

**MODIFICATION OF EXEMPTION FROM  
NONRESIDENT TUITION**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies eligibility criteria for an exemption from the nonresident portion of total tuition at a state institution of higher education.

**Highlighted Provisions:**

This bill:

- ▶ limits an exemption from the nonresident portion of total tuition at a state institution of higher education to students who are not employed or do not earn income in the United States during the calendar year without federal authorization; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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



28 **53B-8-106. Resident tuition -- Requirements -- Rules.**

29 (1) [~~If allowed under federal law, a~~] A student, other than a nonimmigrant alien within  
30 the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States  
31 Code, shall be exempt from paying the nonresident portion of total tuition if the student:

32 (a) attended high school in this state for three or more years;

33 (b) graduated from a high school in this state or received the equivalent of a high  
34 school diploma in this state; and

35 (c) registers as an entering student at an institution of higher education not earlier than  
36 the fall of the 2002-03 academic year.

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

41 (3) (a) Beginning on January 1, 2010, a student may not be employed or earn income in  
42 the United States during a calendar year that the student claims the exemption under  
43 Subsection (1) unless the student's employment is authorized by an appropriate federal agency.

44 (b) If a student is employed or earns income in the United States during a calendar year  
45 that the student claims the exemption in violation of the provisions under Subsection (3)(a), the  
46 student shall be permanently ineligible for the exemption under Subsection (1).

47 (c) A student who claims the exemption under Subsection (1) shall, prior to registering  
48 for each term or semester, file an affidavit with the institution of higher education stating that  
49 the student has not been employed or earned income in the United States during the calendar  
50 year in accordance with the requirements under this Subsection (3).

51 [~~3~~] (4) The State Board of Regents shall make rules for the implementation of this  
52 section.

53 [~~4~~] (5) Nothing in this section limits the ability of institutions of higher education to  
54 assess nonresident tuition on students who do not meet the requirements under this section.

**Legislative Review Note**  
**as of 12-2-08 11:11 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 208 - Modification of Exemption from Nonresident Tuition**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Implementation of this bill would likely curtail the growth in the number of certain nonimmigrant alien students enrolling in institutions of higher education in the state. This would result in an estimated loss of future tuition revenue of approximately \$150,000 annually.

|                   | <u>2009</u><br><u>Approp.</u> | <u>2010</u><br><u>Approp.</u> | <u>2011</u><br><u>Approp.</u> | <u>2009</u><br><u>Revenue</u> | <u>2010</u><br><u>Revenue</u> | <u>2011</u><br><u>Revenue</u> |
|-------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Dedicated Credits | \$0                           | \$0                           | \$0                           | \$0                           | (\$150,000)                   | (\$150,000)                   |
| <b>Total</b>      | <b>\$0</b>                    | <b>\$0</b>                    | <b>\$0</b>                    | <b>\$0</b>                    | <b>(\$150,000)</b>            | <b>(\$150,000)</b>            |

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**Individual, Business and/or Local Impact**

Nonimmigrant aliens who benefit from paying resident tuition rates would lose this benefit if they were employed or earned income during the year they claim the exemption from paying nonresident tuition.

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