

Representative Bill Wright proposes the following substitute bill:

NONRESIDENT TUITION WAIVER AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends provisions related to an exemption from the nonresident portion of total tuition within the State System of Higher Education.

Highlighted Provisions:

This bill:

- requires a student to prove that the student, or the student's parent or legal guardian, paid Utah income taxes during the prior ~~H~~→ [year] three years ←~~H~~ to qualify for an exemption from the nonresident portion of total tuition; and

- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2011.

Utah Code Sections Affected:

AMENDS:

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

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



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

27 **53B-8-106. Resident tuition -- Requirements -- Rules.**

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

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

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

34 (c) registers as an entering student at an institution of higher education not earlier than
35 the fall of the 2002-03 academic year~~[-]; and~~

36 (d) ~~provides proof~~ ~~H→~~ , **by submitting a copy of a Utah individual income tax**
36a **return,** ~~←H~~ that the student, or the student's parent or legal guardian, paid Utah
37 resident income taxes for the ~~H→~~ **[previous year] prior three years** ~~←H~~ .

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

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

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

45 Section 2. **Effective date.**

46 This bill takes effect on July 1, 2011.

FISCAL NOTE

H.B. 191 1st Sub. (Buff)

SHORT TITLE: **Nonresident Tuition Waiver Amendments**

SPONSOR: **Wright, B.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Of the approximately 640 non-citizen students currently enrolled in various institutions in the Utah System of Higher Education, there will likely be some who would qualify to continue paying resident tuition rates. The others would no longer qualify and if they chose to continue enrollment and pay nonresident tuition rates, institutions would collect additional tuition. Data is not currently collected on non-citizen students whose parents or legal guardians paid Utah state income taxes, so the impact cannot be reasonably determined.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Those non-citizen students who are unable to qualify for resident tuition and wish to continue to pursue their higher education would need to pay nonresident tuition rates, which are about 3.5 times the resident tuition rates.