

- SUBJECT:** Eligibility of military dependents to pay in-state tuition and fees
- COMMITTEE:** Defense Affairs and State-Federal Relations — favorable, without amendment
- VOTE:** 6 ayes — Corte, Campbell, Delisi, Mabry, Merritt, Noriega
- 0 nays
- 3 absent — Berman, P. Moreno, Seaman
- WITNESSES:** For — Ralph Gauer, Texas Strategic Military Planning Commission; Dan Green, Office of the Secretary of the Army
- Against — None
- On — Jane Caldwell, Texas Higher Education Coordinating Board
- BACKGROUND:** Under Education Code, sec. 54.058, the spouse and children of a member of the U.S. armed forces who has been assigned to duty elsewhere immediately after being assigned to duty in Texas are entitled to register in a public higher education institution by paying the tuition and fees that Texas residents pay, as long as the spouse and children reside continuously in Texas. Similar provisions apply to spouses and children of military personnel who die or are killed if the wife and children become residents of Texas within 60 days of the date of death, and to spouses and children of military personnel stationed outside Texas if the spouse and child notify the higher education institution that they plan to establish residence in Texas.
- DIGEST:** HB 261 would specify that a member of the U.S. armed forces or the member's child or spouse who was entitled to pay in-state tuition and fees under Education Code, sec. 54.058 would retain eligibility for this benefit in any subsequent term or semester while continuously enrolled in the same degree or certification program. The student would not have to enroll in a summer term to remain continuously enrolled. The student's eligibility for this benefit would not end if he or she was no longer a member of the armed forces or the child or spouse of a member.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003. Its provisions would apply beginning with the 2003 fall semester, based on enrollment in the 2003 spring or summer sessions for current students.

**SUPPORTERS
SAY:**

If a member of the armed forces leaves Texas for duty in another place, his or her dependents should be able to finish their education in Texas at in-state tuition rates. However, because Texas colleges are not interpreting Education Code, sec. 54.058 uniformly in regard to the continuity of eligibility for in-state tuition, current law is not protecting these students adequately. HB 261 would eliminate confusion about the time frame for such students' eligibility, thus ensuring the same level of benefit for these students as current law intends. The bill also would encourage students to begin their education in Texas without fear that they would lose eligibility for in-state tuition, which is good for the student and good for the state.

The current statute refers to a dependent's eligibility if the member of the armed forces has been assigned to duty elsewhere immediately following assignment to duty in Texas. This has been interpreted to mean that, when the service member is reassigned to a second post after Texas, the dependent's eligibility ends. HB 405 would address the unintended consequences of the current law by removing the time limits on the eligibility for in-state tuition of these students as long as they are continuously enrolled in the same degree or certification program.

The military plays a large role in Texas' economy. Fort Hood in Killeen is the largest single-location employer in the state. Particularly with the next round of federal base realignment and closure looming, HB 405 would represent an important investment in Texas' economic growth. One of the most important issues to the U.S. Department of Defense is quality of life for members of the armed forces, including support for families and education, and Texas would benefit directly from being a leader in this area.

HB 261 also would extend in-state tuition to military members themselves who no longer reside in Texas but who are pursuing a degree from a Texas institution via distance education.

The bill's revised fiscal note states that it would have no significant fiscal implication to the state.

**OPPONENTS
SAY:**

Although HB 261 is well intended, it would cost the state money at a time when tax revenues are contracting. According to the bill's revised fiscal note, the state would lose about \$143,200 in tuition revenue in fiscal 2004, rising to about \$174,100 by fiscal 2008.

NOTES:

The companion bill, SB 1102 by Fraser, was considered in a public hearing by the Senate Veteran Affairs and Military Installations Committee on April 16.

HB 405 by Miller, et al., also on today's House calendar, would revise the same section of the Education Code to allow the residency status of a military member's child to be established independently of that of the member's spouse.