

## **BILL ANALYSIS**

H.B. 405  
Miller  
Defense Affairs and State-Federal Relations  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law allows a spouse or child of a member of the Armed Forces of the United States to receive in-state residency status for college tuition purposes; however, due to different interpretations of the Education Code, if the member of the military is transferred out of Texas, the spouse or child sometimes loses in-state residency status and is forced to pay much higher tuition. HB 405 clarifies the Education Code to provide that a child or spouse of a member of the Armed Forces shall receive in-state tuition as long as the child or spouse resides continuously in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. This bill provides that a child or spouse of a member of the U.S. armed forces assigned to duty elsewhere immediately following assignment to Texas is entitled to pay the tuition and fees provided for Texas residents while the child or spouse continuously reside in Texas. In addition, a spouse or child of a member of the U.S. armed forces, who is not assigned to duty in Texas but who has previously resided in Texas for a six-month period, is entitled to pay the tuition and fees provided for Texas residents for any semester at an institution of higher education. Also, the bill allows a spouse or child of a member of the U.S. armed forces who dies or is killed to pay the fees and tuition provided by Texas residents if the child or spouse becomes a resident within 60 days of the date of death.

SECTION 2. Section 54.058, Education Code, as amended by this Act, takes effect beginning with tuition charge for the 2003 fall semester.

SECTION 3. Effective Date - September 1, 2003, unless the Act receives the necessary votes for immediate effect.