

**NONRESIDENT TUITION WAIVERS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Craig W. Buttars**

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**LONG TITLE**

**General Description:**

This bill authorizes additional tuition waivers for nonresident students at institutions within the state system of higher education.

**Highlighted Provisions:**

This bill:

- ▶ increases the number of tuition waivers that may be awarded to nonresident students attending Utah State University;
- ▶ authorizes the Board of Regents to grant scholarships for the total waiver of the nonresident portion of total tuition charged to nonresident undergraduate students;
- ▶ increases the number of scholarships that the Board of Regents may grant for the waiver of the nonresident portion of total tuition; and
- ▶ removes the sunset date from a nonresident tuition waiver program.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53B-8-101**, as last amended by Chapter 172, Laws of Utah 2003

**53B-8-104**, as last amended by Chapter 275, Laws of Utah 1997

**63-55b-153**, as last amended by Chapters 90, 251 and 328, Laws of Utah 2004



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

30 Section 1. Section **53B-8-101** is amended to read:

31 **53B-8-101. Waiver of tuition.**

32 (1) (a) The president of each institution may waive all or part of the tuition in behalf of  
 33 meritorious or impecunious resident students to an amount not exceeding 10% of the total  
 34 amount of tuition which, in the absence of the waivers, would have been collected from all  
 35 Utah resident students at the institution.

36 (b) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set  
 37 aside for members of the Utah National Guard. Waivers shall be preserved by the student at  
 38 least 60 days before the beginning of an academic term.

39 (2) (a) Each academic year the president of each of the following institutions may  
 40 waive all or part of the resident portion of the tuition in behalf of the additional number of  
 41 meritorious nonresident students set forth below who are not current recipients of the waiver:

42	Number of Nonresident
43 Institution	Students
44 the University of Utah	190
45 Utah State University	[ <del>165</del> ] <u>265</u>
46 Weber State University	135
47 Southern Utah University	68
48 Snow College	18
49 Dixie State College of Utah	30
50 the College of Eastern Utah	18
51 Utah Valley State College	114
52 Salt Lake Community College	43

53 (b) (i) The president may continue to waive the resident portion of the tuition during  
 54 the entire time the affected meritorious nonresident student remains an undergraduate student  
 55 in good standing at the institution.

56 (ii) The resident portion of the tuition for each nonresident student is equal to the  
 57 tuition for resident students at the institution.

58 (c) The president may waive the nonresident portion of tuition for a meritorious

59 nonresident student receiving a waiver under Subsection (2)(a) [~~after completion of the~~  
60 ~~student's first year of full-time study at the institution~~].

61 (d) (i) In addition to the waivers authorized by Subsections (2)(a) and (c), the president  
62 may waive all or part of the nonresident portion of tuition for a meritorious nonresident student  
63 during the student's first year of full-time study at the institution.

64 (ii) The number of these nonresident waivers for each institution is limited to the  
65 percentage of nonresident students at each institution times the nonresident student number  
66 allowed under Subsection (2)(a).

67 (3) Upon recommendation of the board, the president may grant additional full or  
68 partial tuition waivers to encourage students to enroll for instruction in occupations critical to  
69 the state for which trained personnel are in short supply.

70 (4) The president may waive all or part of the difference between resident and  
71 nonresident tuition in the case of meritorious graduate students and nonresident summer school  
72 students.

73 (5) The board shall submit annual budget appropriation requests for each institution  
74 which include requests for funds sufficient in amount to equal the estimated loss of dedicated  
75 credits that would be realized if all of the tuition waivers authorized by Subsection (2) were  
76 granted.

77 Section 2. Section **53B-8-104** is amended to read:

78 **53B-8-104. Nonresident tuition scholarships.**

79 (1) The board may grant a scholarship for partial or total waiver of the nonresident  
80 portion of total tuition charged by public institutions of higher education to nonresident  
81 undergraduate students, subject to the limitations provided in this section, if the board  
82 determines that the scholarship will:

83 (a) promote mutually beneficial cooperation between Utah communities and nearby  
84 communities in states adjacent to Utah;

85 (b) contribute to the quality and desirable cultural diversity of educational programs in  
86 Utah institutions;

87 (c) assist in maintaining an adequate level of service and related cost-effectiveness of  
88 auxiliary operations in Utah institutions of higher education; and

89 (d) promote enrollment of nonresident students with high academic aptitudes.

90 (2) The board shall establish policy guidelines for the administration by institutions of  
91 higher education of any [~~partial~~] tuition scholarships authorized under this section, for  
92 evaluating applicants for those scholarships, and for reporting the results of the scholarship  
93 program authorized by this section.

94 (3) The policy guidelines promulgated by the board under Subsection (2) shall include  
95 the following provisions:

96 (a) the amount of the approved scholarship may [~~not~~] be [~~more than 1/2~~] up to 100% of  
97 the differential tuition charged to nonresident students for an equal number of credit hours of  
98 instruction;

99 (b) a nonresident [~~partial~~] tuition scholarship may be awarded initially only to a  
100 nonresident undergraduate student who has not previously been enrolled in a college or  
101 university in Utah and who has enrolled full time for ten or more credit hours, whose legal  
102 domicile is within approximately 100 highway miles of the Utah system of higher education  
103 institution at which the recipient wishes to enroll or such distance that the regents may  
104 establish for any institution;

105 (c) the total number of nonresident [~~partial~~] tuition scholarships granted may not  
106 exceed a total of [~~400~~] 500 such scholarships in effect at any one time; and

107 (d) the board shall determine eligibility for nonresident [~~partial~~] tuition scholarships on  
108 the basis of program availability at an institution and on a competitive basis, using quantifiable  
109 measurements such as grade point averages and results of test scores.

110 (4) The board shall submit an annual report and financial analysis of the effects of  
111 offering nonresident [~~partial~~] tuition scholarships authorized under this section to the  
112 Legislature as part of its budget recommendations for the system of higher education.

113 Section 3. Section **63-55b-153** is amended to read:

114 **63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.**

115 (1) Subsection 53-3-205(9)(a)(i)(D) is repealed July 1, 2007.

116 (2) Subsection 53-3-804(2)(g) is repealed July 1, 2007.

117 (3) Section 53A-1-403.5 is repealed July 1, 2007.

118 (4) Subsection 53A-1a-511(7)(c) is repealed July 1, 2007.

119 (5) Section 53A-3-702 is repealed July 1, 2008.

120 [~~(6) Section 53B-8-104.5 is repealed July 1, 2009.~~]

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**Legislative Review Note**

**as of 2-22-05 6:51 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 HB0381**

**Nonresident Tuition Waivers**

*22-Feb-05*

*2:32 PM*

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**State Impact**

Passage of this bill will increase the number of tuition waivers for non-resident students at Utah State University from 165 to 265. The waivers can be handled within the existing budget.

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**Individual and Business Impact**

Non-resident students may have tuition waived for all or a portion of the non-resident tuition.

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**Office of the Legislative Fiscal Analyst**