

Representative Glenn A. Donnelson proposes the following substitute bill:

**HIGHER EDUCATION TUITION AND RESIDENCY
AND LEGISLATIVE TASK FORCE**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Glenn A. Donnelson

LONG TITLE

General Description:

This bill modifies an exemption from nonresident tuition within the State System of Higher Education and creates the Higher Education Tuition and Residency Legislative Task Force.

Highlighted Provisions:

This bill:

- ▶ provides conditions which shall be satisfied before an exemption from nonresident tuition is implemented;
 - ▶ authorizes a legislative task force to study residency requirements, resident and nonresident tuition, and tuition waivers at state institutions of higher education;
 - ▶ establishes task force membership, duties, rules, compensation, and staff support;
- and
- ▶ requires a report to the Education Interim Committee.

Monies Appropriated in this Bill:

This bill appropriates:

- ▶ \$14,400 from the General Fund for fiscal year 2004-05 only, to fund the task force.

Utah Code Sections Affected:

AMENDS:



26 **53B-8-106**, as enacted by Chapter 230, Laws of Utah 2002

27 **Other Special Clauses:**

28 This bill is repealed on November 30, 2005.

29 **Uncodified Material Affected:**

30 ENACTS UNCODIFIED MATERIAL



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

32 Section 1. Section **53B-8-106** is amended to read:

33 **53B-8-106. Resident tuition -- Requirements -- Rules -- Conditions.**

34 **53B-8-106. Resident tuition -- Requirements -- Rules -- Conditions.**
35 (1) If ~~[allowed under federal law]~~ the conditions prescribed under Subsection (5) are
36 satisfied, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of
37 subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from
38 paying the nonresident portion of total tuition if the student:

- 39 (a) attended high school in this state for three or more years;
- 40 (b) graduated from a high school in this state or received the equivalent of a high
41 school diploma in this state; and
- 42 (c) registers as an entering student at an institution of higher education not earlier than
43 the fall of the 2002-03 academic year.

44 (2) In addition to the requirements under Subsection (1), a student without lawful
45 immigration status shall file an affidavit with the institution of higher education stating that the
46 student has filed an application to legalize his immigration status, or will file an application as
47 soon as he is eligible to do so.

48 (3) The State Board of Regents shall make rules for the implementation of this section.

49 (4) Nothing in this section limits the ability of institutions of higher education to assess
50 nonresident tuition on students who do not meet the requirements under this section.

51 (5) The provisions under this section shall be implemented if:

- 52 (a) the United States government:
 - 53 (i) repeals Section 1623 of Title 8 of the Unites States Code; and
 - 54 (ii) enacts a statute that expressly permits states to offer benefits at postsecondary
55 educational institutions to aliens without lawful immigration status; and
 - 56 (b) the attorney general certifies in writing to the State Board of Regents that the

57 conditions under Subsection (5)(a) have been satisfied.

58 (6) The attorney general shall provide a copy of the certification under Subsection
59 (5)(b) to the Legislative Management Committee.

60 Section 2. **Higher Education Tuition and Residency Legislative Task Force --**
61 **Creation -- Membership -- Interim rules followed -- Compensation -- Staff.**

62 (1) There is created the Higher Education Tuition and Residency Legislative Task
63 Force consisting of the following members:

64 (a) five members of the Senate appointed by the president of the Senate, no more than
65 three of whom may be from the same political party;

66 (b) seven members of the House of Representatives appointed by the speaker of the
67 House of Representatives, no more than four of whom may be from the same political party.

68 (2) (a) The president of the Senate shall designate a member of the Senate appointed
69 under Subsection (1)(a) as a cochair of the task force.

70 (b) The Speaker of the House of Representatives shall designate a member of the
71 House of Representatives appointed under Subsection (1)(b) as a cochair of the task force.

72 (3) In conducting its business, the task force shall comply with the rules of legislative
73 interim committees.

74 (4) Salaries and expenses of the members of the task force shall be paid in accordance
75 with Section 36-2-2 and Legislative Joint Rule 15.03.

76 (5) The Office of Legislative Research and General Counsel shall provide staff support
77 to the task force.

78 Section 3. **Duties -- Interim report.**

79 (1) The task force shall review and make recommendations on the following issues:

80 (a) differentiated tuition levels for state residents and nonresidents;

81 (b) residency requirements related to enrollment and tuition; and

82 (c) tuition waivers for various types of students, including a review of all existing
83 categories of tuition waivers.

84 (2) A final report, including any proposed legislation, shall be presented before
85 November 30, 2005, to the Education Interim Committee.

86 Section 4. **Appropriation.**

87 There is appropriated from the General Fund for fiscal year 2004-05 only:

88 (1) \$6,000 to the Senate to pay for the compensation and expenses of senators on the
89 task force; and

90 (2) \$8,400 to the House of Representatives to pay for the compensation and expenses
91 of representatives on the task force.

92 Section 5. **Repeal date.**

93 The uncodified material that creates the task force is repealed on November 30, 2005.