

**Senator Stuart C. Reid** proposes the following substitute bill:

**NONRESIDENT TUITION WAIVER AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

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

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**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:

- ▶ provides for certain students to qualify for an exemption from the nonresident portion of total tuition based on participation in a guest worker program; and
- ▶ provides an inseverability clause.

**Money 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:



26 **53B-8-106. Resident tuition -- Requirements -- Rules.**

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

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

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

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

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

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

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

42 (5) (a) As used in this Subsection (5), "guest worker program" means a program where  
43 a permit is issued by the state and authorization is allowed by the federal government that  
44 allows an individual who is otherwise not lawfully present in the United States to work in this  
45 state.

46 (b) Notwithstanding Subsection (1), if a guest worker program exists in this state, a  
47 student who is not a United States citizen or a nonimmigrant alien as described in Subsection  
48 (1):

49 (i) is exempt from paying the nonresident portion of total tuition if:

50 (A) the student's parent or legal guardian is issued a permit under a guest worker  
51 program and the student is 25 years or younger;

52 (B) the student is issued a permit under a guest worker program; or

53 (C) the student is issued a permit on the basis that the student is a family member of an  
54 individual who is issued a permit under a guest worker program; and

55 (ii) may not qualify for a tuition waiver under Subsection (1).

56 (6) If any provision of Subsection (5) or the application of any provision to any person

57 or circumstance is held invalid under federal law, the remainder of Subsection (5) may not be  
58 given effect without the invalid provision or application. The provisions of Subsection (5) may  
59 not be severed.