



YOUNG CONSERVATIVES OF TEXAS – Legislative Affairs
POLICY BRIEF:
IN-STATE COLLEGE TUITION
FOR ILLEGAL IMMIGRANTS

Executive Summary

In the 77th Texas Legislature (Spring 2001) legislation was initiated that would allow students who meet certain criteria (Mexican nationals having attended one year of high school in Texas while residing within the state and pledging to gain citizenship) to be eligible to attend Texas universities, colleges and community colleges at the discounted rate charged to Texas residents (HB 1043, passed and signed into law, and SB 1526). After amendments, the bill only pertained to students who attended a Texas High School for two years and signs an affidavit swearing that they are in the process of obtaining legal permanent residency. The bill's author (Rep. Rich Noriega, D-Houston) argued that college registrars were being forced to interpret and enforce immigration law. The bill passed the House of Representatives while only receiving opposition from one member upon both recorded votes (Rep. Will Hartnett, R-Dallas) and opposition from another member during the first recorded vote (Rep. Jerry Madden, R-Plano). In the Senate, three members voiced opposition (Sen. Mike Jackson, R-La Porte; Sen. Jane Nelson, R-Lewisville; Sen. Jeff Wentworth, R-San Antonio). The legislation certainly creates no barrier to illegal immigrants seeking to obtain in-state tuition status and, instead, seeks to eliminate the barriers and disincentives which were previously in place. In 2001, it was thought that about 3,154 Texas students would be affected by the bill and that about 2,221 students graduate from Texas high schools each year without citizenship. Therefore the cost and lost revenue for the state to educate these students at in-state tuition rates (assuming appropriate rates of attendance and retention) would quickly rise to more than \$50,000,000 annually, according to the Legislative Budget Board. (UPDATE: The actual cost of these exemptions is dependent on funding formulas used. However, it is clear that these exemptions cost Texas tax payers dozens of millions of dollars annually). It could be assumed that, because of the difficulty of numbering those wishing to stay in the country anonymously, the actual cost could rise much higher. (UPADTE: Indeed the estimated numbers were far from correct. According to information obtained from the Texas Higher Education Coordinating Board, the number of HB 1403 exemptions totaled nearly 12,000 in 2005). By removing incentives towards establishing legal residency, the state, in fact, encourages illegal immigration. This legislation, and other existing pilot programs, treated most foreign students differently from their Mexican counterparts. Finally, in-state tuition was granted originally in order to enable, empower and encourage Texas citizens and residents to attend universities and colleges within the state and gain satisfactory education at a reasonable price.



Statistical Overview

\$51,211,638	The negative impact to budget as reported by the bills original fiscal note for FY 2005, as calculated by the LBB
\$51,716,295	The negative impact to budget as reported by the bills original fiscal note for FY 2006, as calculated by the LBB
\$374,000,000	The estimated amount spent on educating illegal immigrants in primary and secondary education as testified by Danny Morales, on behalf of Paul Bettencourt Harris County Tax Assessor/Collector
2,221	The number of students who graduate in Texas without citizenship as testified by Rep. Noriega in response to a question from Sen. Nelson
11,556	The number of HB 1403 waivers in 2005, as reported by the Texas Higher Education Coordinating Board
20,000	The approximate number of students who graduate in Texas without Social Security Numbers as testified by Rep. Noriega in response to a question from Sen. Nelson
0 (Zero)	The number of witness registering any testimony against the bill during both sessions that the Senate Education Committee considered HB 1403
2	The number of State Representatives voting against HB 1403 in either of the recorded votes
3	The number of State Senators who registered a “no” vote against HB 1403