

By: Leo-Wilson

H.B. No. 164

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the enrollment, including resident status and tuition
3 rates, of certain persons, including persons not authorized to be
4 present in the United States, in public institutions of higher
5 education.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 54.052, Education Code, is amended to
8 read as follows:

9 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)
10 Subject to the other applicable provisions of this subchapter
11 governing the determination of resident status, the following
12 persons are considered residents of this state for purposes of this
13 title:

14 (1) a person who:

15 (A) established a domicile in this state not
16 later than one year before the census date of the academic term in
17 which the person is enrolled in an institution of higher education;
18 and

19 (B) maintained that domicile continuously for
20 the year preceding that census date; and

21 (2) a dependent whose parent:

22 (A) established a domicile in this state not
23 later than one year before the census date of the academic term in
24 which the dependent is enrolled in an institution of higher

1 education; and

2 (B) maintained that domicile continuously for
3 the year preceding that census date ~~[, and~~

4 ~~[(3) a person who:~~

5 ~~[(A) graduated from a public or private high
6 school in this state or received the equivalent of a high school
7 diploma in this state; and~~

8 ~~[(B) maintained a residence continuously in this
9 state for:~~

10 ~~[(i) the three years preceding the date of
11 graduation or receipt of the diploma equivalent, as applicable; and~~

12 ~~[(ii) the year preceding the census date of
13 the academic term in which the person is enrolled in an institution
14 of higher education].~~

15 (b) For purposes of this section, the domicile of a
16 dependent's parent is presumed to be the domicile of the dependent
17 ~~[unless the person establishes eligibility for resident status
18 under Subsection (a)(3)].~~

19 (c) A person who is not authorized under federal statute to
20 be present in the United States may not be considered a resident of
21 this state for purposes of this title.

22 SECTION 2. Section 54.053, Education Code, is amended to
23 read as follows:

24 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT
25 STATUS. A person shall submit the following information to an
26 institution of higher education to establish resident status under
27 this subchapter:

1 (1) if the person applies for resident status under
2 Section 54.052(a)(1):

3 (A) a statement of the dates and length of time
4 the person has resided in this state, as relevant to establish
5 resident status under this subchapter; and

6 (B) a statement by the person that the person's
7 presence in this state for that period was for a purpose of
8 establishing and maintaining a domicile; or

9 (2) if the person applies for resident status under
10 Section 54.052(a)(2):

11 (A) a statement of the dates and length of time
12 any parent of the person has resided in this state, as relevant to
13 establish resident status under this subchapter; and

14 (B) a statement by the parent or, if the parent is
15 unable or unwilling to provide the statement, a statement by the
16 person that the parent's presence in this state for that period was
17 for a purpose of establishing and maintaining a domicile[~~, or~~

18 ~~[(3) if the person applies for resident status under~~
19 ~~Section 54.052(a)(3):~~

20 ~~[(A) a statement of the dates and length of time~~
21 ~~the person has resided in this state, as relevant to establish~~
22 ~~resident status under this subchapter; and~~

23 ~~[(B) if the person is not a citizen or permanent~~
24 ~~resident of the United States, an affidavit stating that the person~~
25 ~~will apply to become a permanent resident of the United States as~~
26 ~~soon as the person becomes eligible to apply].~~

27 SECTION 3. Section 54.055(a), Education Code, is amended to

1 read as follows:

2 (a) On the basis of additional or changed information, an
3 institution of higher education shall [~~may~~] reclassify as a
4 resident or nonresident of this state under this subchapter a
5 person who has previously been erroneously classified as a resident
6 or nonresident under this subchapter.

