

By: Representative Creekmore IV

To: Universities and Colleges

HOUSE BILL NO. 230

1 AN ACT TO AMEND SECTION 37-103-7, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THE RESIDENCY REQUIREMENT FOR IN-STATE TUITION RATES
 3 FOR THE PURPOSE OF ATTENDING A STATE-SUPPORTED INSTITUTION OF
 4 HIGHER LEARNING OR COMMUNITY OR JUNIOR COLLEGE SHALL BE A MINIMUM
 5 PERIOD OF TWELVE MONTHS; TO AMEND SECTION 37-103-25, MISSISSIPPI
 6 CODE OF 1972, TO PROVIDE THAT ANY STUDENT WHO HAS RESIDED IN THE
 7 STATE OF MISSISSIPPI FOR A CONTINUOUS PERIOD OF TWELVE MONTHS, OR
 8 WHO HAS RECEIVED A HIGH SCHOOL DIPLOMA FROM A PUBLIC OR PRIVATE
 9 SECONDARY SCHOOL IN THE STATE UPON EVIDENCING THAT HE OR SHE
 10 COMPLETED THE FINAL SCHOLASTIC YEAR ENROLLED THEREIN IN THE YEAR
 11 IMMEDIATELY PRECEDING HIS OR HER ENROLLMENT IN A STATE INSTITUTION
 12 OF HIGHER LEARNING OR COMMUNITY OR JUNIOR COLLEGE SHALL BE
 13 CONSIDERED A RESIDENT FOR PURPOSES OF IN-STATE TUITION; AND FOR
 14 RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-103-7, Mississippi Code of 1972, is
 17 amended as follows:

18 37-103-7. (1) (a) For purposes of determining whether a
 19 person pays out-of-state or in-state tuition for attendance at
 20 universities and community and junior colleges, the residence of a
 21 person less than twenty-one (21) years of age is:

22 (i) That of the father, the mother or a general
 23 guardian duly appointed by a proper court in Mississippi * * *,



24 provided that such parent or guardian has resided in the State of
25 Mississippi for a minimum period of twelve (12) months;

26 (ii) If a court has granted custody of the minor
27 to one (1) parent, the residence of the minor is that of the
28 parent who was granted custody by the court * * *, provided that
29 the custodial parent has resided in the State of Mississippi for a
30 minimum period of twelve (12) months; or

31 (iii) If both parents are dead, the residence of
32 the minor is that of the last surviving parent at the time of that
33 parent's death, provided that the last surviving parent resided in
34 the State of Mississippi for a minimum period of twelve (12)
35 months before his or her death, unless the minor lives with a
36 general guardian duly appointed by a proper court of Mississippi,
37 in which case his residence becomes that of the guardian, provided
38 that such guardian has resided in the State of Mississippi for a
39 minimum period of twelve (12) months.

40 (b) For purposes of determining whether a person who
41 has reached twenty-one (21) years of age pays out-of-state or
42 in-state tuition for attendance at universities and community and
43 junior colleges, such person must establish and present evidence
44 of proof of residency in the State of Mississippi for a minimum
45 period of twelve (12) months before registering for enrollment at
46 any of the several state-supported institutions of higher learning
47 or community or junior colleges.



48 (2) A student residing within the State of Mississippi who,
49 upon registration at a Mississippi institution of higher learning
50 or community college, presents a transcript demonstrating
51 graduation from a Mississippi secondary school and who has been a
52 secondary school student in Mississippi for not less than the
53 final * * * year of secondary school attendance shall not be
54 required to pay out-of-state tuition. This section shall not
55 apply to the residence of a person as it relates to residency for
56 voter registration or voting.

57 **SECTION 2.** Section 37-103-25, Mississippi Code of 1972, is
58 amended as follows:

59 37-103-25. (1) The Board of Trustees of State Institutions
60 of Higher Learning and the boards of trustees of the community
61 * * * and junior colleges are authorized to prescribe the amount
62 of tuition and fees to be paid by students attending the several
63 state-supported institutions of higher learning and
64 community * * * and junior colleges of the State of Mississippi.

65 (2) Except as otherwise provided in this subsection and
66 subsections (3) * * *, (4) and (5) of this section, the total
67 tuition to be paid by residents of other states shall not be less
68 than the average cost per student from appropriated funds.
69 However, the tuition to be paid by a resident of another state
70 shall be equal to the tuition amount established under subsection
71 (1) of this section if:



72 (a) The nonresident student is either a veteran, as
73 defined by Title 38 of the United States Code, or a person
74 entitled to education benefits under Title 38 of the United States
75 Code. Nonresident students enrolled in a professional school or
76 college at a state institution of higher learning are excluded
77 from this paragraph (2)(a) except for those nonresident students
78 who must be charged tuition equal to the amount established under
79 subsection (1) due to the provisions of Section 702 of the
80 Veterans Access, Choice and Accountability Act of 2014. This
81 paragraph (a) shall be administered and interpreted in the manner
82 necessary to obtain or retain approval of courses of education by
83 the Secretary of the United States Department of Veterans Affairs;

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

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

89 (3) The Board of Trustees of State Institutions of Higher
90 Learning may, in its discretion, consider and grant requests to
91 approve institution specific policies permitting the waiver of
92 out-of-state tuition when such an official request is made by the
93 president or chancellor of the institution and when such request
94 is determined by the board to be fiscally responsible and in
95 accordance with the educational mission of the requesting
96 institution.



97 (4) The board of trustees of any community college or junior
98 college may develop and implement a policy for waiving
99 out-of-state tuition for the college if the policy is determined
100 by the board to be in accordance with the educational mission of
101 the college and if a local industry or business or a state agency
102 agrees to reimburse the college for the entire amount of the
103 out-of-state tuition that will be waived under the policy. State
104 funds shall be allocated and spent only on students who reside
105 within the State of Mississippi. However, associate degree
106 nursing students who reside outside the State of Mississippi may
107 be counted for pay purposes.

108 (5) Any student who has resided in the State of Mississippi
109 for a continuous period of twelve (12) months, or who has received
110 a high school diploma from a public or private secondary school in
111 the state upon evidencing that he or she completed the final
112 scholastic year enrolled therein in the year immediately preceding
113 his or her enrollment in a state institution of higher learning or
114 community or junior college and presenting such evidence in the
115 form of a transcript demonstrating graduation at the time of
116 postsecondary registration, shall be considered a resident of this
117 state for the purpose of determining the rate of tuition to be
118 paid for attending the several state-supported institutions of
119 higher learning or community or junior colleges.

120 **SECTION 3.** This act shall take effect and be in force from
121 and after July 1, 2023.

