

By: Zaffirini

S.B. No. 1528

A BILL TO BE ENTITLED

AN ACT

relating to the payment of tuition and fees at public institutions of higher education and the determination of Texas residency for that purpose.

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

SECTION 1. Section 54.001, Education Code, is amended to read as follows:

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Discretionary fee" means a fee authorized by this chapter that an institution of higher education may elect to charge and that if charged must be charged to all students, other than students who are exempt from the fee. The term does not include an incidental fee.

(3) "Fee" means a charge that an institution of higher education imposes on a student for goods or services, including a charge for materials or supplies or for room, board, or other use of housing or educational facilities provided by the institution. The term includes a charge imposed on a student for enrollment in a course for which the institution does not receive formula funding under Section 61.059. The term does not include a charge imposed on a student for enrollment in a course for which the institution receives formula funding.

1           (4) "Governing board" has the meaning assigned by  
2 Section 61.003.

3           (5) "Incidental fee" means a fee authorized by this  
4 chapter that an institution of higher education may charge only to a  
5 student, other than a student who is exempt from the fee, who uses  
6 the service or item for which the fee is established.

7           (6) "Institution of higher education" has the [same]  
8 meaning [as is] assigned [to it] by Section 61.003 [of this code].

9           (7) "Mandatory fee" means a fee that an institution of  
10 higher education is required by this chapter to charge to all  
11 students who are not exempt from the fee.

12           (8) "Matriculation fee" means tuition or a mandatory  
13 or discretionary fee.

14           (9) "Session fee" means tuition or a mandatory or  
15 discretionary fee.

16           (10) "Tuition" means a charge that an institution of  
17 higher education imposes on a student for enrollment in a course for  
18 which the institution receives formula funding under Section  
19 61.059.

20           (11) "Tuition fee" means tuition or a mandatory or  
21 discretionary fee.

22           ~~[(2) "Governing board" has the same meaning as is~~  
23 ~~assigned to it by Section 61.003 of this code.]~~

24           SECTION 2. Subchapter B, Chapter 54, Education Code, is  
25 amended by adding Section 54.0501 to read as follows:

26           Sec. 54.0501. DEFINITIONS. In this subchapter:

27           (1) "Census date" means the date in an academic term on

1 which an institution of higher education is required to certify a  
2 student's enrollment to the coordinating board for purposes of  
3 determining formula funding for the institution.

4 (2) "Dependent" means a person who:

5 (A) is less than 18 years of age and has not been  
6 emancipated by marriage or court order; or

7 (B) as provided by coordinating board rule:

8 (i) is eligible to be claimed as a dependent  
9 of a parent of the person for purposes of determining the parent's  
10 income tax liability under the Internal Revenue Code of 1986; or

11 (ii) is eligible to have the income of a  
12 parent of the person used as a factor in a determination made by a  
13 local, state, or federal governmental agency regarding whether the  
14 person is eligible, based on financial need, to receive a  
15 scholarship, loan, grant, or other financial educational  
16 assistance.

17 (3) "Domicile" means a person's principal, permanent  
18 residence to which the person intends to return after any temporary  
19 absence.

20 (4) "Nonresident tuition" means the amount of tuition  
21 paid by a person who is not a resident of this state and who is not  
22 entitled or permitted to pay resident tuition under this  
23 subchapter.

24 (5) "Parent" means a natural or adoptive parent,  
25 managing or possessory conservator, or legal guardian of a person.

26 (6) "Residence" means a person's home or other  
27 dwelling place.

1           (7) "Resident tuition" means the amount of tuition  
2 paid by a person who is a resident of this state.

3           SECTION 3. Sections 54.052, 54.053, 54.054, 54.055, 54.056,  
4 and 54.057, Education Code, are amended to read as follows:

5           Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)  
6 Subject to the other applicable provisions of this subchapter  
7 governing the determination of resident status, the following  
8 persons are considered residents of this state for tuition  
9 purposes:

10           (1) a person who:

11                   (A) established a domicile in this state not  
12 later than one year before the census date of the academic term in  
13 which the person is enrolled in an institution of higher education;  
14 and

15                   (B) maintained that domicile continuously for  
16 the year preceding that census date;

17           (2) a dependent whose parent:

18                   (A) established a domicile in this state not  
19 later than one year before the census date of the academic term in  
20 which the dependent is enrolled in an institution of higher  
21 education; and

22                   (B) maintained that domicile continuously for  
23 the year preceding that census date; and

24           (3) a person who:

25                   (A) graduated from a public or private high  
26 school in this state or received the equivalent of a high school  
27 diploma in this state; and

1                   (B) maintained a residence continuously in this  
2 state for:

3                   (i) the three years preceding the date of  
4 graduation or receipt of the diploma equivalent, as applicable; and

5                   (ii) the year preceding the census date of  
6 the academic term in which the person is enrolled in an institution  
7 of higher education.