7 SECTION 4. Section 54.056, Education Code, is amended by
8 amending Subsection (a) and adding Subsection (c) to read as
9 follows:

10 (a) If an institution of higher education erroneously
11 classifies a person as a resident of this state and the person is
12 not entitled or permitted to pay resident tuition under this
13 subchapter, the institution of higher education shall charge
14 nonresident tuition to the person beginning with the first academic
15 term that begins after the date the institution discovers the
16 error. Not earlier than the first day of that term, regardless of
17 whether the person is still enrolled at the institution, the
18 institution shall [~~may~~] request the person to pay the difference
19 between resident and nonresident tuition for an earlier term as
20 permitted by Section 54.057. For nonpayment of the amount owed, the
21 institution may impose sanctions only as provided by that section.
22 The institution may not require payment as a condition for any
23 subsequent enrollment by the person in the institution.

24 (c) If in determining the classification of a person as a
25 resident of this state, an institution of higher education learns
26 that a student enrolled at the institution is a person who is not
27 authorized under federal statute to be present in the United

1 States, the institution shall immediately notify the institution's
2 campus police department or appropriate local law enforcement
3 agency regarding that information.

4 SECTION 5. Sections 54.057(a) and (b), Education Code, are
5 amended to read as follows:

6 (a) The following persons are liable to the institution of
7 higher education the person attends for the difference between
8 resident and nonresident tuition for each academic term in which
9 the person pays resident tuition to the institution as the result of
10 an erroneous classification or other misclassification under this
11 subchapter:

12 (1) a person who, in a timely manner after the
13 information becomes available or on request by the institution of
14 higher education, fails to provide to the institution information
15 that the person reasonably should know would be relevant to an
16 accurate classification by the institution under this subchapter;
17 [~~or~~]

18 (2) a person who provides false information to the
19 institution that the person reasonably should know could lead to an
20 erroneous classification by the institution under this subchapter;
21 or

22 (3) a person who is not authorized under federal
23 statute to be present in the United States.

24 (b) A [The] person who is liable under this section for the
25 difference between resident and nonresident tuition shall pay the
26 applicable amount to the institution not later than the 30th day
27 after the date the person is notified of the person's liability for

1 the amount owed. After receiving the notice and until the amount is
2 paid in full, the person is not entitled to receive from the
3 institution a certificate or diploma, if not yet awarded on the date
4 of the notice, or official transcript that is based at least
5 partially on or includes credit for courses taken while the person
6 was erroneously classified as a resident of this state.

7 SECTION 6. Section 54.0601, Education Code, is amended to
8 read as follows:

9 Sec. 54.0601. NONRESIDENT TUITION RATES AT CERTAIN
10 INSTITUTIONS. (a) On the written request of the governing board of
11 a general academic teaching institution located not more than 100
12 miles from the boundary of this state with another state, the Texas
13 Higher Education Coordinating Board may set a nonresident tuition
14 rate that is lower than the nonresident tuition rate otherwise
15 provided by this chapter if the coordinating board determines that
16 the lower rate is in the best interest of the institution and will
17 not cause unreasonable harm to any other institution of higher
18 education.

19 (b) A person who is not authorized under federal statute to
20 be present in the United States is not eligible for the nonresident
21 tuition rate authorized by Subsection (a).

22 SECTION 7. Notwithstanding Subchapter B, Chapter 54,
23 Education Code, a public institution of higher education in this
24 state may, for any semester or academic term, before the beginning
25 of that semester or academic term, reclassify as a nonresident a
26 student previously classified as a resident of this state by the
27 institution or another public institution of higher education in

1 this state:

2 (1) under Section 54.052(a)(3), Education Code, as
3 that section existed before amendment by this Act, if the student is
4 not otherwise eligible to be classified as a resident of this state
5 under Subchapter B, Chapter 54, Education Code; or

6 (2) before the enactment of Section 54.052(c),
7 Education Code, as added by this Act, if the student is not
8 authorized under federal statute to be present in the United
9 States.

10 SECTION 8. This Act applies beginning with tuition charged
11 by a public institution of higher education for the 2024 fall
12 semester. Tuition charged by a public institution of higher
13 education for an academic period before that semester is governed
14 by the law in effect immediately before the effective date of this
15 Act, and that law is continued in effect for that purpose.

16 SECTION 9. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect on the 91st day after the last day of the
21 legislative session.