

SUBJECT: In-state tuition at upper division schools for students from neighboring states

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 7 ayes — Rangel, Solis, Bailey, Cuellar, Dunnam, Kamel, E. Reyna

1 nay — Rabuck

1 absent— Rodriguez

WITNESSES: For — None

Against — None

On — Stephen R. Hensley

BACKGROUND : Chapter 54 of the Education Code allows certain exemptions from higher nonresident tuition rates. Student residents of neighboring states registered in a two-year institution in the Lamar University System, a public junior college, or a public technical institute located in a Texas county immediately adjacent to their home state are exempted from nonresident tuition fees and are charged an amount equivalent to the amount charged a Texas student registered at a similar school in the nonresident's home state. Nonresident students who complete all or most of the coursework at a junior or technical college may enroll at resident rates in an upper-level institution in the same area.

DIGEST: HB 1384 would waive nonresident fees for students from neighboring states who were enrolled in public upper-level institutions of higher education located in counties immediately adjacent to their home states. The bill would define an upper-level institution as one offering only courses at the junior, senior, or graduate levels.

HB 1384 would delete the requirement that these nonresident students be charged fees equivalent to those charged Texas students in the home state of the student.

HB 1384 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house, and would apply beginning with tuition charged for the 1997 fall semester.

**SUPPORTERS  
SAY:**

HB 1629 would expand educational opportunities already set into statute by extending the waiver on nonresident tuition rates to all eligible students moving from two-year to four-year colleges, regardless of whether they completed their initial two years of schooling in Texas. The state has determined that it is good public policy to waive extra charges for students entering Texas junior colleges from neighboring states because of the economic and community ties that link our region. Current law extends this public policy to allow these students to carry the waiver on to the next level of education by permitting them to enroll at resident rates in upper level universities in the same area. There is no reason to limit these opportunities to just this population of students; good public policy also dictates that upper level education also be offered to those who have completed their junior and technical college studies elsewhere.

State law already allows students from adjacent states as well as some Mexican students to pay in-state tuition at certain institutions of higher level education. HB 1629 would merely extend that provision to a narrow population unrightfully excluded by current definition in law. It would not provide free tuition nor cover any other living costs.

Granting a waiver from nonresident rates means only a temporary loss of revenue for Texas; the benefits of encouraging students to undertake higher education repay the state many times over. In many cases, these students remain in Texas communities, contributing their skills and talents to improving the quality of life in the state.

**OPPONENTS  
SAY:**

Students from states adjoining Texas may indeed deserve wider access to higher education, but Texas taxpayers should not be asked to further subsidize their tuition, especially when tuition aid is being curtailed to Texas residents. Current law already allows a waiver of nonresident fees for students who go on to an upper level university in the same area after fulfilling all or most of the requirements in the junior or technical college. There is no good reason to extend the waiver further to students coming in for higher level course work.

HB 1384 contains no provision for prioritizing requests. It would be difficult to select among many worthy claims without treating some students unfairly.

OTHER  
OPPONENTS  
SAY:

This session has seen a proliferation of proposals to exempt certain groups — from teacher aides to military reservists — either wholly or in part from tuition requirements. This piecemeal approach could endanger the stability of our tuition system. The Legislature needs to exercise both prudence and consistency in granting exemptions rather than rushing headlong into feel-good exemptions. Such caution is necessary to hold down the financial pressure on our already strapped institutions of higher education and maintain the quality of the education provided to students in Texas.