

1 **HIGHER EDUCATION TUITION FOR ACTIVE**
2 **DUTY MILITARY**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael T. Morley**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This bill allows active duty military personnel to reestablish resident status at state
11 institutions of higher education.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that military personnel and their immediate family members are entitled to
15 resident student status if they:

- 16 • had Utah residency immediately prior to their active duty status; and
- 17 • reestablish residency in Utah.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53B-8-102**, as last amended by Chapters 235 and 262, Laws of Utah 2005

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

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



28 **53B-8-102. Definition of resident student.**

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

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

33 (i) maintain continuous Utah residency status:

34 (A) while completing 60 semester credit hours at a regionally accredited Utah higher
35 education institution or an equivalent number of applicable contact hours at the Utah College
36 of Applied Technology; or

37 (B) for three years regardless of the number of credit hours earned; and

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

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

44 (3) (a) (i) Personnel of the United States Armed Forces assigned to active duty in Utah,
45 and the immediate members of their families residing with them in this state are entitled to
46 resident status for tuition purposes. [~~Upon~~]

47 (ii) Except as provided in Subsection (3)(b), upon the termination of active duty status,
48 the military personnel and their family members are governed by the standards applicable to
49 nonmilitary persons.

50 (b) Military personnel who had Utah residency immediately prior to their active duty
51 status and who reestablish residency in Utah upon the termination of active duty status are
52 entitled to resident status for themselves and the immediate members of their families residing
53 with them for tuition purposes.

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

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

59 citizens.

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

62 (a) concerning the definition of resident and nonresident students;

63 (b) establishing procedures for classifying and reclassifying students;

64 (c) establishing criteria for determining qualifying credit hours and judging claims of
65 residency or domicile;

66 (d) establishing appeals procedures; and

67 (e) other matters related to this section.

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

73 (7) A Job Corps student is entitled to resident student status if the student:

74 (a) is admitted as a full-time, part-time, or summer school student in a program of
75 study leading to a degree or certificate; and

76 (b) submits verification that the student is a current Job Corps student.

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

Legislative Review Note
as of 12-19-05 8:59 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel