

**RESIDENT TUITION STATUS FOR  
NATIONAL GUARD MEMBERS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Brad King**

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**LONG TITLE**

**General Description:**

This bill modifies the State System of Higher Education Code by providing that a member of the Utah National Guard who performs active duty service shall be considered to maintain continuous Utah residency for resident student purposes.

**Highlighted Provisions:**

This bill:

- ▶ provides that a member of the Utah National Guard who performs active duty service shall be considered to maintain continuous Utah residency for resident student purposes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2004.

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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

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

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

~~[(a)]~~ (i) maintain continuous Utah residency status while completing 60 semester credit hours at a regionally accredited Utah higher education institution or an equivalent number of applicable contact hours at the Utah College of Applied Technology; and

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

(b) A member of the Utah National Guard who performs active duty service shall be considered to maintain continuous Utah residency under this Subsection (2).

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

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

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

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

- (a) concerning the definition of resident and nonresident students;
- (b) establishing procedures for classifying and reclassifying students;
- (c) establishing criteria for determining qualifying credit hours and judging claims of residency or domicile;
- (d) establishing appeals procedures; and

(e) other matters related to this section.

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

(7) Other institutions within the system shall honor a determination by an institution that a person is a resident student unless the determination was obtained by false pretenses or the facts which existed at the time of the determination have materially changed.

**Section 2. Effective date.**

This bill takes effect on July 1, 2004.