

By: Zaffirini

S.B. No. 2259

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the determination of resident status of students by
3 public institutions of higher education.

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

5 SECTION 1. Section 54.052, Education Code, is amended to
6 read as follows:

7 Sec. 54.052. DETERMINATION OF RESIDENT STATUS.

8 (a) Subject to the other applicable provisions of this subchapter
9 governing the determination of resident status, the following
10 persons are considered residents of this state for purposes of this
11 title:

12 (1) except as provided by Subsections (c) and (d), a
13 person who:

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

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

20 (2) except as provided by Subsections (c) and (d), a
21 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, except as provided by
16 Subsections (c) and (d), the domicile of a dependent's parent is
17 presumed to be the domicile of the dependent unless the person
18 establishes eligibility for resident status under Subsection
19 (a)(3).

20 (c) A person who, when not a resident of this state, moves to
21 this state and establishes a residence in this state primarily to
22 enroll at an institution of higher education is presumed not to have
23 established a domicile in this state, regardless of whether the
24 person is a dependent of a parent with domicile in this state when
25 the person moves to this state.

26 (d) A person described by Subsection (c) may rebut the
27 presumption under Subsection (c) by establishing that the person,

1 or a parent of the person with domicile in this state and of whom the
2 person is a dependent:

3 (1) purchased real property in this state not later
4 than one year before the census date of the academic term for which
5 the person claims status as a resident of this state;

6 (2) for a period of at least one year before the census
7 date of the academic term for which the person claims status as a
8 resident of this state:

9 (A) was gainfully employed in this state, other
10 than by a public or private institution of higher education in this
11 state in a position requiring enrollment at that institution or at
12 another public or private institution of higher education in this
13 state;

14 (B) had an ownership interest in a business or
15 other commercial enterprise in this state;

16 (C) held a state or local license to conduct a
17 business or practice a profession in this state; or

18 (D) received services as a homeless person from a
19 social service agency that provides services to such persons in
20 this state; or

21 (3) engaged in any other conduct or activity the
22 coordinating board determines by rule indicates a bona fide
23 domicile in this state.

24 SECTION 2. Section 54.053, Education Code, is amended to
25 read as follows:

26 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT
27 STATUS. A person shall submit the following information to an

1 institution of higher education to establish resident status under
2 this subchapter:

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

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

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

11 (C) if appropriate, evidence sufficient under
12 Section 54.052(d) to rebut the presumption under Section 54.052(c)
13 that the person has not established a domicile in this state;

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

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

19 (B) a statement by the parent or, if the parent is
20 unable or unwilling to provide the statement, a statement by the
21 person that the parent's presence in this state for that period was
22 for a purpose of establishing and maintaining a domicile in this
23 state; and

24 (C) if appropriate, evidence sufficient under
25 Section 54.052(d) to rebut the presumption under Section 54.052(c)
26 that the person has not established a domicile in this state; or

27 (3) if the person applies for resident status under

1 Section 54.052(a)(3):

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

5 (B) if the person is not a citizen or permanent
6 resident of the United States, an affidavit stating that the person
7 will apply to become a permanent resident of the United States as
8 soon as the person becomes eligible to apply.

9 SECTION 3. Notwithstanding Subchapter B, Chapter 54,
10 Education Code, a public institution of higher education in this
11 state may, for any semester or academic term, before the beginning
12 of that semester or academic term, reclassify as a nonresident a
13 student classified as a resident of this state by the institution or
14 another public institution of higher education in this state under
15 Section 54.052(a), Education Code, as that section existed before
16 amendment by this Act, if the student is not otherwise eligible to
17 be classified as a resident of this state under Subchapter B,
18 Chapter 54, Education Code.

19 SECTION 4. This Act takes effect September 1, 2009.