

**REPEAL OF EXEMPTION FROM
NONRESIDENT TUITION**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill repeals an exemption from nonresident tuition within the State System of Higher Education.

Highlighted Provisions:

This bill:

▶ repeals the provision that, if allowed under federal law, a student, other than a nonimmigrant alien, shall be exempt from the nonresident portion of total tuition if the student:

- attended high school in this state for three or more years; and
- graduated from a high school or received its equivalent in this state; and

▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2006.

Utah Code Sections Affected:

AMENDS:

53B-13a-102, as last amended by Chapter 10, Laws of Utah 2004

REPEALS:



28 **53B-8-106**, as enacted by Chapter 230, Laws of Utah 2002



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

31 Section 1. Section **53B-13a-102** is amended to read:

32 **53B-13a-102. Definitions.**

33 As used in this chapter:

34 (1) "Cost of attendance" means the total of costs payable to the institution, plus other
35 direct educational expenses and transportation and living expenses while attending the
36 institution, set forth in institutional cost-of-attendance budgets which meet criteria established
37 by board rules.

38 (2) (a) "Eligible student" means a financially needy student who is:

39 (i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at
40 least a half-time basis, as defined by the board, in an eligible postsecondary program leading to
41 a defined education or training objective, as defined by the board; and

42 (ii) ~~[(A)]~~ a resident student under Section 53B-8-102 and rules of the board~~[-or].~~

43 ~~[(B) exempt from paying the nonresident portion of total tuition under Section~~
44 ~~53B-8-106.]~~

45 (b) "Eligible student" does not include a graduate student.

46 (3) "Federal poverty guideline" means the federal poverty measure issued each year by
47 the U.S. Department of Health and Human Services in the Federal Register.

48 (4) "Financial aid" means grants or work-study stipends to financially needy students
49 enrolled or accepted for enrollment at a Utah postsecondary institution.

50 (5) "Financially needy student" means a student who demonstrates, on the basis of
51 criteria established by the board, the financial inability, either through the student's parents or
52 family, or personally, to meet all or a portion of the total cost of attendance at an institution for
53 any period of attendance as defined by the board.

54 (6) "Fiscal year" means the fiscal year of the state.

55 (7) "Program" means the Utah Centennial Opportunity Program for Education.

56 (8) "Utah postsecondary institution" or "institution" means:

57 (a) an institution of higher education listed in Section 53B-1-102; or

58 (b) a Utah private, nonprofit postsecondary institution that is accredited by a regional

59 accrediting organization recognized by the board.

60 Section 2. **Repealer.**

61 This bill repeals:

62 Section **53B-8-106, Resident tuition -- Requirements -- Rules.**

63 Section 3. **Effective date.**

64 This bill takes effect on July 1, 2006.

Legislative Review Note

as of 6-16-05 12:40 PM

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

Interim Committee Note

as of 12-15-05 10:42 AM

The Education Interim Committee recommended this bill.

State Impact

This bill repeals an exemption from nonresident tuition for certain nonimmigrant aliens. Currently, there are 169 waivers granted under the existing provision. Without the exemption, it is possible that some of these students would drop out rather than pay the nonresident tuition rates. If they were to drop out, other students not currently enrolled could take their places. If there were a net loss of students, a decrease in tuition would result; if additional students enrolled, this loss would be offset.

Individual and Business Impact

Nonimmigrant aliens who benefit from paying resident tuition rates would lose this benefit and would be required to pay nonresident tuition rates if they chose to pursue their education in Utah.

Office of the Legislative Fiscal Analyst