

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

- (1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:
 - (a) attended high school in this state for three or more years;
 - (b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
 - (c) registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.
- (2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.
- (3) The State Board of Regents shall make rules for the implementation of this section.
- (4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Enacted by Chapter 230, 2002 General Session