8           (b) For purposes of this section, the domicile of a  
9 dependent's parent is presumed to be the domicile of the dependent  
10 unless the person establishes eligibility for resident status under  
11 Subsection (a)(3). ~~[RESIDENTS; NONRESIDENTS; GENERAL RULES. (a)~~  
12 ~~In this subchapter:~~

13                   ~~[(1) "Residence" means "domicile."~~

14                   ~~[(2) "Resided in" means "domiciled in."~~

15                   ~~[(3) "Dependent" means an individual who is claimed as~~  
16 ~~a dependent for federal income tax purposes by the individual's~~  
17 ~~parent or guardian at the time of registration and for the tax year~~  
18 ~~preceding the year in which the individual registers.~~

19           ~~[(b) For the purposes of this subchapter, the status of a~~  
20 ~~student as a resident or nonresident student is determined as~~  
21 ~~prescribed by this section, subject to the other applicable~~  
22 ~~provisions of this subchapter.~~

23           ~~[(c) An individual who is under 18 years of age or is a~~  
24 ~~dependent and who is living away from his family and whose family~~  
25 ~~resides in another state or has not resided in Texas for the~~  
26 ~~12-month period immediately preceding the date of registration~~  
27 ~~shall be classified as a nonresident student.~~

1       ~~[(d) An individual who is 18 years of age or under or is a~~  
2 ~~dependent and whose family has not resided in Texas for the 12-month~~  
3 ~~period immediately preceding the date of registration shall be~~  
4 ~~classified as a nonresident student, regardless of whether he has~~  
5 ~~become the legal ward of residents of Texas or has been adopted by~~  
6 ~~residents of Texas while he is attending an educational institution~~  
7 ~~in Texas, or within a 12-month period before his attendance, or~~  
8 ~~under circumstances indicating that the guardianship or adoption~~  
9 ~~was for the purpose of obtaining status as a resident student.~~

10       ~~[(e) An individual who is 18 years of age or over who has~~  
11 ~~come from outside Texas and who is gainfully employed in Texas for a~~  
12 ~~12-month period immediately preceding registration in an~~  
13 ~~educational institution shall be classified as a resident student~~  
14 ~~as long as he continues to maintain a legal residence in Texas.~~

15       ~~[(f) An individual who is 18 years of age or over who resides~~  
16 ~~out of the state or who has come from outside Texas and who~~  
17 ~~registers in an educational institution before having resided in~~  
18 ~~Texas for a 12-month period shall be classified as a nonresident~~  
19 ~~student.~~

20       ~~[(g) An individual who would have been classified as a~~  
21 ~~resident for the first five of the six years immediately preceding~~  
22 ~~registration but who resided in another state for all or part of the~~  
23 ~~year immediately preceding registration shall be classified as a~~  
24 ~~resident student.~~

25       ~~[(h) An individual who has come from outside Texas and~~  
26 ~~registered in an educational institution before having resided in~~  
27 ~~Texas for a 12-month period immediately preceding the date of~~

1 ~~registration is entitled to pay the tuition fee and other fees~~  
2 ~~required of Texas residents if the individual or a member of his~~  
3 ~~family has located in Texas as an employee of a business or~~  
4 ~~organization that became established in this state as part of the~~  
5 ~~program of state economic development and diversification~~  
6 ~~authorized by the constitution and laws of this state and if the~~  
7 ~~individual files with the Texas institution of higher education at~~  
8 ~~which he registers a letter of intent to establish residency in~~  
9 ~~Texas.~~

10 ~~[(i) The Texas Higher Education Coordinating Board shall~~  
11 ~~adopt rules allowing a homeless individual, as defined by 42 U.S.C.~~  
12 ~~Sec. 11302, who resides in Texas for the 12-month period~~  
13 ~~immediately preceding the date of registration but who does not~~  
14 ~~have a permanent residence to be classified as a resident student~~  
15 ~~only for purposes of vocational education courses at public junior~~  
16 ~~colleges.~~

