

By: Representative Dickson

To: Universities and  
Colleges; Appropriations

HOUSE BILL NO. 1461

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 and  
25 subsection (3) of this section, the total tuition to be paid by  
26 residents of other states shall not be less than the average cost  
27 per student from appropriated funds. However, the tuition to be  
28 paid by a resident of another state shall be equal to the tuition  
29 amount established under subsection (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;

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; or

45           (e) The nonresident student's out-of-state tuition was  
46 waived according to subsection (3) of this section.

47           (3) The Board of Trustees of State Institutions of Higher  
48 Learning may, in its discretion, consider and grant requests to



49 approve institution specific policies permitting the waiver of  
50 out-of-state tuition when such an official request is made by the  
51 president or chancellor of the institution and when such request  
52 is determined by the board to be fiscally responsible and in  
53 accordance with the educational mission of the requesting  
54 institution.

55 (4) Any student without documented immigration status or who  
56 holds a student or other temporary visa may establish eligibility  
57 to pay tuition equal to the amount established under subsection  
58 (1) of this section by a showing of clear and convincing evidence  
59 that he or she:

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

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

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

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

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



74 which he or she is enrolled affirming that he or she is not  
75 currently in removal proceedings; and

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

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

86 (5) Notwithstanding any other law to the contrary, persons  
87 who meet the requirements for in-state tuition under subsections  
88 (2) or (3) of this section shall be entitled to the same rights  
89 and benefits as other eligible students, including eligibility for  
90 state financial aid.

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

93 37-103-7. For purposes of determining whether a person pays  
94 out-of-state or in-state tuition for attendance at universities  
95 and community and junior colleges, the residence of a person less  
96 than twenty-one (21) years of age is that of the father, the  
97 mother or a general guardian duly appointed by a proper court in  
98 Mississippi. If a court has granted custody of the minor to one



99 (1) parent, the residence of the minor is that of the parent who  
100 was granted custody by the court. If both parents are dead, the  
101 residence of the minor is that of the last surviving parent at the  
102 time of that parent's death, unless the minor lives with a general  
103 guardian duly appointed by a proper court of Mississippi, in which  
104 case his residence becomes that of the guardian. A student  
105 residing within the State of Mississippi who, upon registration at  
106 a Mississippi institution of higher learning or community college,  
107 presents a transcript demonstrating graduation from a Mississippi  
108 secondary school and who has been a secondary school student in  
109 Mississippi for not less than the final four (4) years of  
110 secondary school attendance shall not be required to pay  
111 out-of-state tuition. A student granted an exception under and  
112 meeting the requirements of Section 37-103-25 shall not be  
113 required to pay out-of-state tuition. This section shall not  
114 apply to the residence of a person as it relates to residency for  
115 voter registration or voting.

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

118 37-103-23. Except as otherwise provided in Section  
119 37-103-25(3), all aliens are classified as nonresidents for  
120 purposes of determining tuition rates for attending the several  
121 state-supported institutions of higher learning and community and  
122 junior colleges of the State of Mississippi.



123           **SECTION 4.** This act shall take effect and be in force from  
124 and after July 1, 2013.

