

By: Patrick, Dan

S.B. No. 850

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 authorized by law 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 authorized by law to be present in the United States. The
24 coordinating board shall adopt rules prescribing the documentation
25 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 authorized by law to be present in
5 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 2009 fall semester. Resident status for a
10 semester or session before the 2009 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, 2009.