

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1819  
By: Campbell et al.  
Veteran Affairs & Military Installations-S/C Border Security  
4/9/2015  
Committee Report (Substituted)

### **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. (Original Author's/Sponsor's Statement of Intent)

C.S.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, by adding Subsection (c), as follows:

(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, notwithstanding any other provision of this section.

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 certain information to an institution of higher education to establish resident status. Sets forth such information.

(b) Authorizes an institution of higher education, in addition to the information required by Subsection (a), to 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. Amends Section 54.055, Education Code, by adding Subsection (c), as follows:

(c) Prohibits an institution of higher education, notwithstanding Subsection (a) (relating to reclassifying a resident or nonresident), from on the basis of Section 54.052(c) reclassifying as a nonresident of this state a student classified as a resident under Section 54.052 (a)(3) (relating to a person who received a high school diploma in this state) if, not later than the beginning of the 2016-2017 academic year, the student has completed at least 30 semester credit hours at an institution of higher education.

SECTION 4. Authorizes a public institution of higher education in this state, except as provided by Section 54.055(c), as added by this Act, for any semester or academic term, before the beginning of that semester or academic term, to 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 before the enactment of Section 54.052(c), Education Code, as added by this Act, if the student is not authorized by law to be present in the United States.

SECTION 5. Effective date: September 1, 2015.