



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Barrett Co.

Honorable E. E. Davis, Dean
North Texas Agricultural College
Arlington, Texas

Dear Sir:

Opinion No. O-2775
Re: Reciprocal fee law as applied to minor child of parents who have moved from Texas to Illinois.

In your letter of September 20, 1940, you advised us that you have a student who is due for graduation this year and whose parents moved from the town of Kilgore, Texas to the state of Illinois a little more than a year ago. This student has been attending North Texas Agricultural College since prior to the removal of his parents from the state of Texas. You request our opinion as to whether the out-of-state fee provided in Article 2654c, Vernon's Civil Statutes should be charged against this student.

Among the other provisions of said Article 2654c we find the following:

"From each non-resident student, who registers for twelve (12) or more semester or term hours of work an amount equivalent to the amount charged students from Texas by similar schools in the State of which the said non-resident student shall be a resident, said amount to be determined and fixed by the governing boards of the several institutions in which said students may register, but in no event shall such amount be less than that charged to students resident in Texas. Provided, however, that if this paragraph shall be held to be unconstitutional or void from any cause, there shall be collected from each non-resident student the sum of One Hundred Dollars (\$100.00) for each semester or Sixty-six Dollars and Sixty-seven Cents (\$66.67) for each term. A non-resident student is hereby defined to be a student of less than twenty-one (21) years of age, living away from his family and

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whose family resides in another State, or whose family has resided within this State for a period of time less than twelve (12) months prior to the date of registration, or a student of twenty-one (21) years of age or over who resides out of the State or who has resided within the State for a period of less than twelve (12) months prior to the date of registration."

From a reading of the last sentence in the above quoted section of the statute it is seen that a student under twenty-one years of age, living away from his family, and whose family resides in another state is a non-resident. From your letter we understand that the student in question is a minor. If the parents of this student changed their domicile from Texas to the state of Illinois, under the plain language of the statute we are compelled to advise you that the student must be considered a non-resident and required to pay fees accordingly. For further elaboration on the general subject matter of your inquiry we enclose copies of our Opinions Nos. O-1459 and O-2033.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Glenn R. Lewis

Glenn R. Lewis
Assistant

GRL:rw

APPROVED SEP 27, 1940

George B. Mason

ATTORNEY GENERAL OF TEXAS

