

SUBJECT: Eligibility of spouse and child of military member to pay in-state tuition

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 — None

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 405 would amend Education Code, sec. 54.058 so that the residence status of a military member's child could be considered independently from that of the member's spouse. It would do so by substituting the word "or" for "and" in references to "spouse and children."

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.

**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. Texas higher education institutions currently interpret Education Code, sec. 54.058 to mean that a child may qualify for in-state tuition once the member has been reassigned out of state only if both the child and the spouse reside in Texas. HB 405 would separate the child's residence from that of the spouse for purposes of establishing in-state tuition, 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 would be good for the student and good for the state.

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.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

HB 261 by Hupp, also on today's House calendar, would revise the same section of the Education Code to eliminate time limits on in-state tuition eligibility for members of the U.S. armed forces or their spouse or child who remain continuously enrolled in the same degree or certification program.