

1 **IN-STATE TUITION FOR MEMBERS OF**
2 **UTAH NATIONAL GUARD**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Peter C. Knudson**

6 House Sponsor: Wayne A. Harper

8 **LONG TITLE**

9 **General Description:**

10 This bill provides resident status for members of the Utah National Guard at state
11 institutions of higher education.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that a member of the Utah National Guard is entitled to resident student
15 status if the student:

16 • is admitted as a full-time, part-time, or summer school student in a program of
17 study leading to a degree or certificate; and

18 • submits verification that the student is a member of the Utah National Guard.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **53B-8-102**, as last amended by Chapters 235 and 262, Laws of Utah 2005

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



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

29 **53B-8-102. Definition of resident student.**

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

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

34 (i) maintain continuous Utah residency status:

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

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

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

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

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

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

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

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

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

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

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

61 (d) establishing appeals procedures; and

62 (e) other matters related to this section.

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

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

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

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

72 (8) A member of the Utah National Guard is entitled to resident student status if the
73 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 member of the Utah National Guard.

77 [~~8~~] (9) Other institutions within the system shall honor a determination by an
78 institution that a person is a resident student unless the determination was obtained by false
79 pretenses or the facts which existed at the time of the determination have materially changed.

Legislative Review Note
as of 1-23-06 3:25 PM

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