

SUBJECT: In-state tuition for families of military with permanent Texas addresses

COMMITTEE: Higher Education— favorable, without amendment

VOTE: 8 ayes — Rangel, Solis, Bailey, Cuellar, Dunnam, Kamel, Rabuck, E. Reyna
0 nays
1 absent — Rodriguez

SENATE VOTE: On final passage, March 3 — 30-0

WITNESSES: For — Leon J. Laporte, U.S. Army; Ileen F. Rogers, III Corps
Against — None

BACKGROUND : Dependent children and spouses of military personnel are eligible to pay in-state tuition at Texas institutions of higher education.

DIGEST: SB 474 would provide that a spouse or dependent child of a member of the U.S. Armed Forces who had previously lived in Texas for at least a year could pay in-state tuition and fees at public institutions of higher education.

In-state tuition would be granted if the Armed Forces member had been registered to vote in Texas for the preceding year and had filed a document with the applicable military service at least a year before the student began school indicating the member's permanent residence address was in Texas and designating Texas as the member's place of legal residence for tax purposes.

During the preceding year, the member also must have owned real property in Texas and not been delinquent on any taxes; had an automobile registered in Texas; or had executed and filed a will in Texas.

Dependent children and spouses of former members of the armed forces who had retired or been honorably discharged and who met these requirements also would be eligible for in-state tuition for any term

beginning before the first anniversary of a member's separation from the services.

SB 474 would take immediate effect if finally approved by a two-thirds record vote of the membership of each house and apply beginning with the fall term or semester of 1997.

**SUPPORTERS
SAY:**

SB 474 would simply clarify state law regarding the tuition charged to spouses and children of military personnel. Military families stationed in Texas are automatically granted the lower, in-state rate, but the law does not clearly address families who are stationed elsewhere but consider Texas their permanent residence. This confusion has resulted in Texas residents, temporarily out-of-state due to military service, paying higher tuition rates for their spouses or children to attend school in Texas.

SB 474 would remedy this confusion and specify that service members' families may receive in-state tuition if they retain their permanent residence in Texas. The bill would provide a number of safeguards, including property ownership and voter registration, to ensure that the provision was not abused and only individuals who truly had ties to the state received the lower tuition rate.

The requirement that service members have maintained either automobile registration property ownership or had a will filed in the state would ensure not only that they had resided in Texas but also that they planned to eventually return to the state.

The Legislative Budget Board estimates that SB 474 would have no significant fiscal implication to the state.

**OPPONENTS
SAY:**

The provisions of SB 474 could be manipulated to allow in-state tuition for the families of service members who recently finished their duty in Texas and have no intention to return. Individuals may have thorough documentation of their previous residence in the state without demonstrating a commitment to regain their Texas residency.