17 ~~[(j) Notwithstanding any other provision of this~~  
18 ~~subchapter, an individual shall be classified as a Texas resident~~  
19 ~~until the individual establishes a residence outside this state if~~  
20 ~~the individual resided with the individual's parent, guardian, or~~  
21 ~~conservator while attending a public or private high school in this~~  
22 ~~state and:~~

23 ~~[(1) graduated from a public or private high school or~~  
24 ~~received the equivalent of a high school diploma in this state,~~

25 ~~[(2) resided in this state for at least three years as~~  
26 ~~of the date the person graduated from high school or received the~~  
27 ~~equivalent of a high school diploma,~~

1           ~~[(3) registers as an entering student in an~~  
2 ~~institution of higher education not earlier than the 2001 fall~~  
3 ~~semester; and~~

4           ~~[(4) provides to the institution an affidavit stating~~  
5 ~~that the individual will file an application to become a permanent~~  
6 ~~resident at the earliest opportunity the individual is eligible to~~  
7 ~~do so.]~~

8           Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT  
9 STATUS. To establish resident status for tuition purposes, a  
10 person shall submit the following information to an institution of  
11 higher education:

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

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

17                         (B) a statement by the person that the person's  
18 presence in this state for that period was for a purpose of  
19 establishing and maintaining a domicile;

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

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

25                         (B) a statement by the parent or, if the parent is  
26 unable or unwilling to provide the statement, a statement by the  
27 person that the parent's presence in this state for that period was



for a purpose of establishing and maintaining a domicile; or

(3) if the person applies for resident status under  
Section 54.052(a)(3), a statement of the dates and length of time  
the person has resided in this state, as relevant to establish  
resident status under this subchapter. ~~[REGULATIONS OF~~  
~~COORDINATING BOARD. The governing board of each institution~~  
~~required by this chapter to charge a nonresident tuition or~~  
~~registration fee is subject to the rules, regulations, and~~  
~~interpretations issued by the Coordinating Board, Texas College and~~  
~~University System, for the administration of the nonresident~~  
~~tuition provisions of this subchapter. The rules, regulations, and~~  
~~interpretations promulgated by the coordinating board shall be~~  
~~furnished to the presidents or administrative heads of all Texas~~  
~~public senior and junior colleges and universities.]~~

Sec. 54.054. CONTINUING RESIDENT STATUS. (a) Except as  
otherwise provided by Subsection (c) of this section or by Section  
54.055 or 54.056, a person classified by an institution of higher  
education as a resident of this state under this subchapter is  
entitled, without submitting the information required by Section  
54.053, to be classified as a resident by that institution in each  
subsequent academic term in which the person enrolls.

(b) Except as otherwise provided by Subsection (c) of this  
section or by Section 54.055 or 54.056, a person classified by an  
institution of higher education as a resident is entitled, without  
submitting the information required by Section 54.053 to the  
subsequent institution, to be classified as a resident by another  
institution of higher education in which the person subsequently

enrolls.

(c) Subsections (a) and (b) do not apply to a person who enrolls in an institution of higher education after two or more consecutive regular semesters during which the person is not enrolled in an institution of higher education. To be classified as a resident on that enrollment, the person must submit the information required by Section 54.053 and satisfy all applicable requirements to establish resident status. If the person is classified as a resident on that enrollment, Subsections (a) and (b) apply to the person in a subsequent academic term. [NONRESIDENT STATUS: PRESUMPTION; RECLASSIFICATION. A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. Before February 15, 1972, the Coordinating Board, Texas College and University System, shall promulgate such rules and regulations.]

Sec. 54.055. RECLASSIFICATION BASED ON ADDITIONAL OR CHANGED INFORMATION. (a) On the basis of additional or changed information, an institution of higher education may reclassify as a resident or nonresident of this state under this subchapter a

person who has previously been classified as a resident or nonresident under this subchapter.

