

## **BILL ANALYSIS**

Senate Research Center

S.B. 1819  
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Veterans Affairs & Military Installations  
3/25/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1819 amends state law so that a person unauthorized to be present in the United States cannot be considered a resident of this state for the purposes of receiving in-state tuition at a public institution of higher education. Undocumented students who currently receive in-state tuition at a public institution of higher education with at least 30 hours of credit before the 2015-16 academic year will be exempt from the changes.

S.B.1819 also ensures institutions of higher education may establish a policy—enforced in a fair and consistent manner—to require a person for whom a residency determination is being made to submit specific documentation to verify that the person is authorized to be present in the United States.

There are currently close to 20,000 undocumented students in Texas receiving in-state tuition benefits and state grants, with a quarter of those attending four-year universities. Each undocumented student takes away a valuable slot at a public university that is technically reserved for a Texas citizen. Based on the Texas Higher Education Coordinating Board's numbers, the cost of providing tuition benefits for undocumented students has grown 68 percent over the past three years. If this rate continues, funding for in-state tuition for undocumented students will cost Texas taxpayers \$100 million by the year 2020. The recent surge of undocumented aliens coming from Central America, coupled with President Obama's questionable executive orders (such as DACA), will likely exacerbate these costs.

As proposed, S.B. 1819 amends current law relating to the determination of resident status of students by public institutions of higher education.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 54.052, Education Code, as follows:

Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a) Provides that, subject to the other applicable provisions of this subchapter governing the determination of resident status, the following persons are considered residents of this state for purposes of this title:

(1) and (2) Makes nonsubstantive changes;

Deletes existing Subdivision (3) relating to a person considered a resident of this state is a person who graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state, and maintained a residence continuously in this state for the three years preceding the date of graduation or receipt of the diploma equivalent, as applicable, and the year preceding the census date of the

academic term in which the person is enrolled in an institution of higher education.

(b) Provides that, for purposes of this section, the domicile of a dependent's parent is presumed to be the domicile of the dependent, rather than is presumed to be the domicile of the dependent unless the person establishes eligibility for resident status under Subsection (a)(3).

(c) Prohibits a person who is not authorized under federal statute to be present in the United States from being considered a resident of this state for purposes of this title.

SECTION 2. Amends Section 54.053, Education Code, as follows:

Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT STATUS. (a) Creates this subsection from existing text. Requires a person to submit the following information to an institution of higher education to establish resident status under this subchapter:

(1) and (2) Makes nonsubstantive changes;

Deletes existing Subdivision (3) relating to resident status information required to be submitted if the person applies for resident status under Section 54.052(a)(3) a statement of the dates and length of time the person has resided in this state, as relevant to establish resident status under this subchapter, and if the person is not a citizen or permanent resident of the United States, an affidavit stating that the person will apply to become a permanent resident of the United States as soon as the person becomes eligible to apply.

(b) Authorizes an institution of higher education to, in addition to the information required by Subsection (a), establish a policy requiring a person for whom a residency determination is being made to submit specific documentation to verify to the satisfaction of the institution that the person is authorized under federal statute to be present in the United States. Requires that a policy adopted under this subsection provide for treating each person in a consistent manner concerning whether documentation is required and to the extent practicable, the type of documentation required.

SECTION 3. Authorizes a public institution of higher education in this state to, notwithstanding Subchapter B (Tuition Rates), Chapter 54, Education Code, for any semester or academic term, before the beginning of that semester or academic term, reclassify as a nonresident a student previously classified as a resident of this state by the institution or another public institution of higher education in this state:

(1) under Section 54.052(a)(3), Education Code, as that section existed before amendment by this Act, if the student is not otherwise eligible to be classified as a resident of this state under Subchapter B, Chapter 54, Education Code; or

(2) before the enactment of Section 54.052(c), Education Code, as added by this Act, if the student is not authorized under federal statute to be present in the United States.

SECTION 4. Effective date: September 1, 2015.