

By: Representative Dickson

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 387

1 AN ACT TO AMEND SECTION 37-103-25, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE ELIGIBILITY FOR IN-STATE TUITION FOR CERTAIN STUDENTS
3 WITHOUT DOCUMENTED IMMIGRATION STATUS AND PERSONS HOLDING A
4 STUDENT OR OTHER TEMPORARY VISA TO ATTEND STATE-SUPPORTED
5 INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND JUNIOR COLLEGES;
6 TO REQUIRE THOSE PERSONS TO MEET CERTAIN CRITERIA BEFORE BECOMING
7 ELIGIBLE FOR IN-STATE TUITION; TO PROVIDE THAT THIS ACT SHALL NOT
8 BE CONSTRUED AS CONFERRING DOMICILIARY STATUS ON THOSE PERSONS OR
9 AS THE PROCEDURE BY WHICH THOSE PERSONS MAY ESTABLISH DOMICILE; TO
10 PROVIDE THAT STUDENTS PROVIDED ELIGIBILITY UNDER THIS ACT FOR
11 IN-STATE TUITION SHALL BE ENTITLED TO THE SAME RIGHTS AND BENEFITS
12 AS OTHER ELIGIBLE STUDENTS; TO AMEND SECTIONS 37-103-7 AND
13 37-103-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
14 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** Section 37-103-25, Mississippi Code of 1972, is
17 amended as follows:

18 37-103-25. (1) The Board of Trustees of State Institutions
19 of Higher Learning and the boards of trustees of the community
20 colleges and junior colleges are authorized to prescribe the
21 amount of tuition and fees to be paid by students attending the
22 several state-supported institutions of higher learning and
23 community * * * and junior colleges of the State of Mississippi.

24 (2) Except as otherwise provided in this subsection, the
25 total tuition to be paid by residents of other states shall not be
26 less than the average cost per student from appropriated funds.
27 However, the tuition to be paid by a resident of another state
28 shall be equal to the tuition amount established under subsection
29 (1) of this section if:

30 (a) The nonresident student was born in the State of
31 Mississippi but subsequently relocated and resided outside the



32 state as a minor under the care of the minor's father or mother,
33 or both;

34 (b) The nonresident student is a veteran who served in
35 the Armed Forces of the United States;

36 (c) The nonresident student is domiciled in Mississippi
37 no later than six (6) months after the nonresident student's
38 separation from service, as evidenced by a Report of Separation
39 from Military Service or other military discharge document, for
40 the purpose of enrolling in a state institution of higher learning
41 or a community or junior college; or

42 (d) The nonresident student is an evacuee of an area
43 affected by Hurricane Katrina or Hurricane Rita. This waiver
44 shall be applicable to the 2005-2006 school year only.

45 (3) Any student without documented immigration status or who
46 holds a student or other temporary visa may establish eligibility
47 to pay tuition equal to the amount established under subsection
48 (1) of this section by a showing of clear and convincing evidence
49 that he or she:

50 (a) Has resided in the state for a continuous period of
51 not less than five (5) years;

52 (b) Has received a high school diploma from a public or
53 private school in the state or has received a General Educational
54 Development (GED) certificate in Mississippi;

55 (c) Is enrolled as a student in a state institution of
56 higher learning or a community or junior college;

57 (d) Has submitted evidence that he or she, or in the
58 case of being a dependent student that at least one (1) parent,
59 guardian or person standing in loco parentis, has filed, unless
60 exempted by state law, Mississippi state income taxes for one (1)
61 or more years before the date of enrollment; and

62 (e) (i) Has filed an affidavit with the state
63 institution of higher learning or a community or junior college in



64 which he or she is enrolled affirming that he or she is not
65 currently in removal proceedings; and

66 (ii) Has affirmed to the state institution of
67 higher learning or a community or junior college that he or she
68 will file a petition to become a permanent resident of the United
69 States with the United States Citizenship and Immigration Services
70 within ninety (90) days of the date in which he or she becomes
71 eligible to seek permanent residency.

72 The provisions of this subsection shall not be construed as
73 conferring domiciliary status on those persons or as the procedure
74 by which those persons may establish domicile for the purpose of
75 obtaining eligibility for in-state tuition.

76 (4) Notwithstanding any other law to the contrary, persons
77 who meet the requirements for in-state tuition under subsections
78 (2) or (3) of this section shall be entitled to the same rights
79 and benefits as other eligible students, including eligibility for
80 state financial aid.

81 **SECTION 2.** Section 37-103-7, Mississippi Code of 1972, is
82 amended as follows:

83 37-103-7. For purposes of determining whether a person pays
84 out-of-state or in-state tuition for attendance at universities
85 and community and junior colleges, the residence of a person less
86 than twenty-one (21) years of age is that of the father, the
87 mother or a general guardian duly appointed by a proper court in
88 Mississippi. If a court has granted custody of the minor to one
89 (1) parent, the residence of the minor is that of the parent who
90 was granted custody by the court. If both parents are dead, the
91 residence of the minor is that of the last surviving parent at the
92 time of that parent's death, unless the minor lives with a general
93 guardian duly appointed by a proper court of Mississippi, in which
94 case his residence becomes that of the guardian. A student
95 residing within the State of Mississippi who, upon registration at
96 a Mississippi institution of higher learning or community college,



97 presents a transcript demonstrating graduation from a Mississippi
98 secondary school and who has been a secondary school student in
99 Mississippi for not less than the final four (4) years of
100 secondary school attendance shall not be required to pay
101 out-of-state tuition. A student granted an exception under and
102 meeting the requirements of Section 37-103-25 shall not be
103 required to pay out-of-state tuition. This section shall not
104 apply to the residence of a person as it relates to residency for
105 voter registration or voting.

106 **SECTION 3.** Section 37-103-23, Mississippi Code of 1972, is
107 amended as follows:

108 37-103-23. Except as otherwise provided in Section
109 37-103-25(3), all aliens are classified as nonresidents for
110 purposes of determining tuition rates for attending the several
111 state-supported institutions of higher learning and community and
112 junior colleges of the State of Mississippi.

113 **SECTION 4.** This act shall take effect and be in force from
114 and after July 1, 2011.

