

Representative Brad King proposes the following substitute bill:

**RESIDENT TUITION STATUS FOR
NATIONAL GUARD MEMBERS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Brad King

LONG TITLE

General Description:

This bill modifies the State System of Higher Education Code by providing that a member of the Utah National Guard who performs active duty service shall be considered to maintain continuous Utah residency for resident student purposes.

Highlighted Provisions:

This bill:

► provides that a member of the Utah National Guard who performs active duty service under a call by the governor shall be considered to maintain continuous Utah residency for resident student purposes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2004.

Utah Code Sections Affected:

AMENDS:

53B-8-102, as last amended by Chapter 271, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:



26 Section 1. Section **53B-8-102** is amended to read:

27 **53B-8-102. Definition of resident student.**

28 (1) The meaning of "resident student" is determined by reference to the general law on
29 the subject of domicile, except as provided in this section.

30 (2) (a) A person who has come to Utah and established residency for the purpose of
31 attending an institution of higher education shall, prior to registration as a resident student:

32 [~~(a)~~] (i) maintain continuous Utah residency status while completing 60 semester credit
33 hours at a regionally accredited Utah higher education institution or an equivalent number of
34 applicable contact hours at the Utah College of Applied Technology; and

35 [~~(b)~~] (ii) demonstrate by additional objective evidence, including Utah voter
36 registration, Utah drivers license, Utah vehicle registration, employment in Utah, payment of
37 Utah resident income taxes, and Utah banking connections, the establishment of a domicile in
38 Utah and that the student does not maintain a residence elsewhere.

39 (b) A member of the Utah National Guard who performs active duty service § ~~under a~~
40 call by the governor § shall be considered to maintain continuous Utah residency under this
41 Subsection (2).

42 (3) Personnel of the United States Armed Forces assigned to active duty in Utah, and
43 the immediate members of their families residing with them in this state are entitled to resident
44 status for tuition purposes. Upon the termination of active duty status, the military personnel
45 and their family members are governed by the standards applicable to nonmilitary persons.

46 (4) (a) Aliens who are present in the United States on visitor, student, or other visas
47 which authorize only temporary presence in this country, do not have the capacity to intend to
48 reside in Utah for an indefinite period and therefore are classified as nonresidents.

49 (b) Aliens who have been granted immigrant or permanent resident status in the United
50 States are classified for purposes of resident status according to the same criteria applicable to
51 citizens.

52 (5) The board, after consultation with the institutions, shall make rules not inconsistent
53 with this section:

54 (a) concerning the definition of resident and nonresident students;

55 (b) establishing procedures for classifying and reclassifying students;

56 (c) establishing criteria for determining qualifying credit hours and judging claims of

57 residency or domicile;

58 (d) establishing appeals procedures; and

59 (e) other matters related to this section.

60 (6) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation
61 or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with
62 the border of Utah, and any American Indian who is a member of a federally recognized or
63 known Utah tribe and who has graduated from a high school in Utah, is entitled to resident
64 student status.

65 (7) Other institutions within the system shall honor a determination by an institution
66 that a person is a resident student unless the determination was obtained by false pretenses or
67 the facts which existed at the time of the determination have materially changed.

68 Section 2. **Effective date.**

69 This bill takes effect on July 1, 2004.