



BRIAN BIRDWELL

FOR IMMEDIATE RELEASE
May 5, 2015

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TEXAS SENATE PASSES LEGISLATION UPDATING, SUSTAINING KEY VETERAN BENEFIT

AUSTIN—With bipartisan support, State Senator Brian Birdwell (R-Granbury) passed SB 1735 through the Texas Senate on Tuesday, making necessary reforms to the higher education tuition exemption program for veterans known as the Hazlewood Act. The program covers up to 150 semester credit hours of tuition and fees for honorably-discharged veterans that were Texas residents upon entry to service and served at least 180 days of active duty.

The 'legacy provision' of the Act—passed in 2009—allows veterans to pass up to 120 unused credit hours to a dependent. Since its passage, the cost of this provision has skyrocketed, going from \$25 million in 2009 to \$169 million in 2014—an increase of 584 percent. To date, more dependents are receiving the benefit than actual veterans.

“The Hazlewood program is quickly becoming unviable, and soon, its benefits will be too costly to provide even to the veteran—not just his or her dependent,” said Birdwell. “I can think of few things that would be as tragically shortsighted as ignoring the simple facts that foretell the long-term unsustainability of this program, and that’s why the Legislature had to act.”

Senate Bill 1735 ensures that the State of Texas can continue to offer the Hazlewood exemption to veterans and their families by reforming the program in three key ways.

- The residency requirement would be amended to include any veteran who has established and maintained residency in Texas for eight years, while continuing to include veterans who entered military service in Texas.
- Updated criteria would require a veteran to serve for six years before passing their Hazlewood benefits to a legacy; implement a 15-year time limit on use of the exemption from the veteran's end of time in service; and require legacy recipients to maintain a 2.5 GPA and complete 24 credit hours per academic year. While the bill maintains the number of hours a veteran may pass to a legacy (120 hours), it restricts the use of the exemption to undergraduate programs and requires submission of a Free Application for Federal Student Aid (FAFSA) to confirm that all available student aid is being utilized.
- A grandfathering period covers anyone currently receiving Hazlewood benefits, as well as those who enroll in college by the fall semester of 2016. Students who would receive these benefits as the spouse or dependent of a service member who was killed in action, missing in action, or 100% disabled due to a service-related injury will not be impacted by any changes to the Hazlewood program.

Adding additional complexity to a difficult issue, a U.S. District Judge in January ruled in favor of a University of Houston law student who sued the state, arguing that the residency requirement of Hazlewood violates the Equal Protection Clause of the 14th Amendment and the fundamental right to travel protected by the U.S. Constitution. Should the state lose the appeal, this decision could potentially expand Hazlewood eligibility to any veteran from any state—without prior Texas residency—and by extension, their dependents.

“This legislation was crafted with great care and in consideration of a number of factors, and at the end of the day, it amends the Hazlewood Act in a manner necessary for its sustainability,” Birdwell commented after passage of SB 1735. “Texas offers some of the most generous benefits to its veterans—deservedly so—and I’m proud that this legislation aims to ensure that we can do so for many years to come.”

Senator Birdwell is proud to have the support of key leaders in the Texas veteran community, several of whom offered comment on SB 1735.

“Texas has always been willing and ready to recognize its veterans’ service to the nation, and provides some of the most generous veteran benefits of any state,” said retired Brigadier General Louis W. (Bill) Weber, U.S. Army. “The Hazelwood Act is a recent and significant component of that recognition, but broad eligibility parameters and controls have resulted in ballooning costs which will become unsustainable in the near future. I applaud Senator Birdwell and the Legislature for taking the bold steps necessary to maintain the viability of this program so that we can continue honoring Texas veterans and their families with generous education benefits.”

“Having known Senator Birdwell for nearly a decade, I can attest to his unwavering love for the men and women who have worn the uniform of our nation,” said retired Captain Daniel P. (Dan) Moran, USMC. “I look forward to working with the Legislature and the Texas Veterans Commission as we examine how the Hazelwood Act can best serve—now and in the future—those who have given so much for this country.”

Senate Bill 1735 now moves to the Texas House of Representatives and, upon passage, to Governor Greg Abbott for signature.

Senator Birdwell is a 100 percent disability-rated, 20-year veteran of the United States Army, and a survivor of the 9/11 terrorist attack on the Pentagon. He retired as a combat-decorated Lieutenant Colonel, during such time earning the Legion of Merit, the Bronze Star and the Purple Heart. He was elected to the Texas Senate in July of 2010 and represents some 809,000 Texans in District 22, which includes the counties of Bosque, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, Somervell and Tarrant.

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