(b) A reclassification does not apply to an academic term if the reclassification is made on or after the census date of that term. ~~[PARENTS, CHANGE OF RESIDENCE TO ANOTHER STATE. An individual who is 18 years of age or under or is a dependent and whose parents were formerly residents of Texas is entitled to pay the resident tuition fee following the parents' change of legal residence to another state, as long as the individual remains continuously enrolled in a regular session in a state-supported institution of higher education.]~~

Sec. 54.056. ERRORS IN CLASSIFICATION. (a) If an institution of higher education erroneously classifies a person as a resident of this state and the person is not entitled or permitted to pay resident tuition under this subchapter, the institution of higher education shall charge nonresident tuition to the person beginning with the first academic term that begins after the date the institution discovers the error. Not earlier than the first day of that term, regardless of whether the person is still enrolled at the institution, the institution may request the person to pay the difference between resident and nonresident tuition for an earlier term as permitted by Section 54.057. For nonpayment of the amount owed, the institution may impose sanctions only as provided by that section. The institution may not require payment as a condition for any subsequent enrollment by the person in the institution.

(b) Regardless of the reason for the error, if an institution of higher education erroneously classifies a person as

a nonresident of this state, the institution shall charge resident tuition to the person beginning with the academic term in which the institution discovers the error. The institution immediately shall refund to the person the amount of tuition the person paid in excess of resident tuition for that term but is not required to refund an amount paid in excess of resident tuition for an earlier term.  
~~[EFFECT OF MARRIAGE. A student who is a resident of Texas and who marries a nonresident is entitled to pay the resident tuition fee as long as the student does not adopt the legal residence of the spouse in another state.]~~

Sec. 54.057. LIABILITY FOR UNPAID NONRESIDENT TUITION. (a) The following persons are liable for the difference between resident and nonresident tuition for each academic term in which the person pays resident tuition as the result of an erroneous classification under this subchapter:

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

(2) a person who provides false information to the institution that the person reasonably should know could lead to an erroneous classification by the institution under this subchapter.

(b) The person shall pay the applicable amount to the institution not later than the 30th day after the date the person is notified of the person's liability for the amount owed. After

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

7 (c) A person who is erroneously classified as a resident of  
8 this state under this subchapter but who is entitled or permitted to  
9 pay resident tuition under this subchapter is not liable for the  
10 difference between resident and nonresident tuition under this  
11 section. ~~[ALIENS. (a) An alien who is living in this country under~~  
12 ~~a visa permitting permanent residence or who has applied to or has a~~  
13 ~~petition pending with the Immigration and Naturalization Service to~~  
14 ~~attain lawful status under federal immigration law has the same~~  
15 ~~privilege of qualifying for resident status for tuition and fee~~  
16 ~~purposes under this subchapter as has a citizen of the United~~  
17 ~~States. A resident alien residing in a junior college district~~  
18 ~~located immediately adjacent to Texas boundary lines shall be~~  
19 ~~charged the resident tuition by that junior college.~~

20 ~~[(b) A nonimmigrant alien who resides in this state in~~  
21 ~~accordance with the Agreement between the Parties to the North~~  
22 ~~Atlantic Treaty Regarding the Status of Their Forces (4 U.S.T.~~  
23 ~~1792) and the spouse or children of such an alien are residents for~~  
24 ~~tuition and fee purposes under this code.]~~

25 SECTION 4. Subchapter B, Chapter 54, Education Code, is  
26 amended by adding Sections 54.073 and 54.074 to read as follows:

27 Sec. 54.073. DISCRETIONARY WAIVERS OF NONRESIDENT TUITION

1 LIMITED. (a) For any academic term, the number of students  
 2 classified as nonresidents of this state for whom an institution of  
 3 higher education waives the payment of nonresident tuition and  
 4 allows the payment of resident tuition as permitted by state law may  
 5 not exceed five percent of the total number of students classified  
 6 as nonresidents of this state who were enrolled at the institution  
 7 during the same academic term in the preceding academic year. For  
 8 purposes of this subsection, the total number of nonresident  
 9 students who were enrolled at the institution in the preceding  
 10 academic year is computed regardless of whether those students were  
 11 entitled or permitted to pay resident tuition under this subchapter  
 12 at that time.

13 (b) This section does not limit the number of students  
 14 classified as nonresidents of this state who are entitled by state  
 15 law to pay resident tuition under this subchapter for any academic  
 16 term.

17 Sec. 54.074. COORDINATING BOARD RULES; SUPPLEMENTATION OF  
 18 RULES BY INSTITUTIONS LIMITED. (a) The coordinating board shall  
 19 adopt rules to carry out the purposes of this subchapter.

20 (b) An institution of higher education may not require a  
 21 person to provide evidence of resident status that is not required  
 22 by coordinating board rule.

