

1                                   **NONRESIDENT TUITION FOR HIGHER**  
2                                   **EDUCATION AMENDMENTS**

3                                   2003 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Sponsor: Loraine T. Pace**

6   **This act modifies the State System of Higher Education Code by amending the definition**  
7   **of a resident student for tuition purposes. This act has an immediate effective date.**

8   This act affects sections of Utah Code Annotated 1953 as follows:

9   AMENDS:

10           **53B-8-102**, as last amended by Chapter 271, Laws of Utah 2002

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

12           Section 1. Section **53B-8-102** is amended to read:

13           **53B-8-102. Definition of resident student.**

14           (1) The meaning of "resident student" is determined by reference to the general law on  
15   the subject of domicile, except as provided in this section.

16           (2) A person who has come to Utah and established residency for the purpose of  
17   attending an institution of higher education shall, prior to registration as a resident student:

18           (a) if the student is an undergraduate student, maintain continuous Utah residency  
19   status;

20           (i) while completing [~~60~~] at least 45 semester credit hours at a regionally accredited  
21   Utah higher education institution or an equivalent number of applicable contact hours at the  
22   Utah College of Applied Technology; [~~and~~] or

23           (ii) for 24 months prior to the beginning of the academic period for which registration  
24   as a resident student is sought; or

25           (b) if the student is a graduate student, maintain continuous Utah residency status:

26           (i) while completing at least 30 semester credit hours at a regionally accredited Utah  
27   higher education institution; or



28           (ii) for 24 months prior to the beginning of the academic period for which registration  
29 as a resident student is sought; and

30           ~~(b)~~ (c) demonstrate by additional objective evidence, including Utah voter  
31 registration, Utah drivers license, Utah vehicle registration, employment in Utah, payment of  
32 Utah resident income taxes, and Utah banking connections, the establishment of a domicile in  
33 Utah and that the student does not maintain a residence elsewhere.

34           (3) Personnel of the United States Armed Forces assigned to active duty in Utah, and  
35 the immediate members of their families residing with them in this state are entitled to resident  
36 status for tuition purposes. Upon the termination of active duty status, the military personnel  
37 and their family members are governed by the standards applicable to nonmilitary persons.

38           (4) (a) Aliens who are present in the United States on visitor, student, or other visas  
39 which authorize only temporary presence in this country, do not have the capacity to intend to  
40 reside in Utah for an indefinite period and therefore are classified as nonresidents.

41           (b) Aliens who have been granted immigrant or permanent resident status in the United  
42 States are classified for purposes of resident status according to the same criteria applicable to  
43 citizens.

44           (5) The board, after consultation with the institutions, shall make rules not inconsistent  
45 with this section:

- 46           (a) concerning the definition of resident and nonresident students;
- 47           (b) establishing procedures for classifying and reclassifying students;
- 48           (c) establishing criteria for determining qualifying credit hours and judging claims of  
49 residency or domicile;
- 50           (d) establishing appeals procedures; and
- 51           (e) other matters related to this section.

52           (6) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation  
53 or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with  
54 the border of Utah, and any American Indian who is a member of a federally recognized or  
55 known Utah tribe and who has graduated from a high school in Utah, is entitled to resident  
56 student status.

57           (7) Other institutions within the system shall honor a determination by an institution  
58 that a person is a resident student unless the determination was obtained by false pretenses or

59 the facts which existed at the time of the determination have materially changed.

60 Section 2. **Effective date.**

61 If approved by two-thirds of all the members elected to each house, this act takes effect  
62 upon approval by the governor, or the day following the constitutional time limit of Utah  
63 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
64 the date of veto override.

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**Legislative Review Note**

**as of 12-30-02 7:02 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**