

## **BILL ANALYSIS**

S.B. 1272  
By: Eltife  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Texas A&M University (TAMU)--Texarkana is the only general academic institution in the state of Texas located in a city that sits in two different states. State Line Avenue is the dividing line that separates the west, or Texas side of the community, from the Arkansas side to the east. Many students who enroll at TAMU--Texarkana reside in Arkansas due to the unique bi-state environment.

In 1997, the legislature enacted H.B. 1384, which allowed residents of neighboring states who enrolled at a public upper level institution to pay in-state Texas tuition; TAMU--Texarkana was the only upper level institution and therefore the only institution to which the legislation applied. In 2003, the legislature enacted H.B. 1533, which authorized TAMU--Texarkana to offer lower division courses. The university expanded downward in the fall of 2010, making the tuition waiver passed in 1997 no longer applicable.

Another issue addressed by this legislation is the exclusion of semester credit hours taken via distance education by students who reside outside of Texas in the formula funding for general academic institutions. At TAMU--Texarkana, there are students who attend classes on campus during the day and also register for distance education classes; however, the university does not receive funding for the distance education hours taken by these students.

S.B. 1272 authorizes TAMU--Texarkana to offer in-state tuition to residents of neighboring states as the institution did prior to downward expansion. This bill authorizes formula funding for distance education courses taken by students living in Miller County, Arkansas, who also attend classes on campus. This bill recognizes the unique border area served by TAMU--Texarkana and fosters the workforce development and tax base of the region.

As proposed, S.B. 1272 amends current law relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University--Texarkana.

### **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. Amends Sections 54.060(a) and (f), Education Code, as follows:

- (a) Provides that the nonresident tuition fee prescribed by this chapter does not apply to a nonresident student who is a resident of Arkansas, Louisiana, New Mexico, or Oklahoma and who registers in Texas A&M University--Texarkana, rather than a public upper-level institution of higher education, Lamar State College--Orange, Lamar State College--Port Arthur, a Texas public junior college, or a public technical institute, if the institution is situated in a county immediately adjacent to the state in which the nonresident student resides. Makes a nonsubstantive change. Deletes existing text defining, for purposes of this subsection, "public upper-level institution of higher education."

(f) Provides that the payment of resident tuition at Texas A&M University--Texarkana, Lamar State College--Orange, Lamar State College--Port Arthur, or a public technical institute as authorized by Subsection (a) or at an institution of higher education as authorized by Subsection (g) does not affect the constitutionally dedicated funding to which institutions of higher education are entitled under Section 17 (Colleges and University; Appropriations and Funding), Article VII (Education), Texas Constitution.

SECTION 2. Amends Section 61.059, Education Code, by adding Subsection (n), as follows:

(n) Requires the Texas Higher Education Coordinating Board, in the formula applicable to Texas A&M University--Texarkana for funding instruction and operations, to include any semester credit hours taught through distance education to students enrolled at that university who reside in another state and:

(1) as permitted by Section 54.060(a), pay tuition at the rate charged to residents of this state; and

(2) reside in a county in the other state that is contiguous to the county in which the university is located.

SECTION 3. Effective date: upon passage or September 1, 2011.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.