

By: Keough

H.B. No. 360

A BILL TO BE ENTITLED

1 AN ACT  
2 Relating to in-state tuition for non-legal residents of Texas and  
3 the United States.

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

5 SECTION 1. This act may be cited as the Texas Fair Tuition  
6 Act.

7 SECTION 2. Section [54.052](#), Education Code, is amended by  
8 adding subsection (4) and to read as follows:

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

13 (1) a 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) a dependent whose parent:

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

1 (B) maintained that domicile continuously for  
2 the year preceding that census date; and

3 (3) a person who:

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

7 (B) maintained a residence continuously in this  
8 state for:

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

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

14 (4) a person who is claiming resident status for the  
15 purpose of obtaining in-state tuition rates at a institution of  
16 higher learning under subsections (1), (1a), (1b), (2), (2a),  
17 (2b), (3), (3a), (3b), (i), and (ii) must also show proof of  
18 citizenship or lawful residency, as verifiable by the Systematic  
19 Alien Verification for Entitlements (SAVE) program.

20 (A) Residents, who are unable to provide  
21 verifiable proof of citizenship or lawful residency are prohibited  
22 from obtaining in-state tuition rates for any semesters until  
23 which time proof or verifiable status can be obtained.

24 (B) Residents, who are denied in-state tuition  
25 rates, but later have proof showing at the time of admission their  
26 claim for in-state tuition would have been granted are entitled to  
27 a tuition reimbursement up to the difference of tuition paid versus

1 the current approved in-state tuition rate for the semester in  
2 question.

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

7 SECTION 3. Section 54.053, Education Code, is amended to  
8 read as follows:

9 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT  
10 STATUS. A person shall submit the following information to an  
11 institution of higher education to establish resident status under  
12 this subchapter:

13 (1) if the person applies for resident status under  
14 Section 54.052(a)(1), and subject to verification under Section  
15 54.052 (a)(4):

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

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

22 (2) if the person applies for resident status under  
23 Section 54.052(a)(2), and subject to verification under Section  
24 54.052 (a)(4).

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

1           (B) a statement by the parent or, if the parent is  
2 unable or unwilling to provide the statement, a statement by the  
3 person that the parent's presence in this state for that period was  
4 for a purpose of establishing and maintaining a domicile; or

5           (3) if the person applies for resident status under  
6 Section 54.052(a)(3), and subject to verification under Section  
7 52.052 (a)(4):

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

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

15           SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2015