

By: Riddle

H.B. No. 104

A BILL TO BE ENTITLED

1 AN ACT

2 relating to information required to establish resident status in  
3 connection with tuition and fees charged by public institutions of  
4 higher education.

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

6 SECTION 1. Section 54.052, Education Code, is amended by  
7 adding Subsection (c) to read as follows:

8 (c) A person who is not lawfully authorized to be present in  
9 the United States may not be considered a resident of this state for  
10 purposes of this title.

11 SECTION 2. Section 54.053, Education Code, is amended to  
12 read as follows:

13 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT  
14 STATUS. (a) A person shall submit the following information to an  
15 institution of higher education to establish resident status under  
16 this subchapter:

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

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

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

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

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

6           (B) a statement by the parent or, if the parent is  
7 unable or unwilling to provide the statement, a statement by the  
8 person that the parent's presence in this state for that period was  
9 for a purpose of establishing and maintaining a domicile; or

10          (3) if the person applies for resident status under  
11 Section 54.052(a)(3):

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

15          (B) if the person is not a citizen or permanent  
16 resident of the United States, an affidavit stating that the person  
17 will apply to become a permanent resident of the United States as  
18 soon as the person becomes eligible to apply.

19          (b) In addition to submitting the information required  
20 under Subsection (a), to establish resident status under this  
21 subchapter, a person shall submit the documentation required by  
22 Texas Higher Education Coordinating Board rule to verify that the  
23 person is lawfully authorized to be present in the United States.  
24 The coordinating board shall adopt rules prescribing the  
25 documentation required for purposes of this subsection.

26          SECTION 3. As soon as practicable after the effective date  
27 of this Act, the Texas Higher Education Coordinating Board shall

1 adopt rules in accordance with Section 54.053, Education Code, as  
2 amended by this Act, prescribing the documentation required for a  
3 public institution of higher education to verify that a person  
4 applying for resident status is lawfully authorized to be present  
5 in the United States. The coordinating board may adopt the initial  
6 rules in the manner provided by law for emergency rules.

7 SECTION 4. The changes in law made by this Act apply  
8 beginning with resident status at public institutions of higher  
9 education for the 2007 fall semester. Resident status for a  
10 semester or session before the 2007 fall semester is governed by the  
11 applicable law in effect before the effective date of this Act, and  
12 that law is continued in effect for that purpose.

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2007.