

By: Zedler

H.B. No. 1927

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement of lawful presence in the United States
3 for receipt of state educational benefits and to the determination
4 of resident status of and tuition rates for students by public
5 institutions of higher education.

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

7 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
8 amended by adding Section 51.954 to read as follows:

9 Sec. 51.954. STATE EDUCATIONAL BENEFITS: LAWFUL PRESENCE IN
10 UNITED STATES REQUIRED. (a) Notwithstanding any other provision
11 of this title, a person who is not authorized by law to be present in
12 the United States is not considered to be a resident of this state
13 for purposes of:

14 (1) receiving from this state an educational benefit,
15 including a scholarship or other financial aid, for use in
16 attending a public or private institution of higher education; or

17 (2) determining the amount of tuition or fees charged
18 to the person by a public institution of higher education.

19 (b) The Texas Higher Education Coordinating Board shall
20 adopt rules as necessary to administer this section.

21 SECTION 2. Subchapter B, Chapter 54, Education Code, is
22 amended by adding Section 54.0516 to read as follows:

23 Sec. 54.0516. TUITION RATES FOR UNLAWFULLY PRESENT
24 STUDENTS. The tuition rate per semester credit hour charged by an

1 institution of higher education to a student who is not authorized
2 by law to be present in the United States or who is required to
3 submit documentation under Section 54.053(b) but fails to submit
4 the required documentation may not be lower than the highest
5 tuition rate per semester credit hour charged by the institution to
6 a student who is a citizen of the United States or otherwise
7 authorized by law to be present in the United States.

8 SECTION 3. Section 54.052, Education Code, is amended to
9 read as follows:

10 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)
11 Subject to the other applicable provisions of this subchapter
12 governing the determination of resident status, the following
13 persons are considered residents of this state for purposes of this
14 title:

15 (1) a person who:

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

20 (B) maintained that domicile continuously for
21 the year preceding that census date; and

22 (2) a dependent whose parent:

23 (A) established a domicile in this state not
24 later than one year before the census date of the academic term in
25 which the dependent is enrolled in an institution of higher
26 education; and

27 (B) maintained that domicile continuously for

1 the year preceding that census date [~~;~~ and

2 [~~(3) a person who:~~

3 [~~(A) graduated from a public or private high~~
4 ~~school in this state or received the equivalent of a high school~~
5 ~~diploma in this state; and~~

6 [~~(B) maintained a residence continuously in this~~
7 ~~state for:~~

8 [~~(i) the three years preceding the date of~~
9 ~~graduation or receipt of the diploma equivalent, as applicable; and~~

10 [~~(ii) the year preceding the census date of~~
11 ~~the academic term in which the person is enrolled in an institution~~
12 ~~of higher education].~~

13 (b) For purposes of this section, the domicile of a
14 dependent's parent is presumed to be the domicile of the dependent
15 [~~unless the person establishes eligibility for resident status~~
16 ~~under Subsection (a)(3)].~~

17 SECTION 4. Section 54.053, Education Code, is amended to
18 read as follows:

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

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

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

1 (B) a statement by the person that the person's
2 presence in this state for that period was for a purpose of
3 establishing and maintaining a domicile; or

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

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

9 (B) a statement by the parent or, if the parent is
10 unable or unwilling to provide the statement, a statement by the
11 person that the parent's presence in this state for that period was
12 for a purpose of establishing and maintaining a domicile [~~or~~

13 ~~[(3) if the person applies for resident status under~~
14 ~~Section 54.052(a)(3):~~

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

18 ~~[(B) if the person is not a citizen or permanent~~
19 ~~resident of the United States, an affidavit stating that the person~~
20 ~~will apply to become a permanent resident of the United States as~~
21 ~~soon as the person becomes eligible to apply].~~

22 (b) In addition to the information required by Subsection
23 (a), an institution of higher education shall require a person for
24 whom a residency determination is being made to submit:

25 (1) a certified copy of the person's birth certificate
26 issued by an agency of the United States, a state or territory of
27 the United States, or the District of Columbia; or

1 (2) documentation issued by the United States agency
2 responsible for citizenship and immigration that authorizes the
3 applicant to be in the United States.

4 SECTION 5. The Texas Higher Education Coordinating Board
5 shall adopt any rules necessary under Section 51.954, Education
6 Code, as added by this Act, relating to requiring authorization by
7 law to be present in the United States as a condition for receiving
8 state educational benefits and paying tuition and fees at resident
9 rates as soon as practicable after this Act takes effect. For that
10 purpose, the coordinating board may adopt the initial rules in the
11 manner provided by law for emergency rules.

12 SECTION 6. Sections 51.954 and 54.0516, Education Code, as
13 added by this Act, apply beginning with state educational benefits
14 and tuition and fee rates for the 2011 fall semester.

15 SECTION 7. Notwithstanding Subchapter B, Chapter 54,
16 Education Code, a public institution of higher education in this
17 state may, for any semester or academic term, before the beginning
18 of that semester or academic term, reclassify as a nonresident a
19 student classified as a resident of this state by the institution or
20 another public institution of higher education in this state under
21 Section 54.052(a)(3), Education Code, as that section existed
22 before amendment by this Act, if the student is not otherwise
23 eligible to be classified as a resident of this state under
24 Subchapter B, Chapter 54, Education Code.

25 SECTION 8. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2011.