

**NONRESIDENT TUITION FOR HIGHER  
EDUCATION AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: M. Susan Lawrence**

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**LONG TITLE**

**General Description:**

This bill amends the definition of a resident student for tuition purposes within the state system of higher education.

**Highlighted Provisions:**

This bill:

- ▶ provides an alternate means for a student to become a resident student for tuition purposes within the state system of higher education by maintaining continuous Utah residency status for three years.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53B-8-102**, as last amended by Chapter 337, Laws of Utah 2004

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

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

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

(1) The meaning of "resident student" is determined by reference to the general law on



28 the subject of domicile, except as provided in this section.

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

31 (i) maintain continuous Utah residency status;

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

35 (B) for three years ~~H~~→ **regardless of the number of credit hours earned** ←~~H~~ ; and

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

40 (b) A member of the Utah National Guard who performs active duty service shall be  
41 considered to maintain continuous Utah residency under this 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.

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**Legislative Review Note**

**as of 1-27-05 11:55 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0138**

**Nonresident Tuition for Higher Education Amendments**

*01-Feb-05*

*12:31 PM*

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**State Impact**

No fiscal impact for these changes in the definition of a resident student.

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**Individual and Business Impact**

No fiscal impact

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**Office of the Legislative Fiscal Analyst**