

By: Representative Sykes

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 33

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
 20 community * * * and junior colleges are authorized to prescribe
 21 the amount of tuition and fees to be paid by students attending
 22 the several state-supported institutions of higher learning and
 23 community colleges and junior colleges of the State of
 24 Mississippi.



25 (2) Except as otherwise provided in this subsection and
26 subsections (3) * * *, (4) and 5 of this section, the total
27 tuition to be paid by residents of other states shall not be less
28 than the average cost per student from appropriated funds.
29 However, the tuition to be paid by a resident of another state
30 shall be equal to the tuition amount established under subsection
31 (1) of this section if:

32 (a) The nonresident student is either a veteran, as
33 defined by Title 38 of the United States Code, or a person
34 entitled to education benefits under Title 38 of the United States
35 Code. Nonresident students enrolled in a professional school or
36 college at a state institution of higher learning are excluded
37 from this paragraph (2)(a) except for those nonresident students
38 who must be charged tuition equal to the amount established under
39 subsection (1) due to the provisions of Section 702 of the
40 Veterans Access, Choice and Accountability Act of 2014. This
41 paragraph (a) shall be administered and interpreted in the manner
42 necessary to obtain or retain approval of courses of education by
43 the Secretary of the United States Department of Veterans Affairs;

44 (b) The nonresident student is an evacuee of an area
45 affected by Hurricane Katrina or Hurricane Rita. This waiver
46 shall be applicable to the 2005-2006 school year only * * *; and

47 (c) The nonresident student's out-of-state tuition was
48 waived according to subsection (3) or (4) of this section.



49 (3) The Board of Trustees of State Institutions of Higher
50 Learning may, in its discretion, consider and grant requests to
51 approve institution specific policies permitting the waiver of
52 out-of-state tuition when such an official request is made by the
53 president or chancellor of the institution and when such request
54 is determined by the board to be fiscally responsible and in
55 accordance with the educational mission of the requesting
56 institution.

57 (4) The board of trustees of any community college or junior
58 college may develop and implement a policy for waiving
59 out-of-state tuition for the college if the policy is determined
60 by the board to be in accordance with the educational mission of
61 the college and if a local industry or business or a state agency
62 agrees to reimburse the college for the entire amount of the
63 out-of-state tuition that will be waived under the policy. State
64 funds shall be allocated and spent only on students who reside
65 within the State of Mississippi. However, associate degree
66 nursing students who reside outside the State of Mississippi may
67 be counted for pay purposes.

68 (5) Any student without documented immigration status or who
69 holds a student or other temporary visa may establish eligibility
70 to pay tuition equal to the amount established under subsection
71 (1) of this section by a showing of clear and convincing evidence
72 that he or she:



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

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

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

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

85 (e) (i) Has filed an affidavit with the state
86 institution of higher learning or a community or junior college in
87 which he or she is enrolled affirming that he or she is not
88 currently in removal proceedings; and

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

95 The provisions of this subsection shall not be construed as
96 conferring domiciliary status on those persons or as the procedure



97 by which those persons may establish domicile for the purpose of
98 obtaining eligibility for in-state tuition.

99 (6) Notwithstanding any other law to the contrary, persons
100 who meet the requirements for in-state tuition under subsections
101 (2), (3) or (4) of this section shall be entitled to the same
102 rights and benefits as other eligible students, including
103 eligibility for state financial aid.

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

106 37-103-7. For purposes of determining whether a person pays
107 out-of-state or in-state tuition for attendance at universities
108 and community and junior colleges, the residence of a person less
109 than twenty-one (21) years of age is that of the father, the
110 mother or a general guardian duly appointed by a proper court in
111 Mississippi. If a court has granted custody of the minor to one
112 (1) parent, the residence of the minor is that of the parent who
113 was granted custody by the court. If both parents are dead, the
114 residence of the minor is that of the last surviving parent at the
115 time of that parent's death, unless the minor lives with a general
116 guardian duly appointed by a proper court of Mississippi, in which
117 case his residence becomes that of the guardian. A student
118 residing within the State of Mississippi who, upon registration at
119 a Mississippi institution of higher learning or community college,
120 presents a transcript demonstrating graduation from a Mississippi
121 secondary school and who has been a secondary school student in



122 Mississippi for not less than the final four (4) years of
123 secondary school attendance shall not be required to pay
124 out-of-state tuition. A student granted an exception under and
125 meeting the requirements of Section 37-103-25 shall not be
126 required to pay out-of-state tuition. This section shall not
127 apply to the residence of a person as it relates to residency for
128 voter registration or voting.

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

131 37-103-23. Except as otherwise provided in Section
132 37-103-25(3), all aliens are classified as nonresidents for
133 purposes of determining tuition rates for attending the several
134 state-supported institutions of higher learning and community and
135 junior colleges of the State of Mississippi.

136 **SECTION 4.** This act shall take effect and be in force from
137 and after July 1, 2018.