23 SECTION 5. Section 54.007, Education Code, is amended by  
 24 adding Subsection (f) to read as follows:

25 (f) The governing board shall require a student who elects  
 26 to pay tuition and fees by installment under this section to enter  
 27 into a written agreement reflecting the terms and conditions

1 required by this section.

2 SECTION 6. Section 54.051(m), Education Code, is amended to  
3 read as follows:

4 (m) Unless the student establishes residency or is entitled  
5 or permitted to pay resident tuition as provided by this subchapter  
6 ~~[Section 54.052(j) or 54.057]~~, tuition for a student who is a  
7 citizen of any country other than the United States of America is  
8 the same as the tuition required of other nonresident students.

9 SECTION 7. Section 54.621(c), Education Code, is amended to  
10 read as follows:

11 (c) Notwithstanding any provision of Subchapter B ~~[Section~~  
12 ~~54.052(d)]~~, the tuition and required fees charged by an institution  
13 of higher education for semester hours and fees that are paid for by  
14 a prepaid tuition contract shall be determined as if the  
15 beneficiary of that contract were a resident student.

16 SECTION 8. Sections 54.062, 54.066, 54.067, 54.068, 54.071,  
17 and 54.072, Education Code, are transferred from Subchapter B,  
18 Chapter 54, Education Code, to Subchapter A, Chapter 54, Education  
19 Code, renumbered as Sections 54.011, 54.012, 54.013, 54.014,  
20 54.015, and 54.016, Education Code, and amended to read as follows:

21 Sec. 54.011 ~~[54.062]~~. TUITION LIMIT IN CASES OF CONCURRENT  
22 ENROLLMENT. When a student registers at more than one public  
23 institution of higher education at the same time, his tuition  
24 charges shall be determined in the following manner:

25 (1) The student shall pay the full tuition charge to  
26 the first institution at which he is registered; and in any event  
27 he shall pay an amount at least equal to the minimum tuition

1 specified in this code.

2           (2) If the minimum tuition specified in this code for  
3 the first institution at which the student is registered is equal to  
4 or greater than the minimum tuition specified in this code for the  
5 second institution at which the student is registered concurrently,  
6 the student shall not be required to pay the specified minimum  
7 tuition charge to the second institution in addition to the tuition  
8 charge paid to the first institution, but shall pay only the hourly  
9 rates, as provided in this code, to the second institution.

10           (3) If the minimum tuition specified in this code for  
11 the first institution at which the student is registered is less  
12 than the specified minimum tuition charge at the second institution  
13 (that is, if the second institution has a higher minimum tuition  
14 charge specified in this code), then the student shall first  
15 register at the institution having the lower minimum tuition and  
16 shall pay to the second institution only the amount equal to the  
17 difference between his total tuition charge at the second  
18 institution and his total tuition charge at the first institution,  
19 but in no case shall the student pay to the second institution less  
20 than the hourly rates as provided in this code.

21           (4) If a student is considered to be a Texas resident  
22 and therefore qualified to pay Texas resident tuition rates by one  
23 institution at which he is registered, that student shall be  
24 considered a Texas resident at each of the institutions at which he  
25 is concurrently registered for the purposes of determining the  
26 proper tuition charges. Nothing in this subsection shall be so  
27 construed as to allow a nonresident to pay resident tuition except



1 at institutions covered by Section 54.060 of this code.

2       Sec. 54.012 [~~54.066~~]. TUITION RATES FOR CERTAIN DOCTORAL  
3 STUDENTS. The governing board of an institution of higher  
4 education may charge a resident doctoral student who has more  
5 semester credit hours of doctoral work than allowed for purposes of  
6 state funding for the current state fiscal biennium under Section  
7 61.059(1) tuition at the rate charged nonresident doctoral  
8 students. Tuition charged at the rate provided by this section  
9 shall be accounted for as if collected under Section 54.008.

10       Sec. 54.013 [~~54.067~~]. STUDENTS 55 YEARS OF AGE OR OLDER. (a)  
11 An institution of higher education may charge a student 55 years of  
12 age or older tuition and fees at rates that are lower than the rates  
13 otherwise provided by this chapter, under the condition that a  
14 student under 55 years of age will not be precluded from enrolling  
15 in a course for credit toward a degree or certificate. The  
16 institution may set additional qualifications that a student must  
17 meet to qualify for tuition and fees at rates set under this section  
18 and may set different rates for different programs, campuses, or  
19 courses. The institution may set rates under this section for  
20 resident students, nonresident students, or both, and may set  
21 different rates for resident students and nonresident students.

