn: Opinions Committee
P.O. Box 12548
Austin, Texas 78711

Dear General Paxton:

In light of our ongoing discussion about the future of the Hazlewood Act, I am writing to request your opinion on the program's constitutionality.

As the daughter of a World War II veteran, it is important to me that we provide these benefits to Texas veterans as intended by the Legislature. Our veterans deserve our gratitude for their sacrifices, and as chair of the Senate Finance Committee, I want to make sure that this program is financially sustainable so that we can continue to provide tuition benefits for Texas veterans now and for years to come.

As you know, the Hazlewood Act, Section 54.341 of the Education Code, requires governing boards of institutions of higher education to exempt certain honorably discharged veterans of the United States armed forces from paying tuition and fees if the veterans entered the service in Texas and currently reside in Texas. A previous attorney general opinion, DM-486 (1998), questioned whether the Act rationally discriminated against veterans who did not reside in Texas when they entered the service. However, the Hazlewood Act rationally encourages Texans to join the service after high school and return to Texas following their discharge from the service to complete their education.

As we consider next steps in the Legislature, I think it would be helpful to have an updated opinion on the constitutionality of the Hazlewood Act. Please consider this letter as an official request for that opinion. Feel free to contact my office should you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Jane Nelson".

Senator Jane Nelson