

HOUSE BILL No. 5095

September 30, 2003, Introduced by Rep. Tobocman and referred to the Committee on Higher Education.

A bill to require that state universities classify certain aliens as residents of this state for purposes of charging tuition.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Financial need" means need as determined by a state
3 university based upon a need analysis standard established by the
4 state university. The standard shall take into consideration the
5 financial resources of the student and his or her family.

6 (b) "State university" means a state institution of higher
7 education described in section 4, 5, or 6 of article VIII of the
8 state constitution of 1963.

9 (c) "Tuition" means the quarter or semester charges imposed
10 to attend a state university and all mandatory fees required as a
11 condition of enrollment at that state university.

1 Sec. 2. For tuition purposes, until the individual
2 establishes a residence outside of this state, the governing
3 board of a state university shall classify an individual who is
4 not a citizen or permanent resident of the United States as a
5 resident of this state if all of the following conditions are
6 met:

7 (a) The individual resided with his or her parent or legal
8 guardian while attending a public or private high school in this
9 state.

10 (b) The individual graduated from a public or private high
11 school or received the equivalent of a high school diploma in
12 this state.

13 (c) The individual had resided in this state for at least 3
14 years on the date the individual graduated from high school or
15 received the equivalent of a high school diploma.

16 (d) The individual was not enrolled as an entering student
17 at the state university before the 2002 fall semester.

18 (e) The individual provides to the state university an
19 affidavit stating that the individual will file an application to
20 become a permanent resident of the United States at the earliest
21 opportunity the individual is eligible to do so.

22 Sec. 3. The governing board of a state university shall
23 give an alien who is living in the United States under a visa
24 permitting permanent residence or who has applied to or has a
25 petition pending with the United States immigration and
26 naturalization service to attain lawful status under federal
27 immigration law the same privilege of qualifying for resident

1 status for tuition purposes as a citizen of the United States.

2 Sec. 4. A foreign student enrolled in a state university
3 who is a resident of Mexico and who demonstrates a financial need
4 is entitled to pay tuition at the rate provided for residents of
5 this state.

6 Sec. 5. An individual who is 18 years of age or under or is
7 a dependent and who, along with 1 of the individual's parents,
8 was formerly a resident of this state is entitled to pay tuition
9 at the rate provided for residents of this state if both of the
10 following conditions are met:

11 (a) The individual and the parent with whom the individual
12 primarily resides change their legal residence from this state to
13 another state.

14 (b) The other parent, with whom the individual does not
15 primarily reside, continues to reside in this state and is not
16 delinquent on the payment of any child support.

17 Sec. 6. This act applies only to tuition for a term or
18 semester that begins on or after the effective date of this act.