22       (b) A tuition or fee rate set under this section must apply  
23 uniformly to each student that meets the applicable qualifications  
24 set by the institution to pay tuition or fees at that rate.

25       (c) The legislature in an appropriations act shall account  
26 for the rates authorized by Subsection (a) in a way that does not  
27 increase the general revenue appropriations to that institution.

1           Sec. 54.014 [~~54.068~~]. TUITION FOR EXCESSIVE UNDERGRADUATE  
2 HOURS. (a) An institution of higher education may charge a  
3 resident undergraduate student tuition at a higher rate than the  
4 rate charged to other resident undergraduate students, not to  
5 exceed the rate charged to nonresident undergraduate students, if  
6 before the semester or other academic session begins the student  
7 has previously attempted a number of semester credit hours for  
8 courses taken at any institution of higher education while  
9 classified as a resident student for tuition purposes that exceeds  
10 by at least 45 hours the number of semester credit hours required  
11 for completion of the degree program in which the student is  
12 enrolled. For purposes of this subsection, an undergraduate  
13 student who is not enrolled in a degree program is considered to be  
14 enrolled in a degree program requiring a minimum of 120 semester  
15 credit hours.

16           (b) Semester credit hours or other credit listed in Section  
17 61.0595(d) is not counted in determining the number of semester  
18 credit hours previously attempted by a student for purposes of  
19 Subsection (a).

20           (c) Subsection (a) does not apply to the tuition charged to  
21 a student who initially enrolled as an undergraduate student in an  
22 institution of higher education before the 1999 fall semester.

23           (d) In its appropriations to institutions of higher  
24 education, the legislature shall compute the local funds available  
25 to each institution as if the tuition collected under Subsection  
26 (a) were not collected.

27           (e) Each institution of higher education shall inform each

1 new undergraduate student enrolling at the institution in writing  
2 of the limitation provided by this section on the number of hours  
3 that a Texas resident is entitled to complete while paying tuition  
4 at the rate provided for Texas residents.

5 Sec. 54.015 [~~54.071~~]. BILLING AND NOTIFICATION FOR TUITION.  
6 For billing and catalogue purposes, each governing board shall  
7 accumulate all the tuition that it charges under this chapter  
8 [~~subchapter~~] into one tuition charge.

9 Sec. 54.016 [~~54.072~~]. FLAT RATE TUITION PILOT PROJECT. (a)  
10 In this section, "tuition" means all academic program costs related  
11 to enrollment in an academic course or degree program that are  
12 charged to a student, including all charges designated as tuition,  
13 mandatory fees, and incidental fees. The term does not include  
14 voluntary fees.

15 (b) Notwithstanding any other provision of this chapter,  
16 the board of regents of The University of Texas System may establish  
17 a pilot project at The University of Texas at Austin involving not  
18 more than two colleges or degree programs designated by the board of  
19 regents under which the university charges the same amount of  
20 tuition to all undergraduate students enrolled in a college or  
21 degree program included in the pilot project.

22 (c) The board of regents may not require a full-time student  
23 who pays tuition under the pilot project to pay more tuition than  
24 the average amount of tuition that a student not included in the  
25 pilot project would pay for enrolling in the university for 14  
26 semester credit hours for the same semester or term.

27 (d) The board of regents shall evaluate the effect of flat

1 rate tuition charged under the pilot project on the number of  
2 semester credit hours taken by students included in the project  
3 each semester. The board shall report the results of the evaluation  
4 to the legislature not later than December 31, 2002, and December  
5 31, 2004.

6 (e) This section expires September 1, 2005.

7 SECTION 9. Sections 54.0521, 54.0551, and 54.061, Education  
8 Code, are repealed.

9 SECTION 10. (a) The change in law made by this Act applies  
10 beginning with tuition and fees charged for the 2006 fall semester.  
11 Tuition and fees charged for a semester or session before the 2006  
12 fall semester are governed by the applicable law in effect before  
13 the effective date of this Act, and that law is continued in effect  
14 for that purpose.

15 (b) The Texas Higher Education Coordinating Board shall  
16 adopt the rules required by Section 54.074, Education Code, as  
17 added by this Act, not later than January 1, 2006.

18 SECTION 11. This Act takes effect September 1, 2005.